

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: APPLICATION OF RESERVATION AND)	DOCKET NO. 880988-TI
INFORMATION SYSTEMS, INC. FOR TRANSFER OF))	ORDER NO. 20788
IXC CERTIFICATE NO. 1730 TO OPTIC LINK,)	ISSUED: 2-21-89
INC.)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- JOHN T. HERNDON

ORDER INITIATING SHOW CAUSE

BY THE COMMISSION:

BACKGROUND

On July 22, 1988, Optic Link, Inc. (Optic Link) filed an application to transfer Certificate of Public Convenience and Necessity No. 1730, now held by Reservations Information Systems, Inc. (RIS). RIS was granted Certificate No. 1730 on September 14, 1987, by Order No. 18151, to provide interexchange telecommunications service. David A. O'Connor, is shown as controlling both operations.

The transfer application was incomplete as filed, and Commission Staff requested additional information on October 17, 1988.

Several months prior to this application, RIS filed a proposed tariff (T-88-100) to modify and increase charges for its operator handled calls as well as its long distance structure and rates. Again, the filing was inadequate and on April 8, 1988, Staff mailed an explanation to Mr. O'Connor and a request to revise and correct the filing. Numerous attempts to contact RIS and Mr. O'Connor for these corrections to the tariff proved fruitless. Repeated attempts were made after the filing in this docket with the same results. Finally, on November 22, 1988, it was verified that RIS had been disconnected by its underlying carrier and that the company had no current listing in the directory.

DISCUSSION

Rule 25-24.473, Florida Administrative Code, requires all Interexchange company (IXC) applicants to provide specific and concise information in order to allow a determination of whether it is in the public interest to allow the applicant to hold a certificate of public convenience and necessity. RIS has failed to file the requested information in a timely manner and has shown a disregard for our rules and regulations in all of its recent dealings with this Commission. All efforts to contact the applicant have failed and it is not listed in the telephone directory. Moreover, the company's underlying telephone service has been disconnected for non-payment by a local exchange company.

DOCUMENT NUMBER-DATE
01917 FEB 21 1989
FPSC-RECORDS/REPORTING

ORDER NO. 20788
 DOCKET NO. 880988-TI
 PAGE 2

Rules 25-24.480 (4)(a) and (b), require IXCs to inform this Commission within ten (10) days of any changes in the company's address, telephone number, etc., and, Rule 25-24.480 (e) requires a statement from an IXC of whether it is presently furnishing service to its customers and, if not, the last date service was provided along with plans for providing service in the future. The lack of information from RIS indicating a change in its location or of a disruption in service constitutes an apparent violation of our rules, in view of the credible evidence supporting these conclusions.

Pursuant to Rule 25-24.474 (b), Florida Administrative Code, we find that RIS should show cause why Certificate No. 1730 should not be cancelled for failure to comply with Rule 25-24.480, Florida Administrative Code. Further, pursuant to Section 364.285, Florida Statutes, we find that RIS should show cause why it should not be fined two thousand dollars (\$2,000.00) for refusal to comply with Rule 25-24.473. If RIS fails to respond to this show cause within the timeframe set out below, the facts alleged herein will be deemed true. In that event, we find that the certificate will be cancelled.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Reservations Information Systems, Inc., 370 Whooping Loop, Suite 1154, Altamonte Springs, Florida 32701, is hereby ordered to show cause why Certificate of Public Convenience and Necessity No. 1730 should not be cancelled for violation of the rules of this Commission. It is further

ORDERED that RIS show cause why it should not be fined \$2,000 for refusal to comply with Rule 25-24.473, Florida Administrative Code. It is further

ORDERED that a response or a request for cancellation shall be filed within twenty (20) days of the issue date of this Order. A response should specifically request a hearing based upon a material dispute of fact, whereupon further proceedings will be scheduled by this Commission. It is further

ORDERED that the response of RIS shall contain specific statements as to fact and law. It is further

ORDERED that if no timely response is filed by RIS, that Certificate No. 1730 is thereby revoked as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission,
 this 21st day of FEBRUARY, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

ELJ

ORDER NO. 20788
DOCKET NO. 880988-TI
PAGE 3

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 adversely affected by the action proposed by this order may file a petition for a formal proceeding pursuant to Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a), 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 March 13, 1989. Failure to respond by March 13, 1989 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(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on March 14, 1989.

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 the default date set forth in 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.