

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Tariff filing to replace fiber distributed data interface network services, an experimental tariff, with CENTEL METROPOLITAN DATA SERVICES, a permanent tariff offering by CENTRAL TELEPHONE COMPANY OF FLORIDA)	DOCKET NO. 910996-TL
)	ORDER NO. 25466
)	ISSUED: 12/11/91
)	
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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 REQUIRING CENTEL TO SHOW CAUSE WHY IT
 SHOULD NOT BE FINED FOR VIOLATION OF FLORIDA STATUTES

BY THE COMMISSION:

Central Telephone Company of Florida's (Centel or the Company) Fiber Distributed Data Interface Networking Service (FDDI or the service) tariff became effective on an experimental basis on September 1, 1990, and included a one-year tariff expiration date. The service provided LAN inter-networking features which are similar to those offered as Centel Metropolitan Data Service (CMDS), which recently replaced FDDI. FDDI customers included the City of Tallahassee and Leon County.

While continuing to offer the service, Centel failed to submit a tariff filing to request an extension of FDDI prior to the tariff expiration date of September 1, 1991. Additionally, the Company failed to submit its CMDS filing until September 16, 1991. The CMDS tariff became effective on November 18, 1991. Thus, Centel collected revenue for FDDI, a regulated service, from September 1, 1991, until November 18, 1991, without having a tariff in effect for the service.

Pursuant to Section 364.08(1), Florida Statutes, "[a] telecommunications company may not charge, demand, collect, or receive for any service rendered or to be rendered any compensation other than the charge applicable to such service as specified in its schedule on file and in effect at that time." (emphasis

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supplied). It is fundamental to the regulatory process that LECs maintain up-to-date tariffs for all revenue-generating services which they provide, unless a specific exception has been granted (e.g. Contract Service Arrangements). Therefore, Centel shall be required to show cause why it should not be fined \$100.00 for charging for FDDI without having a tariff in effect for the service on file with this Commission.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that Central Telephone Company of Florida shall show cause in writing why it should not be fined \$100.00 for providing Fiber Distributed Data Interface Networking Service from September 1, 1991, through November 18, 1991, without a current tariff on file with this Commission. It is further

ORDERED that any response shall be filed in accordance with the requirements set forth below. It is further

ORDERED that this Docket shall remain open pending resolution of this show cause proceeding.

By ORDER of the Florida Public Service Commission, this 11th
day of DECEMBER, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

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 12/31/91.

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.