

Telecommunications Orders - Issued 1996

**BEFORE THE PUBLIC UTILITIES
COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF CARIBBEAN TELEPHONE AND TELEGRAPH d/b/a THE LONG DISTANCE COMPANY'S FAILURE TO SUBMIT AN ANNUAL REPORT PURSUANT TO ARSD 20:10:24:04.

) **ORDER FOR AND NOTICE OF SHOW CAUSE HEARING**
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TC96-149

ARSD 20:10:24:04, promulgated pursuant to SDCL §49-31-5 and §49-31-7.1(4), requires that any telecommunications company registered with the Public Utilities Commission (Commission) submit on May 1, of each year a report of certain specified financial and business information from the preceding calendar year.

Despite a reminder letter from the Commission on March 15, 1996, and a second reminder reflecting the possibility of a Show Cause Order on May 31, 1996, Caribbean Telephone and Telegraph d/b/a The Long Distance Company (CT&T) has failed to file such annual report as required by ARSD 20:10:24:04.

A regularly scheduled July 9, 1996, meeting, the Commission considered whether to issue an Order to Show Cause as to why the Commission should not revoke CT&T's Certificate of Authority for failure to file an annual report. Commission staff recommended an extension of the deadline for filing an appropriate report up to the 24th of July, 1996, and upon CT&T's failure to file an appropriate report, then Commission staff recommended the issue of such an order. That deadline has since passed.

The Commission has the authority, under SDCL §49-31-3, to suspend or revoke the Certificate of Authority granted to the company; assess a civil fine against the company from \$200 to \$1,000 under SDCL §49-31-38; proceed under SDCL §49-31-38.2 or §49-31-38.3 to stop the company from transacting any future business in South Dakota; or take any other enforcement actions against the company allowed by law.

CT&T shall appear on August 14, 1996, at 10:00 a.m. (CDT) in Room CCR, Public Utilities Commission Office, State Capitol Building, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL §49-31-7.1(4) and ARSD 20:10:24:04. The hearing is being held pursuant to SDCL Chapter 1-26 and the Commission's jurisdiction over telecommunications companies pursuant to SDCL §§49-31-3, 49-31-5, 49-31-7.1(4) and ARSD 20:10:24:04 and 20:10:01:45.

At the hearing representatives of the company have the right to appear in person and may be represented

in person by legal counsel or legal assistant (paralegal) if desired. These and other due process rights shall be forfeited if not exercised at the hearing. If a representative of the company fails to appear at the time and place set for the hearing, the Final Decision will be based solely on testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL §1-26-20. The hearing shall be an adversary proceeding and the company shall have the burden of proving that none of the above enumerated adverse actions should be taken against it. The decision of the Commission may be appealed to the Circuit Court and the State Supreme Court as provided by law. It is therefore

ORDERED, that a show cause hearing in the matter of CT&T shall be held on August 14, 1996, at 10:00 a.m. (CDT) (or as soon thereafter as the parties can be heard) in Room CCR, Public Utilities Commission Office, State Capitol Building, Pierre, South Dakota. And it is

FURTHER ORDERED, that, in the event that CT&T shall file an appropriate annual report, the hearing and actions mentioned herein shall not be held or taken, otherwise this order shall remain in effect.

Dated at Pierre, South Dakota, this 29th day of July, 1996.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

KENNETH STOFFERAHN, Chairman

JAMES A. BURG, Commissioner

LASKA SCHOENFELDER,
Commissioner

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