

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of pay)
 telephone certificate in response to)
 show cause order for failure to file)
 1990 annual reports.)
)
 CLIFTON L. CLARKE) DOCKET NO. 910390-TC
)
) ORDER NO. 25381
) ISSUED: 11/25/91

The following Commissioners participated in the disposition of this matter:

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

ORDER CANCELING CERTIFICATE
IN RESPONSE TO SHOW CAUSE ORDER

BY THE COMMISSION:

Clifton L. Clarke (Mr. Clarke) has been a certificated pay telephone service (PATS) provider since November 15, 1989. As a certificated PATS provider, Mr. Clarke is subject to our jurisdiction.

On May 13, 1991, Mr. Clarke was ordered to show cause why he should not be fined \$250 for failing to file his Annual Report as required by Rule 25-24.520, Florida Administrative Code. As part of the Show Cause Order, Mr. Clarke was offered the opportunity to avoid the fine by voluntarily canceling his Certificate of Public Convenience and Necessity and ceasing to provide PATS service. On May 22, 1991, Mr. Clarke responded to Show Cause Order No. 24522. In Final Order No. 25106, we rejected Mr. Clarke's response and required him to pay the fine, voluntarily cancel his certificate, or face involuntary cancellation. Mr. Clarke has elected to voluntarily cancel his certificate.

We note that while we intend to permit Mr. Clarke to cancel his certificate and cease operation as a PATS provider, we are not relieving him of his responsibility for the applicable 1991 Regulatory Assessment Fees.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Clifton L. Clarke shall be permitted to voluntarily cancel his Certificate of Public Convenience and Necessity No. 2403. It is further

ORDERED that Clifton L. Clarke shall surrender his certificate and cease to provide pay telephone service. It is further

ORDERED that this Order shall not be interpreted as relieving Clifton L. Clarke from liability for 1991 Regulatory Assessment Fees. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 25th day of NOVEMBER, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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.

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

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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.