

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of LITEL TELECOM-) DOCKET NO. 890381-TI
 MUNICATIONS CORPORATION for authority to)
 provide interexchange telecommunications) ORDER NO. 21560
 service)
 _____) ISSUED: 7-17-89

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 March 15, 1989, we received an application from Litel Telecommunications Corporation (Litel) for authority to operate in Florida as an interexchange telephone company (IXC). In its application Litel stated that it had not previously provided intrastate telecommunications service in Florida. However, our Staff's investigations have concluded that, prior to Litel's filing its application, GTE Florida Incorporated and Microtel, Inc., were providing Feature Group B and Special Access Services to Litel and Litel presently is and has been supplying telecommunications service to Equicom Communications, Inc. These actions appear to be in contravention of Rule 25-24.470, Florida Administrative Code, which states, in relevant part, that:

(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 service be collected, until the effective date of the certificate, if granted. . . .

DOCUMENT NUMBER-DATE

07093 JUL 17 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21560
DOCKET NO. 890381-TI
PAGE 2

Pursuant to Section 364.285, Florida Statutes, we find it appropriate to require Litel to show cause in writing why it should not be fined \$10,000 for its apparent failure to obtain a certificate prior to furnishing intrastate interexchange telephone service in Florida.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Litel Telecommunications Corporation shall show cause in writing why a penalty of \$10,000 should not be assessed against the company for its apparent failure to comply with Rule 25-24.470, Florida Administrative Code. It is further

ORDERED that Litel Communications Corporation's written response to this show cause order must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 7, 1989. It is further

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

ORDERED that upon receipt of a response as outlined above, and upon Litel Telecommunication Corporation'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 Litel Telecommunications Corporation's failure to file a written response within the prescribed time will constitute an admission of noncompliance and a waiver of any right to a hearing. It is further

ORDERED that the failure of Litel Telecommunications Corporation to request a hearing in any written response that is submitted will constitute a waiver of a right to a hearing. It is further

ORDERED that this docket shall remain open.

ORDER NO. 21560
DOCKET NO. 890381-TI
PAGE 3

By ORDER of the Florida Public Service Commission,
this 17th day of July, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DLC

by: Kay Flynn
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 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 August 7, 1989. Failure to respond by August 7, 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

ORDER NO. 21560
DOCKET NO. 890381-TI
PAGE 4

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 August 8, 1989. Moreover, the failure to request a hearing in any petition that is filed will constitute a waiver of any right to a hearing.

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.