

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)
 proceedings for failure to file 1988)
 annual reports)
)
 LAYNE COMMUNICATIONS COMPANY d/b/a)
 COINPHONE SERVICES) DOCKET NO. 890561-TI
 FLORIDA DIGITAL NETWORK, INC.) DOCKET NO. 890566-TI
) ORDER NO. 22136
) ISSUED: 11-3-89

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 CLOSING DOCKETS

BY THE COMMISSION:

By Orders Nos. 21424 and 21425, issued June 22 and 23, 1989, respectively, we directed Layne Communications Company d/b/a Coinphone Services (LCC) and Florida Digital Network, Inc. (FDN), to show cause in writing why they should not be fined \$10,000 each and have their Certificates of Public Convenience and Necessity canceled for failure to file the required 1988 Interexchange Carrier annual reports, in violation of Rule 25-24.480, Florida Administrative Code.

We were aware that show cause proceedings had been initiated by Order No. 19513, issued June 20, 1989, against both LCC and FDN for their failure to file their 1987 annual reports in a timely manner. Order No. 19513 stated that each company was given 30 days to pay a fine and further that, if either failed to do so, its certificate would be canceled. Upon review, we have been unable to locate any Commission record showing that either company ever paid its fine. Accordingly, the certificates of LCC and FDN have already been canceled under the terms of Order No. 19513; therefore, the action under consideration in Dockets Nos. 890561-TI and 890566-TI is moot. In light of our earlier action, we close these dockets.

DOCUMENT NUMBER-DATE
 10841 NOV-3 1989
 FPSC-RECORDS/REPORTING

ORDER NO. 22136
DOCKETS NOS. 890561-TI AND 890566-TI
PAGE 2

It is therefore,

ORDERED by the Florida Public Service Commission that Dockets Nos. 890561-TI and 890566-TI are hereby closed.

By ORDER of the Florida Public Service Commission, this 3rd day of NOVEMBER, 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 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

ORDER NO. 22136
DOCKETS NOS. 890561-TI AND 890566-TI
PAGE 3

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.