

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 890565-TI
proceedings against 800 TELEPATCH)	
SERVICE, INC. for failure to comply)	ORDER NO. 23432
with 1988 annual report requirements.)	
<hr/>		ISSUED: 9-5-90

The following Commissioners participated in the disposition of this matter:

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

FINAL ORDER

BY THE COMMISSION:

On February 21, 1989, 800 Telepatch Service, Inc. (800 Telepatch) filed its 1988 IXC annual report with the Division of Communications. By Rule 25-24.480, Florida Administrative Code, this filing was to be received by January 31, 1989. Therefore, 800 Telepatch was in violation of this rule.

On June 22, 1989, we issued Order No. 21426 which initiated a show cause proceeding against 800 Telepatch. Due to an error in that Order, we issued Order No. 21426-A. This order established a 45-day period during which 800 Telepatch could have elected to pay a fine in lieu of contesting a show cause proceeding. Our offer of settlement imposed a \$4,000 fine on 800 Telepatch for their failure to file an annual report in a timely manner for the second consecutive year. As part of the settlement 800 Telepatch was to pay \$2,000 by July 28, 1989, the remainder of the fine would be suspended until the 1989 report was due. If the 1989 report was filed late, 800 Telepatch would have been required to pay the suspended portion of the fine as well as any additional fines that the Commission may have imposed for that violation. 800 Telepatch did not respond to the Commission offer of settlement. On November 11, 1989, we issued Order No. 22144 which initiated a show cause proceeding and provided notice of a proposed agency action to cancel 800 Telepatch's IXC certificate. The proposal to impose a fine against an IXC and cancel its IXC certificate for violation of Rule 25-24.480, Florida Administrative Code, was an exception to our normal practice of declining to impose

DOCUMENT NUMBER-DATE

07971 SEP -5 1990

-PSC-RECORDS/REPORTING

ORDER NO. 23432
DOCKET NO. 890565-TI
PAGE 2

fines when Certificates of Public Necessity and Convenience are cancelled. In this particular instance we elected to impose the fine as well as cancel 800 Telepatch's certificate because the Company's activities were so contrary to the public interest. In addition, the fine was designed to serve two purposes. First, it would establish a penalty against a company which had violated Commission rules. Second, it would serve as a record of the company's history in the event we are asked to judge this company's qualifications if it seeks to enter the long distance market in the future. 800 Telepatch did not file a response to either the show cause portion of this order or the PAA portion. Therefore, on December 1, 1989, we issued a consummating order to the proposed agency action portion of Order No. 22144. This action cancelled 800 Telepatch's IXC certificate. This Order is the completion of the show cause portion of Order No. 22144.

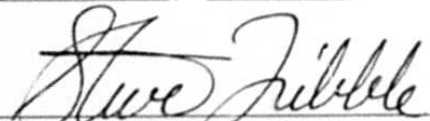
Upon further consideration, we believe that cancellation of 800 Telepatch's Certificate of Public Necessity and Convenience is a sufficient penalty. Further, we believe that the show cause order against 800 Telepatch provide a sufficient audit trail should the company try again to enter the long distance market. Because the company's certificate was cancelled on November 6, 1989, no further business remains for the completion of this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the \$4,000 fine imposed in Order No. 22144 be waived. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,
 this 5th day of SEPTEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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ORDER NO. 23432
DOCKET NO. 890565-TI
PAGE 3

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.