

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 890567-TI
proceedings against FUTURE TELECOMMU-)	
NICATIONS, INC. for failure to comply)	ORDER NO. 22533
with 1988 annual report requirements)	
)	ISSUED: 2-12-90

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

NOTICE OF PROPOSED AGENCY ACTION
AND
ORDER CANCELLING CERTIFICATE AND IMPOSING FINE

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission of its intent to find that Certificates Nos. 1980, 1981, 1982, 1983 and 1984 should be cancelled is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029.

By Order No. 21425, issued June 23, 1989, we required Future Telecommunications, Inc. (Future), to show cause why its Certificate No. 1525 should not be cancelled and why it should not be fined \$10,000 for violating Rule 25-24.480, Florida Administrative Code, by failing to file a 1988 IXC annual report. Future was required to respond to the show cause order in writing by July 12, 1989; however, the company did not file a timely response.

It appears to us that Future is no longer providing telecommunications services in the State of Florida. Accordingly, we believe that its certificate is no longer required, and we will cancel Certificate No. 1525. Moreover, we direct all local exchange companies and IXCs to discontinue intrastate service to Future. In this case there are additional considerations which compel us to take further action.

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We elected to impose no fine on other interexchange companies whose certificates we cancelled for failure to comply with Rule 25-24.480. This policy was followed because we deemed our withdrawal of authority to be a sufficient sanction since these companies were no longer furnishing telecommunications service. However, several factual distinctions warrant a different result in this case.

First, it appears that the operations of Future and Miami Communications, Inc. (Micom) may be intermingled, and we are concerned that Micom may be providing service at the Miami Beach Convention Center, presumably under the authority of certificates held by Future. Moreover, while Future is not now providing service, a question has arisen as to whether certain of the corporation's principals will seek authority to provide future services. Finally, Future holds five additional certificates authorizing it to furnish Shared Tenant Services (STS).

Under these circumstances, we believe that Future should be fined for failing to file the 1988 annual report. If Future had been late in filing its 1988 annual report, it would have been the second consecutive year that the company had failed to file on time. Under those facts, we would have imposed a fine of \$4,000 on the company. However, in view of our cancellation of Certificate No. 1525, we will impose a fine of \$2,000.

We are concerned that uncertificated companies may be providing unauthorized service under the authority of certificates held by others. In this case, questions have arisen concerning whether a company may be holding itself out as authorized under the certificates held by Future to furnish service at the Miami Beach Convention Center. We have opened a proceeding to investigate these operations.

It further appears that Future is not providing STS service. For these reasons, we believe that the five STS certificates held by the company should be cancelled. Accordingly, we propose to cancel these five STS certificates.

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that Certificate No. 1525 is hereby cancelled and a fine of \$2,000

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is hereby imposed on Future Telecommunications, Inc., for its failure to file a 1987 annual report in a timely manner and a 1988 annual report as required by Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that Certificates Nos. 1980, 1981, 1982, 1983 and 1984 held by Future Telecommunications, Inc., shall be cancelled at the conclusion of the period established below if a proper protest is not filed. It is further

ORDERED that Docket No. 890567-TI shall remain open until the period established below for protesting the proposal to cancel Certificates Nos. 1980, 1981, 1982, 1983 and 1984 held by Future Telecommunications, Inc., lapses without a proper protest being filed and until the company pays the fine imposed above. It is further

ORDERED that the terms of this order are severable and our finding that Certificates Nos. 1980, 1981, 1982, 1983 and 1984, should be cancelled is Proposed Agency Action and the balance of the terms of this Order shall be considered Final Agency Action.

By ORDER of the Florida Public Service Commission,
this 12th day of FEBRUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

As identified in the body of this order, our action cancelling Certificates Nos. 1980, 1981, 1982, 1983 and 1984, 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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 5, 1990. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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 the relevant portion of this order becomes final and effective on the date described above, any party adversely 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 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 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.

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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.