

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 910131-TI
proceedings against EXCEL)
TELECOMMUNICATIONS, INC. for failure) ORDER NO. 24628
to file 1990 annual report)
_____) ISSUED: 6/6/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL MCK. WILSON

ORDER IMPOSING FINE

BY THE COMMISSION:

By Order No. 24247 (the Order), issued March 18, 1991, we ordered Excel Telecommunications, Inc. (Excel or the Company) to show cause in writing why a \$1000 fine should not be assessed against it for violation of Rule 25-24.480, Florida Administrative Code (the Rule). The Rule requires each interexchange company (IXC) to file an annual report with the Commission by January 31 of each year. Excel filed its annual report on March 4, 1991. The Order stated that the companies could pay the assessed fine or provide a written response by April 8, 1991.

On April 8, 1991, Excel responded to the Order claiming that the Company did not receive the notices we sent dated November 16, 1990, and January 3, 1991, reminding all IXCs that the filing date was January 31, 1991. The Company contends that it was not aware that the annual report was due until our third notice, dated February 5, 1991, was sent. The Company stated that it had moved, and that the first two notices were not forwarded to the new address. Rule 25-24.480(4)(a) requires IXCs to file updated information on a change of address within 10 days after such change occurs.

We believe that as long as a company holds an IXC certificate it is the company's responsibility to comply with all Commission rules. Excel has not provided this Commission with any specific statements of fact or law sufficient to persuade us to waive the \$1000 penalty. Accordingly, we find that Excel Telecommunications, Inc. shall pay a fine in the amount of \$1000 for violation of Rule 25-24.480, F.A.C. If the Company fails to pay the fine within 20

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days of the issuance of this order, its certificate shall be canceled, and this docket closed.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Excel Telecommunications, Inc. shall pay a fine in the amount of \$1000 for violation of Rule 25-24.480, Florida Administrative Code, which requires interexchange carriers to file annual reports by January 31 of each year. It is further

ORDERED that if Excel Telecommunications, Inc. pays the fine within 20 days of the issuance of this order, this docket shall be closed administratively. It is further

ORDERED that if Excel Telecommunications, Inc. does not pay the fine within 20 days of the issuance of this order, its certificate shall be canceled, the fine waived, and this docket closed.

By ORDER of the Florida Public Service Commission, this 6th day of June, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

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

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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.

MEMORANDUM

June 5, 1991

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (KURLIN) *pak TH*
RE : DOCKET NO. 910131-TI

----- *24623* -----
Attached is an ORDER IMPOSING FINE in the above-referenced docket, which is ready to be issued.

PAK/ttl
Attachment
cc: Division of Communications

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