

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|  |   |                      |
|--|---|----------------------|
| In re: Initiation of show cause            | ) | DOCKET NO. 900263-TI |
| proceedings against ILD, INC. for failure) | ) | ORDER NO. 23336      |
| to comply with Commission Rule 25-24.480.) | ) | ISSUED: 8-9-90       |
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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  
 FRANK S. MESSERSMITH

FINAL ORDER

BY THE COMMISSION:

In 1990, thirty (30) interexchange carriers (IXCs) did not file their 1989 Annual Report by the prescribed January 31, 1990 deadline. At the April 17, 1990 Agenda Conference, we voted to initiate show cause proceedings against 28 of these IXCs for violation of Rule 25-24.480, Florida Administrative Code. The show cause orders were issued May 7, 1990. A written response was due by May 28, 1990. In the alternative, the order set out a settlement proposal, a response to which was due by June 7, 1990.

ILD, Inc. (ILD) filed a response to the show cause order on May 14, 1990. In its response ILD argued that the fine and penalties should be waived because it did not commence operating until February of 1990 and was unaware of the filing requirement.

ILD was granted a Certificate of Public Necessity and Convenience on October 5, 1989. Rule 25-24.480, Florida Administrative Code, subjects all certificate holders to the annual reporting requirement. It is the possession of a certificate not the amount or lack of business done by a company that gives rise to the annual report requirement. Moreover, ILD was provided a copy of the rules governing IXC activities at the time the company applied for a certificate. As a part of the application, the company submitted an affidavit that the responsible party understood and would abide by the Commission rules.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that ILD is fined \$4,000 for failure to file the annual report required by Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that ILD pay \$1,000 of the \$4,000 fined within 30 days of this Order. It is further

ORDERED that the remaining \$3,000 fine be held in abeyance pending timely receipt of the 1990 Annual Report, due on or before January 31, 1990. It is further

ORDERED that failure to pay the first \$1,000 within 30 days of the date of this Order will result in cancellation of the Certificate of Public Necessity and Convenience No. 2384 held by ILD, Inc., and the administrative closing of this docket. It is further

ORDERED that this docket remain open pending payment of the fine.

By ORDER of the Florida Public Service Commission,  
this 9th day of AUGUST, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.

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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.