

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to)	DOCKET NO. 910860-TI
provide interexchange telecommunications)	ORDER NO. 25410
service by GSI COMMUNICATIONS, INC.)	ISSUED: 11/26/91
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

ORDER TO SHOW CAUSE WHY A FINE SHOULD
 NOT BE IMPOSED FOR PROVIDING INTEREXCHANGE
 TELECOMMUNICATIONS WITHOUT A CERTIFICATE
 OF PUBLIC CONVENIENCE AND NECESSITY

BY THE COMMISSION:

In June of this year, our Division of Consumer Affairs received a letter questioning whether GSI Communications, Inc. (GSI or the Company) was authorized to provide interexchange telecommunications service. Based on the Division of Consumer Affairs' inquiries, it seems that US Sprint had inadvertently switched a consumer's interexchange service to GSI, a reseller of US Sprint long distance service.

GSI was contacted by letter on June 19, 1991. The letter explained that our policy requires that resellers of telecommunications service billing in their own name must be certificated. The letter included an application and noted that businesses providing interexchange service without a Certificate of Public Convenience and Necessity was a violation of Rule 25-24.470, Florida Administrative Code. Finally, the letter explained that violation of Rule 25-24.470 was a fineable offense.

GSI returned the completed application on August 16, 1991.

Based on the information provided thus far, it does appear that GSI has been operating in Florida without the required certificate, in direct violation of Rule 25-24.470. We believe that such activity warrants a fine. However, we also note that GSI has been extremely cooperative during the investigation and the application process. We believe that under the circumstances, a somewhat reduced fine is warranted.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GSI Communications, Inc. be required to show cause why it should not be fined \$500 for violation of Rule 25-24.470, Florida Administrative Code. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process.

By ORDER of the Florida Public Service Commission, this 26th day of NOVEMBER, 1991.



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.

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

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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 12/16/91.

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.