

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Telecommunications Cooperative Network, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 992029-TI
ORDER NO. PSC-00-1214-FOF-TI
ISSUED: July 6, 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 RESCINDING ORDER NO. PSC-00-0312-SC-TI

BY THE COMMISSION:

On March 25, 1999, Telecommunications Cooperative Network, Inc. (TCN) obtained Florida Public Service Commission Interexchange Telecommunications Certificate Number 5808. On August 5, 1999, our staff mailed a certified letter to TCN requesting information pertaining to its operator service provider rates listed in its tariff. Our staff requested a response by August 20, 1999. TCN failed to respond to the inquiry.

By Order No. PSC-00-0312-SC-TI, issued February 17, 2000, we ordered TCN to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code. We also ordered TCN to provide a written response to the requested information within ten business days of the issuance of the Order. The Order provided that if TCN failed to respond to the Show Cause Order and the fines were not paid within ten business days after the 21 day show cause period, its certificate would be canceled. The Order also provided that the docket would remain open pending further show cause proceedings in the event TCN failed to provide a response to the requested information.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-1214-FOF-TI
DOCKET NO. 992029-TI
PAGE 2

Following the issuance of the Show Cause Order, TCN contacted our staff to discuss the circumstances related to the cancellation of its certificate. TCN stated that it filed tariff revisions, and believed that it was in compliance upon submission of those tariff revisions. Our staff reviewed the cover letter submitted by TCN with its tariff revisions and discovered that the cover letter was not forwarded to the correct personnel for processing. Had TCN's cover letter been submitted to the appropriate staff person, it would have been considered a sufficient initial response to staff's inquiry. In addition, TCN's letter stated that no overcharges occurred. Based on the foregoing, we hereby rescind Order No. PSC-00-0312-SC-TI. This docket shall be closed upon the issuance of this Order.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-00-0312-SC-TI is hereby rescinded. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of July, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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ORDER NO. PSC-00-1214-FOF-TI
DOCKET NO. 992029-TI
PAGE 3

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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.