

M E M O R A N D U M

November 2, 1989

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (D. CROSBY) *DLC*  
RE: DOCKETS NOS. 890564-TI AND 890570-TI

*32141*

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Attached is an Order Imposing Fines in the above-referenced dockets, which is ready to be issued.

4973L:DLC/mgF

Attachment

cc: Division of Communications

DOCUMENT

10858 NOV-6 1989

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause )  
proceedings for failure to file 1988 )  
annual reports )  
 )  
CORPORATE EXECUTIVE OFFICES, INC. ) DOCKET NO. 890564-TI  
METRO LINE, INC. ) DOCKET NO. 890570-TI  
 ) ORDER NO. 22141  
 ) ISSUED: 11-6-89

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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 IMPOSING FINES

BY THE COMMISSION:

By Orders Nos. 21424 and 21425, issued June 22 and 23, 1989, respectively, we required Corporate Executive Offices, Inc. (CEO), and Metro Line, Inc. (Metro), to show cause why they should not be fined \$10,000 and have their certificates revoked for failure to file the required 1988 IXC annual report, in violation of Rule 25-24.480, Florida Administrative Code. A written response was required by July 12, 1989.

CEO did not file a timely response to Order No. 21425. However, the company did file a response with a copy of their annual report on August 17, 1989, claiming that its annual report was filed on January 26, 1989. The company was able to provide some evidence that its report may have been mailed by the date claimed. Further, the company states that all of the other correspondence which Staff has sent out concerning the annual reports, excluding the December 19, 1989 letter, has not been received by CEO. The address to which Staff sent the requests for the annual report information is the official address on file with the Division of Records and Reporting. We must point out that it is CEO's responsibility to update our records with any changes in its corporate address.

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REC'D - RECORDS/REPORTING

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We believe that the imposition of a \$10,000 fine may be excessive in this case in view of the response submitted by the company. Since the company wishes to continue providing long distance service, we believe that CEO's fine should be no more than those imposed on companies that filed their annual report late for the first time and accepted our offer of settlement. For this reason, we impose a fine of \$500 on CEO.

Metro responded to Order No. 21424 on July 12, 1989. In its response, the company admits failing to file timely the 1988 IXC annual report and claims it did not do so willfully, citing internal miscommunication as the reason for not filing in a timely manner. Included with the show cause response was a completed 1988 IXC annual report for the company.

We note that Metro did not receive its certificate until September 29, 1988. In light of the company's response to the show cause order as well as its submission of a 1988 IXC annual report, we believe that Metro should be treated the same as those companies that filed their annual reports late for the first time but did not respond to our offer of settlement. Therefore, we impose a fine of \$2,000 on Metro.

Dockets Nos. 890564-TI and 890570-TI should be held open pending the companies' satisfaction of the obligations imposed herein. If the fines are paid within 30 days after the issuance date of this Order, we authorize our Staff to close these dockets administratively. If either fine is not paid within 30 days after the issuance date of this Order, we authorize our Staff to cancel the failing company's Certificate of Public Convenience and Necessity and to close the appropriate docket administratively. In the event of such a cancellation, we will waive the fine that we have under consideration.

It is therefore,

ORDERED by the Florida Public Service Commission that a fine of \$500 is hereby imposed in accordance with the terms and conditions contained in the body of this Order on Corporate Executive Offices, Inc., for its violation of Rule 25-24.480, Florida Administrative Code. It is further

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We note that Metro did not receive its certificate until September 29, 1988. In light of the company's response to the show cause order as well as its submission of a 1988 IXC annual report, we believe that Metro should be treated the same as those companies that filed their annual reports late for the first time but did not respond to our offer of settlement. Therefore, we impose a fine of \$2,000 on Metro.

Dockets Nos. 890564-TI and 890570-TI should be held open pending the companies' satisfaction of the obligations imposed herein. If the fines are paid within 30 days after the issuance date of this Order, we authorize our Staff to close these dockets administratively. If either fine is not paid within 30 days after the issuance date of this Order, we authorize our Staff to cancel the failing company's Certificate of Public Convenience and Necessity and to close the appropriate docket administratively. In the event of such a cancellation, we will waive the fine that we have under consideration.

It is therefore,

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and conditions contained in the body of this Order on Metro Line, Inc., for its violation of Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that Dockets Nos. 890564-TI and 890570-TI should be held open pending the satisfaction of the obligations imposed in the body of this Order; provided, however, that if the fines are paid within 30 days after the issuance date of this Order, our Staff is hereby delegated the authority to close these dockets administratively; and further provided, however, that if either fine is not paid within 30 days after the issuance date of this Order, our Staff is hereby delegated the authority to cancel the failing company's Certificate of Public Convenience and Necessity and to close the appropriate docket administratively, with the fine being waived in the event of such a cancellation.

By ORDER of the Florida Public Service Commission,  
this 6th day of NOVEMBER, 1989.

  
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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

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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.