

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause )  
proceedings for failure to file 1990 )  
annual reports: )  
)  
CARD\*TEL, INC. ) DOCKET NO. 910129-TI  
FOX COMMUNICATIONS CORPORATION ) DOCKET NO. 910132-TI  
NETWORK SERVICES, INC. d/b/a LONG ) DOCKET NO. 910133-TI  
DISTANCE NETWORK SERVICES, INC. )  
ONLINE COMMUNICATION, INC. ) DOCKET NO. 910135-TI  
PAYLINE SYSTEMS, INC. ) DOCKET NO. 910136-TI  
TELCOM XPRESS, INC. ) DOCKET NO. 910139-TI  
PENTAGON COMPUTER DATA, LTD. ) DOCKET NO. 910037-TI  
) ORDER NO. 24248  
) ISSUED: 3/18/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
J. TERRY DEASON  
GERALD L. GUNTER  
MICHAEL McK. WILSON

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Rule 25-24.480, Florida Administrative Code (the Rule), requires each interexchange carrier (IXC) to file an annual report with our Division of Communications by January 31st of each year. Our staff notified all IXCs by letters dated November 16, 1990, and January 3, 1991, that the due date for the 1990 annual report was approaching. Fourteen IXCs did not file their 1990 annual reports by the January 31, 1991 deadline. On February 4, 1991, our Staff sent a third notice to the eleven IXCs which had still not filed annual reports. The third notice informed the IXCs that unless an annual report was submitted, cancellation of their certificates could result.

The 1990 annual reports of the seven companies listed in the caption above were never received. We do not tolerate such a total disregard of our rules by regulated utilities, and if necessary, we are compelled to cancel the certificates of IXCs that ignore our rules. Given the lack of response by the companies listed above, we are led to consider whether they are still providing service in Florida.

DOCUMENT NUMBER-DATE

02620 MAR 18 1991

FPSC-RECORDS/REPORTING.

ORDER NO. 24248  
DOCKETS NOS. 910129-TI, 910132-TI, 910133-TI, 910135-TI, 910136-TI  
910139-TI, 910037-TI

PAGE 2

We find it appropriate, pursuant to Section 364.285, Florida Statutes, to require these IXCs to show cause why they should not have their certificates revoked. In the event that the companies fail to show cause within the time specified below, we hereby direct our Staff to cancel the non-complying company's certificate and to close the relevant docket under the administrative authority delegated here.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the following interexchange carriers shall show cause in writing why their Certificates of Public Convenience and Necessity should not be cancelled for their failures to file timely the report required by Rule 25-24.480, Florida Administrative Code. Those interexchange carriers are: Card\*Tel, Inc.; Fox Communications Corporation; Network Services, Inc. d/b/a Long Distance Network Services, Inc.; Online Communications, Inc.; Payline Systems, Inc.; Telcom Xpress, Inc.; and Pentagon Computer Data, Ltd. It is further

ORDERED that the written responses to this Order by the interexchange carriers listed in the caption of this Order must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the time established below. It is further

ORDERED that any response filed by those interexchange carriers listed in the caption of this Order must contain specific statements of fact and law. It is further

ORDERED that failure by any of the interexchange carriers listed in the caption of this Order to file a written response within the prescribed time period will constitute an admission of noncompliance, resulting in all allegations being admitted. It is further

ORDERED that failure by any of the interexchange carriers listed in the caption of this Order to request a hearing in any written response that is submitted will constitute a waiver of any right to a hearing in this matter. It is further

ORDER NO. 24248

DOCKETS NOS. 910129-TI, 910132-TI, 910133-TI, 910135-TI, 910136-TI  
910139-TI, 910037-TI

PAGE 3

ORDERED that if any interexchange carrier listed in the caption of this Order fails to respond in writing to this Order, that company's certificate shall be cancelled 30 days after the issuance of this Order, and the Staff of the Florida Public Service Commission is hereby delegated the administrative authority to close the relevant docket.

By ORDER of the Florida Public Service Commission, this 18th day of MARCH, 1991.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

PAK

**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.

This order is preliminary, procedural or intermediate in nature. 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 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)

ORDER NO. 24248  
DOCKETS NOS. 910129-TI, 910132-TI, 910133-TI, 910135-TI, 910136-TI  
910139-TI, 910037-TI

PAGE 4

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 April 8, 1991.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.

MEMORANDUM

March 18, 1991

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (KURLIN) *PAK*  
RE: ~~910131-TI~~, 910132-TI, 910133-TI, 910135-TI,  
910136-TI, 910139-TI, & 910037-TI

*Handwritten signature and initials: PAK, JH, b-TA*

*24248*

Attached is an ORDER TO SHOW CAUSE in the above-referenced dockets, which is ready to be issued.

PAK/mgf  
Attachment  
cc: Division of Communications  
910129a.mgf

**RECEIVED**  
MAR 18 1991  
FPSC-RECORDS / REPORTING

DOCUMENT NUMBER-DATE  
02620 MAR 18 1991  
FPSC-RECORDS/REPORTING