

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against TechTel Communications, Inc. for apparent violation of Rule 25-24.835, F.A.C., Rules Incorporated.

DOCKET NO. 000209-TX  
ORDER NO. PSC-00-0633-SC-TX  
ISSUED: April 5, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

ORDER TO SHOW CAUSE

BY THE COMMISSION:

TechTel Communications, Inc. (TechTel) has an active Certificate of Public Convenience and Necessity to provide Alternative Local Exchange Carrier (ALEC) services in Florida. As a provider of telecommunications services in Florida, TechTel is subject to the rules and regulations of the Commission.

On December 2, 1999, our staff sent to TechTel a certified letter, informing it of staff's role in processing arbitrations and complaints under the Telecommunications Act of 1996. On December 13, 1999, the letter was returned by the post office with the notation, "Moved, Left No Address. Unable to Forward. Return to Sender." Subsequent investigation by our staff revealed that TechTel is no longer an active corporation in Florida. To date, they have not responded to our staff's inquiries.

Pursuant to Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, incorporated by reference in Rule 25-24.835, Florida Administrative Code, Rules Incorporated, each company is allowed 10 days after a change occurs to file with us updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

DOCUMENT NUMBER-DATE

04157 APR-58

FPSC-RECORDS/REPORTING

Pursuant to Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have refused to comply with, or to have willfully violated any lawful rule or order of the commission, or any provision of Chapter 364, Florida Statutes. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally," Barlow v. United States, 32 U.S. 404, 411 (1833).

We believe that TechTel's conduct in failing to update its liaison and corporate information, in apparent violation of Commission Rule 25-24.835, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation into the Proper Application of Rule 25-14.003, Florida Administrative Code, Relating to Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as TechTel's conduct at issue here, would meet the standard for a "willful violation."

Upon consideration, TechTel shall have 21 days from the date of this order to respond in writing why it should not be fined \$500 or have its certificate canceled for apparent violation of Rule 25-24.835, Florida Administrative Code. If TechTel timely responds to the show cause order, this docket shall remain open, pending resolution of the show cause proceeding. If TechTel does not respond to this Order to Show Cause, the fine shall be deemed assessed. If TechTel pays the fine, it shall be remitted to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes. If TechTel fails to respond to the Order to Show Cause, and the fine is not received within ten business days after the expiration of the show cause response period, certificate number 5259, issued to TechTel Communications, Inc., shall be canceled and this docket closed.

ORDER NO. PSC-00-0633-SC-TX  
DOCKET NO. 000209-TX  
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that TechTel Communications, Inc., shall show cause in writing within 21 days of the date of this Order why it should not be fined \$500 or have its certificate canceled for apparent violation of Rule 25-24.835, Florida Administrative Code. It is further

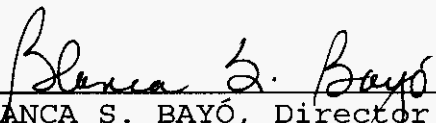
ORDERED that any response to the Order to Show Cause filed by TechTel Communications, Inc. shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, as well as a waiver of right to a hearing, and will result in the automatic assessment of the appropriate fine and cancellation of certificate. It is further

ORDERED that if TechTel Communications, Inc. pays the fine, it shall be remitted to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes. It is further

ORDERED that in the event TechTel Communications, Inc. fails to respond to this Order and the fine is not received within ten business days after the expiration of the show cause response period, certificate 5259 shall be canceled, and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of April, 2000.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

CLF

ORDER NO. PSC-00-0633-SC-TX  
DOCKET NO. 000209-TX  
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 26, 2000.

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 and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.