

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause )	DOCKET NO. 900259-TI
proceedings against TELECOM PLUS, LTD.)	
for failure to comply with Commission )	ORDER NO. 23270
Rule 25-24.480. )	
_____ )	ISSUED: 7-30-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

FINAL ORDER

BY THE COMMISSION:

In 1990, thirty (30) interexchange carriers (IXCs) did not file their 1989 Annual Report by the prescribed January 31, 1990 deadline. At the April 17, 1990 Agenda Conference, we voted to initiate show cause proceedings against 28 of these IXCs for violation of Rule 25-24.480, Florida Administrative Code. The show cause orders were issued May 7, 1990. A written response was due by May 28, 1990. In the alternative, the order set out a settlement proposal, a response to which was due by June 7, 1990.

On May 14, 1990, Telecom Plus, LTD (Telecom) filed a response to the show cause order arguing that the \$2,000 fine was unjust because Telecom was unaware of the IXC annual report filing requirement until after the second late notice (sent March 8, 1990). Furthermore, Telecom returned its IXC certificate to the Commission for cancellation instead of accepting our offer of \$1,000 settlement in lieu of the show cause procedure.

At the April 17th Agenda Conference, Telecom presented its case for lessening the recommended \$4,000 fine. At that time, we considered Telecom's arguments regarding the company's lack of knowledge concerning filing requirements and determined to be inadequate. However, we considered the fact that Telecom was a relatively new company and that the attendance of the conference by a company representative.

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Based on these mitigating factors, we cut in half the recommended \$4,000 fine and imposed a \$2,000 fine (the settlement offer in the original show cause order was \$1,000).

Although we lessened the fine from \$4,000 to \$2,000 Telecom has apparently decided that such a fine outweighs any potential benefit of being a certificated IXC provider in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Telecom Plus, LTD.'s Certificate of Public Convenience and Necessity, Certificate No. 2383, be cancelled for failure to comply with Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that the fine imposed in Order No. 22900 be waived. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,  
this 30th day of JULY, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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

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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 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 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 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.