

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| In re: Initiation of show cause      | ) |                      |
| proceedings for failure to file 1988 | ) |                      |
| annual reports:                      | ) |                      |
|                                      | ) |                      |
| ALLTELCO OF FLORIDA, INC.            | ) | DOCKET NO. 890558-TI |
| 800 TELPATCH SERVICE, INC.           | ) | DOCKET NO. 890565-TI |
|                                      | ) | ORDER NO. 21426-A    |
|                                      | ) | ISSUED: 7-10-89      |

AMENDATORY ORDER

BY THE COMMISSION:

On June 22, 1989, we issued Order No. 21426 in the above-referenced dockets. Order No. 21426 erroneously initiated show cause proceedings in these dockets. Rather than taking such actions, Order No. 21426 should have established a 45-day period during which the interexchange carriers (IXCs) listed in the caption of this Order may elect to pay a fine in lieu of our initiating show cause proceedings against them. Order No. 21426 is amended in its entirety to read as follows:

Rule 25-24.480, Florida Administrative Code (the Rule), requires that each 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 1988 reports beyond the January 31, 1989 deadline.

DOCUMENT NUMBER-DATE

06728 JUL 10 1989

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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 \$4,000 fine on these IXC's for their apparent failure to file annual reports in a timely manner. If by July 28, 1989, they pay \$2,000, we will suspend the remaining \$2,000 until the 1989 report is due on January 31, 1990. If the 1989 report is filed late, the late-filing IXC's 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 \$2,000 fine shall be deemed as acceptance of our condition that the suspended \$2,000 portion of the fine shall become due upon that IXC's failure to file its 1989 report on time. Moreover, we reserve judgment as to the proper amount of the additional fines that may be imposed for violating the Rule next year.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. 21426, issued June 22, 1989, is hereby amended as explained in the body of this Order. It is further

ORDERED 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 28, 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 28, 1989.

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By ORDER of the Florida Public Service Commission,  
this 10th day of JULY, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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 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.