

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of AMERICAN TELE-)	DOCKET NO. 890301-TI
COMMUNICATIONS CORPORATION d/b/a AMERI-)	
CHARGE CORPORATION for authority to)	ORDER NO. 21370
provide interexchange telecommunications)	
service)	ISSUED: 6-12-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

On February 23, 1989, American Telecommunications Corporation d/b/a Americharge Corporation (Americharge) filed an application for authority to operate as an interexchange telephone company and alternative operator services provider. Americharge admitted in its application to having provided intrastate interexchange service in Florida between February 5, 1988 and February 7, 1989.

Rule 25-24.470, Florida Administrative Code, provides in pertinent part:

- (1) No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of the certificate, if granted. . . .

Pursuant to Section 364.285, Florida Statutes, we find it appropriate to require Americharge to show cause in writing why it should not be fined \$2,500 for its failure to obtain a certificate prior to furnishing intrastate interexchange telephone service in violation of Rule 25-24.470.

In setting the amount of the fine we have given consideration to Americharge's cooperation with staff and the candor shown by the company representative when appearing before this Commission regarding this violation.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that American Telecommunications Corporation d/b/a Americharge Corporation shall show cause, in writing, why a penalty of two thousand five hundred dollars (\$2,500) should not be assessed against the utility for its failure to comply with Rule 25-24.470, Florida Administrative Code. It is further

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ORDERED that any written response by the utility to this order must be received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 29, 1989. It is further

ORDERED that any response filed by the utility must contain specific statements of law and fact. It is further

ORDERED that upon receipt of a response as outlined above, and upon the company's request, further proceedings will be scheduled by the Commission, at which time the company will have an opportunity to contest the violations alleged herein. It is further

ORDERED that the utility's failure to file a written response within the prescribed time period will constitute an admission of noncompliance and a waiver of any right to a hearing.

By ORDER of the Florida Public Service Commission,
this 12th day of JUNE, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Ferguson
Chief, Bureau of Records

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

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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 June 29, 1989. Failure to respond by June 29, 1989 shall constitute a 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 June 30, 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.