

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 880731-TC
proceedings against FLORIDA TELE-	)	
SYSTEMS, INC. for failure to comply	)	ORDER NO. 22984
with Commission Order No. 18904 and	)	
Rule 25-24.512, F.A.C.	)	ISSUED: 5-25-90
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER

ORDER ACCEPTING OFFER OF SETTLEMENT

BY THE COMMISSION:

Florida Telesystems, Inc. (Telesystems or the Company) is a certificated pay telephone service (PATS) provider in Florida. By Order No. 22057, issued October 16, 1989, we fined Telesystems \$5,000 for its violation of Rule 25-24.512, Florida Administrative Code. Under the terms of Order No. 22057, \$2,000 of the fine was due within thirty (30) days of issuance of the Order, while the balance of \$3,000 was suspended for a period of one (1) year from the date of the Order. This arrangement was the result of our acceptance of a settlement offer from Telesystems, which the Company submitted in response to Order No. 21161. In accordance with the terms of Telesystems' offer, any additional finding of non-compliance with any Commission rules or orders during this one (1) year period would result, at a minimum, in imposition of the remaining \$3,000 fine.

On December 20, 1989, our staff filed a recommendation for our January 2, 1990, Agenda Conference, wherein our staff alleged that Telesystems had violated certain rules and orders of this Commission. Subsequently, Telesystems submitted a settlement offer in this matter. The terms of this settlement offer are:

1. Telesystems agrees that it has violated Rule 25-24.515, Florida Administrative Code, and Order No. 22057.
2. Telesystems agrees that it has violated Orders Nos. 20489 and 20610, which require that all zero minus (0-) traffic be reserved to the local exchange company.

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3. Telesystems agrees that it has violated Rule 25-4.0161(2), Florida Administrative Code, which requires the payment of regulatory assessment fees.
4. Telesystems agrees to pay the \$3,000 suspended fine from Order No. 22057.
5. Telesystems agrees to be fined an additional sum of \$3,000, with this second fine suspended for a period of one (1) year from the date of issuance of this Order, subject to the same terms previously specified in Order No. 22057.
6. Telesystems acknowledges that it has been placed on notice that any additional rule or order violations discovered during this one (1) year period shall constitute justification for additional penalties and/or loss of its PATS certificate.

Telesystems has described in its settlement offer the corrective action it is taking to address the violations alleged in our staff's December, 1989, recommendation. We believe that Telesystems' corrective action is satisfactory and will bring the Company into compliance with applicable rules and/or orders that were the subject to our staff's recommendation.

Upon consideration of the facts and circumstances of this particular case, we find it appropriate and reasonable to accept Telesystems' settlement offer. Accordingly, Telesystems shall submit its \$3,000 payment within thirty (30) days of the issuance date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement submitted by Florida Telesystems, Inc. is hereby accepted as specified in the body of this Order. It is further

ORDERED that Florida Telesystems, Inc. shall submit its payment of \$3,000 to this Commission within thirty (30) days of the issuance date of this Order. It is further

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ORDERED that Florida Telesystems, Inc. shall be fined an additional sum of \$3,000, such fine to be suspended for a period of one (1) year from the date of this Order, pursuant to the terms and conditions further specified within the body of this Order. It is further

ORDERED that this docket shall remain open for a period of one (1) year to allow our staff to monitor Florida Telesystems, Inc.'s compliance with the terms of this Order.

By ORDER of the Florida Public Service Commission  
this 25th day of May, 1990.

  
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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.

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)

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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.