

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900251-TI
proceedings against TEL-STAR TELECOM,)	
Inc. for failure to to comply with)	ORDER NO. 23299
Commission Rule 25-24.480.)	
)	ISSUED: 8-3-90

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 29, 1990, Tel-Star Telecom, Inc. (Tel-Star) untimely filed a response to the show cause order. In that response, Tel-Star explained the reason it was late in filing its IXC annual report for three consecutive years (1987, 1988 and 1989). Based upon the response, it appears that Tel-Star's filing difficulties were caused by internal management problems. We are unpersuaded that such internal problems or difficulties should constitute justification for violation of our rules.

At the April 17th Agenda Conference, Tel-Star also elected to cancel its four Shared Tenant Services Certificates (Certificates Nos. 1664, 1665, 1666 and 1668s).

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Tel-Star Telecom, Inc. be fined \$10,000 for failure to comply with Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that Telstar pay \$2,000 of the aforementioned fine and the remaining \$8,000 be held in abeyance pending timely filing of the 1990 Annual Report requirement as prescribed in Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that Tel-Star's Shared Tenant Service Certificates Nos. 1664, 1665, 1666 and 1668 are hereby cancelled. It is further

ORDERED that this docket shall remain open pending payment of this fine. It is further

ORDERED that if the fine is paid within thirty (30) days of the issuance of this Order then Staff shall administratively close this docket. It is further

ORDERED that if the fine is not paid within thirty (30) days of the issuance of this Order, then Staff shall cancel Certificate of Public Necessity and Convenience No. 1667 held by Tel-Star Telecom, Inc. and close this docket.

By ORDER of the Florida Public Service Commission,
this 3rd day of August, 1990.



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.