

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 881319-TI
proceedings against CHERNOW)	
COMMUNICATIONS, INC. for providing)	ORDER NO. 23172
IXC telecommunications services in)	
Florida without a certificate)	ISSUED: 7-11-90
_____)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

By Order No. 21543, issued July 13, 1989, we initiated show cause proceedings against ITT Chernow Communications, Inc. (Chernow or the Company) for providing intrastate interexchange (IXC) telephone service in Florida without first obtaining certification from this Commission, pursuant to Rule 25-24.470, Florida Administrative Code. Our Order directed Chernow to show cause why it should not be fined \$10,000, with \$5,000 suspended for a period of one year to allow Chernow an opportunity to demonstrate that it could and would comply with all Commission rules, regulations, and orders. Our Order further specified that failure to show cause within the prescribed time period would constitute an admission of noncompliance and a waiver of any right to a hearing. Chernow chose to acquiesce to the terms of our Order and subsequently submitted its payment of \$5,000.

By Order No. 22896, issued May 7, 1990, in Dockets Nos. 900252-TI, 900260-TI, and 900262-TI, we directed Metromedia Long Distance, Inc. (Metromedia) to show cause why it should

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. 23172
DOCKET NO. 881319-TI
PAGE 2

not be fined \$11,000 for violation of Rule 25-24.480, Florida Administrative Code, by itself and two of its subsidiaries, one of which was Chernow. As the parent company, Metromedia was ordered to act on behalf of all three companies in a consolidated proceeding. Metromedia subsequently elected to accept our alternative to showing cause, as specified in Order No. 22896.

Thereafter, it came to our attention that Docket No. 881319-TI was still open for our review of Chernow's compliance during the one year fine suspension period. Upon consideration, we propose finding that Chernow has violated Order No. 21543. Accordingly, the remaining fine of \$5,000 shall be imposed against Chernow. Chernow shall submit its fine payment within 30 days of the date of issuance of a consummating order finalizing this action.

This order is being issued pursuant to Order No. 21543, which limits the issues which may properly form the subject matter of any protest directed toward the proposed action contained herein.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission, that ITT Chernow Communications, Inc. is found to have violated Order No. 21543 and shall be fined the sum of \$5,000 for such violation. It is further

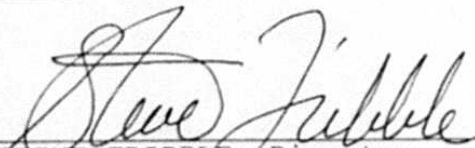
ORDERED that ITT Chernow Communications, Inc. shall submit its fine payment within 30 days of the date of issuance of a consummating order finalizing this action. It is further

ORDERED that the effective date of our action described herein is the first working day following the date specified below, if no proper protest is filed to this Proposed Agency Action within the time frames set forth below. It is further

ORDERED that if no proper protest is filed within the time frames set forth below, this docket shall be closed by the consummating order to be issued in this docket.

ORDER NO. 23172
DOCKET NO. 881319-TI
PAGE 3

By ORDER of the Florida Public Service Commission,
this 11th day of July, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 1, 1990.

ORDER NO. 23172
DOCKET NO. 881319-TI
PAGE 4

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an 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 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.