

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	
proceedings for failure to file 1988)	
annual reports:)	
)	
NATIONAL TELEPHONE SERVICES, INC.)	DOCKET NO. 890608-TI
AMERICAN NETWORK EXCHANGE, INC.)	DOCKET NO. 890609-TI
CARD*TEL, INC.)	DOCKET NO. 890610-TI
EXECUTIVE SUITES OF FT. LAUDERDALE)	DOCKET NO. 890611-TI
LIGHTNET)	DOCKET NO. 890612-TI
PSA, INC.)	DOCKET NO. 890613-TI
)	ORDER NO. 21429
)	ISSUED: 6-22-89

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 ESTABLISHING 45-DAY PERIOD FOR
PAYING FINE IN SETTLEMENT OF
APPARENT RULE VIOLATION

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. The IXCs listed in the caption of this Order filed their reports beyond the January 31, 1989 deadline.

We will not tolerate disregard of our rules by regulated utilities. Pursuant to Section 364.285, Florida Statutes, we find it appropriate to impose a \$1,000 fine on these IXCs for their apparent failure to file annual reports in a timely manner. If by July 14, 1989, they pay \$500, we will suspend the remaining \$500 until the 1989 report is due on January 31, 1990. If the 1989 report is filed late, the late-filing IXCs will be required to pay the suspended portion of this fine as well as any additional fines that we may impose for that violation. An IXC's acceptance of this settlement offer by paying the \$500 fine shall be deemed as acceptance of our condition that the suspended \$500 portion of the fine shall

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become due upon that IXC's failure to file its 1989 report on time. Moreover, we reserve judgement as to the proper amount of the additional fine that may be imposed for violating the Rule next year.

National Telephone Services, Inc. (NTS) and Card*Tel, Inc. (CTI), submitted responses in Dockets Nos. 890608-TI and 890610-TI, respectively. In light of the fact that both companies have only recently been authorized to operate in Florida, they request that we suspend for one year all but \$500 of the \$2,000 fine recommended by our Staff. Each company proposes that we lift the suspension and immediately impose the remaining portion of the fine in the event that it fails, without good cause, to file its completed 1989 annual report on time. Because of the action taken herein, the requests of NTS and CTI are moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each interexchange carrier listed in the caption of this Order may elect to comply with the requirements established in this Order in settlement of the apparent violation of Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that the docket concerning any interexchange carrier listed in the caption of this Order shall be closed when that carrier complies with the conditions established in the body of this Order by July 14, 1989. It is further

ORDERED that the docket concerning any interexchange carrier listed in the caption of this Order shall remain open for further proceedings if that carrier elects not to comply with the conditions established in the body of this Order by July 14, 1989.

ORDERED that the requests submitted by National Telephone Services, Inc., and Card*Tel, Inc., in Dockets Nos. 890608-TI and 890610-TI, respectively, are hereby dismissed as moot.

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)

DLC

by: Kay Flynn
 Chief, Bureau of Records

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

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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 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance of 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.