

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 910136-TI
proceedings against PAYLINE SYSTEMS, INC.) ORDER NO. 24631
for failure to file 1990 annual report) ISSUED: 6/6/91
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL MCK. WILSON

ORDER IMPOSING FINE

BY THE COMMISSION:

By Order No. 24248 (the Order), issued March 18, 1991, we ordered Payline Systems, Inc. (Payline or the Company) to show cause in writing why its Certificate of Public Convenience and Necessity to operate as an interexchange carrier (IXC) should not be canceled for failure to timely file its annual report, as required by Rule 25-24.480, Florida Administrative Code (the Rule). The Rule requires each IXC to file an annual report with the Commission by January 31 of each year. We found that the appropriate penalty for those IXCs that had not filed an annual report after three reminder notices was cancellation of their certificates. We received Payline's report on March 18, 1991, the date that the Order was issued.

The Order required a written response by April 8, 1991. On April 15, 1991, Payline filed a response to the Order requesting this Commission to waive late filing penalties for the 1990 report. The Company claims that this was the first annual report that it was required to file and that it confused the Commission annual report with that required by the Department of State.

We believe that as long as a company holds an IXC certificate, regardless of the date of certification, it is the responsibility of that company to comply with all Commission rules. Since Payline wishes to continue providing IXC service we shall waive cancellation of its certificate at this time. However, we hereby impose a \$1000 fine on Payline. This amount is consistent with the fine imposed, by Order No. 24247, on those companies that filed their annual reports late. If the Company does not pay the fine within 20 days of the issuance of this order, its certificate shall be canceled, and this docket closed.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Payline Systems, Inc. shall pay a \$1000 penalty for failure to timely file its 1990 annual report, as required by Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that the \$1000 penalty shall be paid within 20 days of the issuance of this order. It is further

ORDERED that if the fine is paid within 20 days of the issuance of this order, the docket shall be closed administratively. It is further

ORDERED that if the fine is not paid within 20 days of the issuance of this order, Payline System, Inc.'s certificate shall be canceled, the imposed fine of \$1000 shall be waived, and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 6th day of JUNE, 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

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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.

MEMORANDUM

June 5, 1991

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (KURLIN) *pak*
RE : DOCKET NO. 910136-TI

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Attached is an ORDER IMPOSING FINE in the above-referenced docket, which is ready to be issued.

PAK/ttl
Attachment
cc: Division of Communications
910136.pak

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