

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 910138-TI
proceedings against T. H. OLD TOWN	)	
ASSOCIATES, LTD. for failure to file	)	ORDER NO. 24249
its 1990 annual report	)	
<hr/>		ISSUED: 3/18/91

The following Commissioners participate in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Rule 25-24.480, Florida Administrative Code (the Rule), requires each interexchange carrier (IXC) to file an annual report with our Division of Communications by January 31st of each year. Our Staff notified all IXCs by letters dated November 16, 1990 and January 3, 1991, that the due date for the 1990 annual report was approaching. Fourteen IXCs did not file their 1990 annual reports by the January 31, 1991 deadline. On February 4, 1991, our Staff sent a third notice to the eleven IXCs which had still not filed annual reports.

The 1990 annual report of T. H. Old Town Associates, Ltd. (Old Town or the Company) was received on February 7, 1991. Further review of past annual reports submitted by Old Town revealed that the Company was fined in 1988 for failure to file its 1987 annual report on time.

Interexchange companies are made aware of Commission rules when they are granted certificates. In this case, the Company was previously fined by this Commission for violating Rule 25-24.480. In addition, the Company received two notices prior to this year's due date. Therefore, we find it appropriate to order the Old Town to show cause why it should not be fined \$4000 for a repeat violation of Commission Rule 25-24.480.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that T. H. Old Town Associates, Ltd. shall show cause in writing why a \$4000 fine should not be assessed against it for its apparent failure to file timely the report required by Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that the written responses to this Order by T. H. Old Town Associates, Ltd. must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the time established below. It is further

ORDERED that any response filed by T. H. Old Town Associates, Ltd. must contain specific statements of fact and law. It is further

ORDERED that failure by T. H. Old Town Associates, Ltd. to file a written response within the prescribed time period will constitute an admission of noncompliance, resulting in all allegations being admitted. It is further

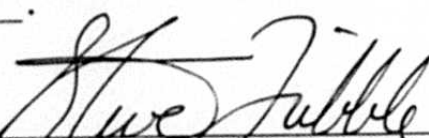
ORDERED that failure by T. H. Old Town Associates, Ltd. to request a hearing in any written response that is submitted will constitute a waiver of any right to a hearing in this matter. It is further

ORDERED that T. H. Old Town Associates, Ltd. may elect to comply with the requirements established in this Order in settlement of the apparent violation of Rule 25-24.480, Florida Administrative Code, and that the Staff of the Florida Public Service Commission is hereby delegated the authority to close the docket administratively. It is further

ORDERED that, if T. H. Old Town Associates, Ltd. neither responds in writing to this Order nor pays the assessed fine, the company's certificate shall be cancelled 30 days after issuance of this Order, the assessed fine shall be waived, and the Staff of the Florida Public Service Commission is hereby delegated the administrative authority to close this docket.

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By ORDER of the Florida Public Service Commission, this 18th  
day of MARCH, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

PAK

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 affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), 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 April 8, 1991.

Failure to respond within the time set forth above shall constitute an 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(4), Florida

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Administrative Code. Such default shall be effective on the day subsequent to the above date.

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 this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.