

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against SMBR, Inc. for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 990781-TC
ORDER NO. PSC-99-1580A-SC-TC
ISSUED: September 22, 1999

AMENDATORY SHOW CAUSE ORDER

BY THE COMMISSION:

On July 27, 1999, we voted in this matter to impose two fines. The first fine was in the amount of \$1,000 for violations of Rule 25-24.515, Florida Administrative Code. The second fine was in the amount of \$500 for violation of Rule 25-4.0161, Florida Administrative Code.

As a result of a scrivener's error, our Order Number PSC-99-1580-SC-TC, issued August 11, 1999, omitted imposing the \$500 fine for violation of Rule 25-4.0161. This fine should also be imposed and Order No. PSC-99-1580-SC-TC is hereby amended to include it.

Rule 25-4.0161, Florida Administrative Code, requires the payment by telecommunications companies of regulatory assessment fees by January 30 of the subsequent year, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Staff was notified by the Division of Administration on June 23, 1999 that SMBR had not paid its 1998 regulatory assessment fees, plus statutory penalties and interest. Therefore, SMBR has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, and we find imposition of a \$500 fine appropriate.

SMBR shall show cause in writing within 21 days of the date of this Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code. SMBR's response must contain specific allegations of fact or law. If SMBR fails to respond to the Amended Show Cause Order, the fines should be deemed assessed. If the fines and regulatory assessment fees, along with statutory penalties and interest, are not paid within 5 business

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days after the Amended Order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that SMBR, Inc. shall show cause in writing within 21 days of the date of this Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code. If SMBR fails to respond to the Amended Show Cause Order, the fine should be deemed assessed. If the fine and regulatory fees, along with statutory penalties and interest, are not paid within 5 business days after the Amended Order becomes final, it should be forwarded to the Office of the Comptroller for collection. It is further

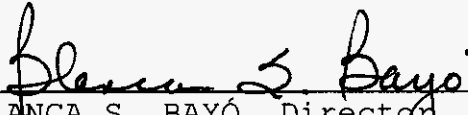
ORDERED that any response to the Amended Order to Show Cause filed by SMBR, Inc. Shall contain specific allegations of fact and law. It is further

ORDERED that Order No. PSC-99-1580-SC-TC is reaffirmed in all other respects.

ORDERED that failure to respond to this Amended Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, as well as a waiver of right to a hearing, and will result in the automatic assessment of the appropriate fine.

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By ORDER of the Florida Public Service Commission this 22nd
day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response 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 13, 1999.

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 and a default pursuant to Rule 28-106.111(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 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.