

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 880731-TC
proceedings against FLORIDA TELESYSTEMS,)	
INC. for failure to comply with)	ORDER NO. 25339
Commission Order No. 18904 and Rule)	
25-24.512, F.A.C.)	ISSUED: 11/13/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

ORDER IMPOSING FINE

BY THE COMMISSION:

Florida Telesystems, Inc. (Telesystems) is a certificated pay telephone provider in Florida. By Order No. 22984, issued May 25, 1990, we accepted a settlement offer submitted by Telesystems. In its offer, Telesystems agreed that it would be fined the sum of \$3,000 for any additional rule or order violations discovered within one year of the issuance date of our order accepting its settlement offer.

By Order No. 24494, issued May 7, 1991, we directed a number of companies, including Telesystems, to show cause why a \$250 fine should not be imposed for failure to file an annual report by January 31, 1991, as required by Rule 25-24.520, Florida Administrative Code. Telesystems elected to pay the fine and did not contest Order No. 24494.

By Order No. 24764, issued July 5, 1991, we directed Telesystems to show cause why it should be not required to pay the \$3,000 suspended fine from Order No. 22984. Telesystems filed its response on July 24, 1991.

Telesystems' response does not contain any statement of fact or law which would constitute a showing of cause in response to Order No. 24764. None of the statements made by Telesystems in its response are legally relevant. The only potential dispute of material fact in this matter is whether Telesystems violated any rule or order of this Commission. If Telesystems has done so, then the \$3,000 suspended fine becomes due and payable, pursuant to

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terms specified by Telesystems when it made this settlement offer last year. Nothing in Telesystems' response disputes this conclusion. In addition, Telesystems raises no disputed issue of law in its response.

Order No. 24494 establishes a violation by Telesystems. We find that Telesystems has not shown cause why it should not be required to pay the \$3,000 fine suspended by Order No. 22984. Accordingly, the \$3,000 fine shall be assessed against Telesystems. Telesystems shall pay the \$3,000 fine within thirty days of the issuance date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the \$3,000 fine suspended in Order No. 22984 is hereby assessed against Florida Telesystems, Inc. It is further

ORDERED that Florida Telesystems, Inc. shall remit the \$3,000 fine within thirty days of the issuance date of this Order. It is further

ORDERED that this docket shall remain open until Florida Telesystems, Inc. remits the fine, after which time the docket shall be closed administratively.

By ORDER of the Florida Public Service Commission, this 13th
day of NOVEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Helzer
Chief, Bureau of Records

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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 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.