

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of GHF Associates)	DOCKET NO. 910486-TL
against SOUTHERN BELL TELEPHONE AND)	ORDER NO. 24971
TELEGRAPH COMPANY regarding billing)	ISSUED: 8/26/91
for ESSX service)	
)	

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING PETITION FOR FORMAL PROCEEDING
AND CLOSING DOCKET

BY THE COMMISSION:

On January 9, 1991, Mr. Steven M. Gray of GHF Associates filed a complaint against Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) questioning the validity of the billing for ESSX service for 30 lines listed for Audio Adventures and billed to GHF Associates. Mr. Gray asserted that in March 1990, he had requested that Southern Bell temporarily suspend his ESSX service. He stated that he later received a bill for \$14,875 for termination charges and was informed that Southern Bell does not suspend, only terminates ESSX service. Mr. Gray requested a refund of the amount paid, and asked that he be granted relief from the charges billed pursuant to the termination of service. On March 25, 1991, an informal conference was held in Miami; however, the parties were unable to resolve the dispute.

By Order No. 24654, issued June 11, 1991, we denied Mr. Gray's complaint. The proposed agency action required a response by close of business on July 2, 1991. On July 3, we received Mr. Gray's Petition for Formal Proceeding. Rule 25-22.036(9)(a)(1), Florida Administrative Code, gives the Commission the authority to deny an untimely filed petition. On July 15, 1991, Mr. Gray filed a Motion to Move Petition out of Time. However, in that motion, Mr. Gray failed to show any good cause for granting his request to accept late filing of his Petition for Formal Proceeding. Therefore, Mr. Gray's Motion to Move Petition out of Time is hereby denied. Finally, because we have denied the Motion to Move Petition out of Time, the Petition for Formal Proceeding is denied as untimely filed.

DOCUMENT NUMBER-DATE

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion to Move Petition out of Time filed by Steven Gray on behalf of GHF Associates is hereby denied. It is further

ORDERED that the Petition for Formal Proceeding filed by Steven M. Gray on behalf of GHF Associates is hereby denied as untimely filed. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 26th
day of AUGUST, 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 hearing or judicial review will be granted or result in the relief sought.

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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.