

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900275-TI
proceedings against FIBERLINE NETWORK)	
COMMUNICATIONS LIMITED PARTNETSHIP for))	ORDER NO. 23343
failure to comply with Commission)	
Rule 25-24.480.)	ISSUED: 8-13-90
)	

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.

In response to the Order to Show Cause, Fiberline filed an offer of settlement accompanied by a check for \$1,000. Fiberline did not comply with Order No. 22894, which required the company to show cause why a fine of \$4,000 or simply accept the proposed settlement offer for one half of the amount of the show cause fine (\$2,000).

Fiberline was certificated on August 8, 1989. The crux of the argument in Fiberline's response is as follows: Fiberline believes it should receive the additional consideration afforded to other first time violaters of Rule 25-24.480, which attended the April 17, 1990 Agenda Conference. Each of the four first time violaters had held their certificates for less than one year and had never filed an annual report before.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. 23343
DOCKET NO. 900275-TI
PAGE 2

Fiberline has failed to show cause why the proposed fine should not be imposed. Further, we decline to accept Fiberline's settlement offer as proposed. Nevertheless, Fiberline has demonstrated evidence of mitigating factors in this particular instance.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Fiberline Network Communications Limited Partnership be fined \$3,000. It is further

ORDERED that having already paid \$1,000, the remaining \$2,000 is held in abeyance pending the prompt and timely filing of Fiberline Network Communications Limited Partnership's 1990 Annual Report on or before January 31, 1991. It is further

ORDERED that Staff is authorized to administratively close this docket.

By ORDER of the Florida Public Service Commission,
this 13th day of AUGUST, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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.

ORDER NO. 23343
DOCKET NO. 900275-TI
PAGE 3

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.