

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	
proceedings for failure to file 1989)	
annual reports:)	
)	
TRIPLE CROWN INDUSTRIES, INC.)	DOCKET NO. 900258-TI
EXECUTIVE SUITES AT HORIZON, INC.)	DOCKET NO. 900248-TI
)	ORDER NO. 22898
)	ISSUED: 5-7-90

The following Commissioners participated in the disposition of this matter:

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

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 letter dated December 15, 1989, that the due date for the 1989 annual report was approaching.

Thirty IXCs did not file their 1989 annual reports by the January 31, 1990 deadline. On March 6, 1990, Staff sent a second notice of the filing requirements to the twelve IXCs whose annual reports had still not been received. This second notice informed these IXCs that, unless their annual reports were submitted, the Commission may act to cancel their certificates.

The 1989 annual report of Triple Crown Industries, Inc. (Triple), and Executive Suites at Horizon (Executive) were never received. We do not tolerate such a total disregard of our rules by regulated utilities, and if necessary, we are compelled to cancel the certificates of IXCs that ignore our rules. Given the lack of response by Triple and Executive, we are led to consider whether they are still providing service in Florida.

DOCUMENT NUMBER-DATE

03935 MAY-7 1990

FPSC-RECORDS/REPORTING

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We find it appropriate, pursuant to Section 364.285, Florida Statutes, to require these IXCs to show cause why they should not have their certificates revoked. In the event that either Triple or Executive fails to show cause within the time specified below, we hereby direct our Staff to cancel the non-complying company's certificate and to close the relevant docket under the administrative authority delegated here.

Based on the foregoing, it is hereby

ORDERED by the Florida Public Service Commission that Triple Crown Industries, Inc., and Executive Suites at Horizon shall show cause in writing why their Certificates of Public Convenience and Necessity should not be cancelled for their failures 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 Triple Crown Industries, Inc., and Executive Suites at Horizon 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 Triple Crown Industries, Inc., and Executive Suites at Horizon must contain specific statements of fact and law. It is further

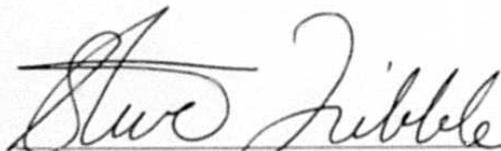
ORDERED that failure by Triple Crown Industries, Inc., and Executive Suites at Horizon to file a written response within the prescribed time period will constitute an admission of noncompliance, resulting in all allegations being admitted. It is further

ORDERED that failure by Triple Crown Industries, Inc., and Executive Suites at Horizon 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, if Triple Crown Industries, Inc., or Executive Suites at Horizon fails to respond in writing to this Order, the Staff of the Florida Public Service Commission is hereby delegated the administrative authority to cancel the non-complying company's Certificate of Public Convenience and Necessity and to close the relevant docket.

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By ORDER of the Florida Public Service Commission,
this 7th day of MAY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DLC

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 May 28, 1990.

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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 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.