

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of LITEL TELECOMMUNICATIONS CORPORATION for authority to provide interexchange telecommunications service ) DOCKET NO. 890381-TI  
 )  
 ) ORDER NO. 22503  
 )  
 ) ISSUED: 2-7-90

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER ACCEPTING SETTLEMENT OFFER

## BY THE COMMISSION:

By Order No. 21476, issued June 29, 1989, we proposed to grant Litel Telecommunications Corporation (Litel) a certificate. Through Order No. 21608, issued July 26, 1989, we furnished notice that this proposed action had become final on July 21, 1989, as a result of no protest being filed within the established period.

By Order No. 21560, issued July 17, 1989, we established a show cause proceeding to determine if Litel should be fined for violating Rule 25-24.470, Florida Administrative Code (the Rule). Our Staff had recommended that such a proceeding be initiated based on evidence tending to show that Litel may have furnished intrastate telecommunications service without a certificate.

This evidence was our Staff's interexchange study and the response of Microtel, Inc. and Litel to Staff's inquiries. Staff had tested Microtel's facilities for five days in December of 1988 and concluded, from a very small sample, that 9% of Litel's traffic was intrastate. Litel responded to Staff's inquiry, asserting that it intended to transport the traffic of an alternative operator service (AOS) provider, Equicom.

With regard to Staff's allegation that Litel has violated the Rule, the company submitted two responses, dated July 12 and August 4, 1989. The former response claimed that the

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company is not currently providing intrastate service in Florida although it has entered into an agreement with a customer to furnish such service when its certification is issued.

The second response admitted that the company takes Feature Group B and Special Access Services from GTE Florida Incorporated and Microtel but only in order to terminate its customers' interstate traffic in Florida. With respect to Equicom, Litel alleged that this customer currently originates traffic from the states of Pennsylvania and Michigan; therefore, Litel said that it cannot be providing intrastate service to Equicom.

On January 17, 1990, Litel submitted an offer to pay a fine of \$900 in settlement of the show cause proceeding. Based on the facts and circumstances of this case, we find that Litel's offer to pay \$900 in settlement of this show cause proceeding is reasonable. Our review of the evidence indicates that an insubstantial amount of intrastate traffic was probably carried by Litel. Moreover, we can find no evidence that a significant amount of revenues were collected by the company through its alleged violation of the Rule. For these reasons, we have concluded that the fine of \$900 offered by the company is an appropriate resolution in view of the facts and circumstances. Accordingly, we will accept this offer. In view of this action, the show cause proceeding established in this docket is no longer needed and we will terminate it. Upon receipt of the funds from the company, our Staff shall close this docket.

Now therefore, it is

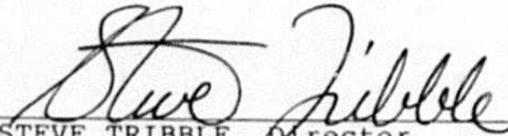
ORDERED by the Florida Public Service Commission that the offer of Litel Telecommunications Corporation to pay a fine of \$900 in settlement of the show cause proceeding initiated in this docket by Order No. 21560, issued July 17, 1989, is hereby accepted. It is further

ORDERED that the show cause proceeding established in this docket is hereby terminated. It is further

ORDERED that the Staff of the Florida Public Service Commission is hereby delegated authority to close this docket administratively upon the receipt of the funds from the company.

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

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

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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.