

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against FLORIDA TELESYSTEMS, INC. for failure to comply with Commission Order No. 18904 and Rule 25-24.512, F.A.C.)	DOCKET NO. 880731-TC
)	ORDER NO. 24764
)	ISSUED: 7-5-91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL McK. WILSON

ORDER TO SHOW CAUSE

BY THE COMMISSION:

By Order No. 22984, issued May 25, 1990, we accepted a settlement offer from Florida Telesystems, Inc. (Telesystems or the Company). Under the terms of this settlement offer, Telesystems agreed, among other things, to a \$3,000 fine, suspended for a period of one year from the date of the Order. Telesystems additionally agreed that any finding of non-compliance with any Commission rules or orders during the one year suspension period would result, at a minimum, in imposition of the suspended \$3,000 fine.

By Order No. 24494, issued May 7, 1991, we directed a number of companies, including Telesystems, to show cause why they should not be fined \$250 for failure to file an annual report by January 31, 1991, as required by Rule 25-24.520, Florida Administrative Code. Telesystems subsequently filed its annual report on May 16, 1991, and paid the \$250 fine on May 23, 1991.

Upon consideration of the facts set forth above, we find it appropriate to order Telesystems to show cause, if any, why it should not be required to remit the \$3,000 suspended fine in accordance with the terms specified in Order No. 22984.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Telesystems, Inc. shall show cause in writing why the \$3,000 suspended fine should not be assessed against it for the rule violation established by Order No. 24494. It is further

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ORDERED that any written response to this Order by Florida Telesystems, Inc. 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 written response to this Order by Florida Telesystems, Inc. must contain specific statements of fact and law. It is further

ORDERED that failure by Florida Telesystems, Inc. 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

ORDERED that in lieu of filing a written response as described above, Florida Telesystems, Inc. may elect to forward its payment of \$3,000 within the time frame set forth below, in which case this docket shall be closed. It is further

ORDERED that failure by Florida Telesystems, Inc. to either respond in writing as specified above or pay the \$3,000 fine, within the time frame set forth below, shall result in the initiation of additional action by this Commission.

By ORDER of the Florida Public Service Commission, this 5th day of July, 1991.



STEVE TRIUBLE, 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.

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) 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 July 25, 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.