

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida ) DOCKET NO. 950856-TA  
Public Service Commission of ) ORDER NO. PSC-95-1174-FOF-TA  
Alternative Access Vendor ) ISSUED: September 20, 1995  
Certificate No. 3110 issued to )  
Alternative Communications )  
Network, Inc. for violation of )  
Rule 25-24.480, F.A.C., Records )  
and Reports; Rules Incorporated. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINE OR CANCELLING CERTIFICATE

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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Mail sent to Alternative Communications Network, Inc. (ACN) was returned to our Division of Records and Reporting by the United States Postal Service. Our staff attempted to contact ACN by telephone at the number listed in our records but the number was disconnected. Our staff also attempted to find a new telephone number for both the company and the company's Commission liaison but neither the company nor its liaison had a listing in directory assistance.

Rules 25-24.745(2)(a) and (b), Florida Administrative Code, require an alternative access vendor to inform this Commission within 10 days if there is a change in the company name, its address, its telephone number, or its Commission contact person. By failing to inform this Commission of changes in address and telephone number, ACN is in apparent violation of Rules 25-

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24.745(2)(a) and (b), Florida Administrative Code. Pursuant to Chapter 364, Florida Statutes, and Rule 25-24.735, Florida Administrative Code, we may impose a fine or cancel a certificate for violation of our Rules or orders.

Accordingly, we order ACN to pay a \$250 fine and provide the Commission with the information required by Rules 25-24.745(2)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. If ACN complies, this docket will be closed. If ACI fails to comply with this Order, Certificate No. 3110 will be cancelled and this docket will be closed.

It is, therefore

ORDERED by the Florida Public Service Commission that Alternative Communications Network, Inc. pay a \$250 fine and provide the Commission with the information required by Rules 25-24.745(2)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if Alternative Communications Network, Inc. complies with this Order, this docket will be closed. It is further

ORDERED that if Alternative Communications Network, Inc. does not comply with this Order, Certificate No. 3110 will be cancelled and this docket will be closed.

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order shall become final.

By ORDER of the Florida Public Service Commission, this 20th day of September, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay DeLeon  
Chief, Bureau of Records

( S E A L )  
LMB

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 11, 1995.

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.

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 substantially 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 wastewater 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.