

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida ) DOCKET NO. 961495-TI  
Public Service Commission of ) ORDER NO. PSC-97-0125-FOF-TI  
Interexchange Telecommunications ) ISSUED: February 4, 1997  
Certificate No. 3190 issued to )  
National Independent Carrier )  
Exchange, Inc. for violation of )  
Rule 25-24.480(2)(a) and (b), )  
F.A.C., Records and Reports; )  
Rules Incorporated. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINE AND AUTHORIZING  
CANCELLATION OF CERTIFICATE FOR FAILURE TO PAY

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

National Independent Carrier Exchange, Inc., (NICE) is an interexchange telecommunications company, holding Certificate of Public Convenience and Necessity No. 3190. On July 25, 1996, and October 15, 1996, Commission mailings to NICE were returned undelivered. The company's telephone as listed in the Commission directory is disconnected.

Chapter 364.285, Florida Statutes, provides that we may impose a fine or cancel a certificate if a company fails to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, provides that we may cancel an interexchange carrier's certificate on our own motion for violation of Commission rules or orders.

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FPSC-RECORDS/REPORTING

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Rule 25-24.480 (2), Florida Administrative Code, requires that an interexchange company file updated information with this Commission within ten days after any change in the address of the company's main corporate and Florida offices or in the name, address or telephone number of the individual serving as primary liaison with the Commission.

NICE has apparently changed its Florida address and its telephone number of record is no longer in service. The company cannot be located. The company has failed to file updated information with this Commission within ten days of the apparent changes as required by Rule 25-24.480 (2), Florida Administrative Code.

Therefore, we find it appropriate to impose a fine on the company in the amount of \$250 for violation of Rule 25-24.480 (2), Florida Administrative Code. We require the company to pay the fine and provide the required information no later than 30 days after this Order becomes final. If the company fails to pay the fine and provide the information as directed, its certificate shall be canceled.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that National Independent Carrier Exchange, Inc., shall pay a fine in the amount of \$250 within 30 days of the date this Order becomes final. It is further

ORDERED that National Independent Carrier Exchange, Inc., shall provide the information required by Rule 25-24.480 (2), Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if National Independent Carrier Exchange, Inc., fails to pay the fine and provide the information required by Rule 25-24.480 (2), Florida Administrative Code, within 30 days of the date this Order becomes final, the company's interexchange carrier certificate, Certificate of Public Convenience and Necessity No. 3190, shall be canceled. It is further

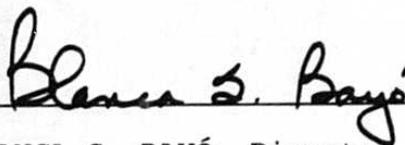
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 4th day of February, 1997.



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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 25-22.029(4), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 25, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.