

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show ) DOCKET NO. 920282-TI  
cause proceedings against ) ORDER NO. PSC-93-0248-FOF-TI  
TACA MANAGEMENT, INC. for ) ISSUED: 02/15/93  
violation of Rule 25-24.470, )  
F.A.C., Certificate of )  
Public Convenience and )  
Necessity Required. )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA J. JOHNSON  
LUIS J. LAUREDO

FINAL ORDER IMPOSING PENALTY

BY THE COMMISSION:

On September 11, 1992 we issued Order No. PSC-92-0984-FOF-TI requiring Trans America Communications Aggregators, Inc./TACA Management, Inc. (TACA) to show cause why it should not be fined \$25,000 for providing intrastate telecommunications service without a Certificate of Public Convenience and Necessity. Rule 25-24.470, Florida Administrative Code, requires a telecommunications company to have a certificate of Public Convenience and Necessity before providing intrastate telecommunications service. Order No. PSC-92-0984-FOF-TI also provided that if TACA failed to respond, the failure would be deemed a default, an admission of the alleged violations and a waiver of the right to a formal hearing. Responses were due by October 1, 1992. Orders to show cause are sent registered mail return receipt requested. The receipt for the Order was signed, but a supplemental letter indicated that recipient was a private post office and no forwarding address was available.

TACA's failure to respond to Order No. PSC-92-0984-TI constitutes an admission of the allegations set forth in that Order, a default and a waiver of the right to a formal hearing. Reasonable efforts shall be made to collect the fine. Reasonable efforts shall be defined as two certified letters demanding payment. If reasonable collection efforts fail, the fine shall be written off and the matter referred to the Comptroller.

Based on the foregoing it is,

DOCUMENT NUMBER-DATE

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FILED-RECORDS/REPORTING

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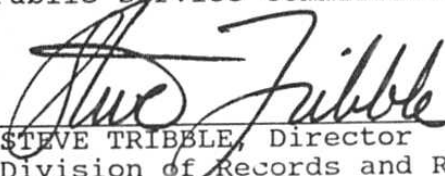
ORDERED by the Florida Public Service Commission that Trans America Communications Aggregators, Inc./TACA Management, Inc. is hereby fined \$25,000 for providing intrastate telecommunications service without first acquiring a Certificate of Public Convenience and necessity as required by Rule 25-24.470, Florida Administrative Code. It is further

ORDERED that reasonable efforts shall be made to collect the fine as set forth in this Order. It is further

ORDERED that if reasonable collection efforts fail, the fine shall be written off and the matter referred to the Comptroller. It is further

ORDERED that this docket shall remain open until the fine is collected or reasonable collection efforts have failed, and then the docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of February, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

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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.

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.