

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	
proceedings for failure to file 1988)	
annual reports:)	
)	
ADVANCED COMMUNICATIONS TECHNOLOGIES)	DOCKET NO. 890556-TI
ALL FLORIDA TEL COMPANY)	DOCKET NO. 890557-TI
COMMUNICATIONS PLANNING CORPORATION)	DOCKET NO. 890562-TI
CONSOLIDATED COMMUNICATIONS OF)	
LEE COUNTY, INC.)	DOCKET NO. 890563-TI
CORPORATE EXECUTIVE OFFICES, INC.)	DOCKET NO. 890564-TI
FLORIDA DIGITAL NETWORK)	DOCKET NO. 890566-TI
FUTURE TELECOMMUNICATIONS, INC.)	DOCKET NO. 890567-TI
)	ORDER NO. 21425
)	ISSUED: 6-23-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
THOMAS M. BEARD
BETTY EASLEY
GERALD L. GUNTER
JOHN T. HERNDON

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Rule 25-24.480, Florida Administrative Code (the Rule), requires that each interexchange carrier (IXC) file reports with this Commission. The reports, due on January 31st of each year, require basic company information as well as construction and capacity data.

On December 19, 1988, Staff sent a memorandum to all certificated IXCs directing their attention to the Rule. The memorandum included a copy of the Rule, and a "fill in the blank" annual report form to help simplify the IXC's task. On February 9, 1989, Staff sent a second notice to 49 IXCs that failed to respond to the initial letter by the required January 31, 1989 filing date. The second letter warned the IXCs that if they did not comply with the Rule and submit an annual report, the Commission would impose a fine or possibly cancel their certificates. Again, this letter included a copy of the Rule and an annual report form, as well as the name of a Staff member who would be available to answer any questions the IXC may have.

It appears that the IXCs listed in the caption of this Order have failed to respond to either letter. We do not tolerate such a total disregard of our rules by regulated utilities, and if necessary, we are compelled to cancel the certificates of IXCs that ignore our rules. Given the lack of response by the IXCs listed above, we are led to consider whether they are still providing service in Florida. We find it appropriate, pursuant to Section 364.285, Florida Statutes, to require these IXCs to show cause why they should not be required to pay \$10,000 and have their certificates revoked. Each company must file its written response by July 12, 1989.

DOCUMENT NUMBER-DATE

06172 JUN 22 1989

FPSC-RECORDS/REPORTING

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the interexchange carriers listed in the caption of this docket shall show cause in writing why a \$10,000 fine should not be assessed against each and why its certificate should not be revoked for its failure to file timely reports required by Rule 25-24.480, Florida Administrative Code, and for its failure to respond to Commission correspondence. It is further

ORDERED that the written responses to this show cause order by the interexchange carriers listed in the caption of this docket must be received by the Director of Records and Reporting, 101 E. Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 12, 1989. It is further

ORDERED that any response filed by the interexchange carriers listed in the caption of this docket must contain specific statements of law and fact. It is further

ORDERED that the failure by any of the interexchange carriers listed in the caption of this docket to file a written response within the prescribed time period will constitute an admission of noncompliance and a waiver of any right to a hearing. It is further

ORDERED that the failure by any of the interexchange carriers listed in the caption of this docket to request a hearing in any written response that is submitted will constitute a waiver of any right to a hearing.

By ORDER of the Florida Public Service Commission,
this 22nd day of JUNE, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

DLC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that

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apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are adversely affected by the action proposed by this order may file a petition for a formal proceeding pursuant to Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 12, 1989. Failure to respond by July 12, 1989 shall constitute a admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on July 13, 1989. Moreover, the failure to request a hearing in any petition that is filed will constitute a waiver of any right to a hearing.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of the default date set forth in this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.