

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	
proceedings for failure to file 1988)	
annual reports)	
)	
CHATCO COMMUNICATIONS, INC.)	DOCKET NO. 890560-TI
)	ORDER NO. 22143
)	ISSUED: 11-6-89

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

NOTICE OF PROPOSED AGENCY ACTION
AND
ORDER CANCELLING CERTIFICATE

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

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 March 27, 1989, Chatco Communications, Inc. (Chatco) filed its 1988 IXC annual report with the Commission; therefore, Chatco appears to be in violation of this rule.

Order No. 21428, issued June 22, 1989, established a 45-day period during which Chatco could elect to pay a fine in lieu of our initiating a show cause proceeding. We offered to impose a \$4,000 fine on Chatco because the company had apparently failed to file an annual report in a timely manner for the second consecutive year. However, Order No. 21428 would have permitted Chatco to pay \$2,000 by July 14, 1989, and

DOCUMENT NUMBER-DATE

10860 NOV-6 1989

FPSC-RECORDS/REPORTING

ORDER NO. 22143
DOCKET NO. 890560-TI
PAGE 2

the remainder of the fine would have been suspended until the 1989 report is due.

Chatco has not responded to our offer of settlement; therefore, we intend to cancel the company's certificate for violation of Rule 25-24.480 unless it protests this action within the time established below. If the Proposed Agency Action becomes final, then we will waive the fine that we have under consideration.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the certificate held by Chatco Communications, Inc., is hereby canceled. It is further

ORDERED that, upon the expiration of the protest period established below with no proper protest being timely filed, this docket will be closed and the fine under consideration will be waived.

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


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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ORDER NO. 22143
DOCKET NO. 890560-TI
PAGE 3

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 November 27, 1989.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an 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 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.