

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930390-TP
proceedings against BEL AIRE) ORDER NO. PSC-93-1384-FOF-TP
MOTEL for violation of Section) ISSUED: 9/22/93
364.3376(6), F.S., and Rule 25-)
4.043, F.A.C., Timely Response)
to Staff Inquiries.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER TO SHOW CAUSE WHY LOCAL SERVICE
SHOULD NOT BE DISCONTINUED

BY THE COMMISSION:

On November 25, 1992, the Department of Business Regulation inspected the Bel Aire Motel (the Motel) at 612 Hinson Avenue, Haines City, Florida. The inspector discovered that the Motel was blocking access to locally available interexchange carriers in apparent violation of Section 364.3376 (6), Florida Statutes. The Motel was notified of the apparent violations on January 29, 1993, and again by certified mail on February 17, 1993. Both letters requested corrective action and a written response confirming such action. No written response has been received. On February 24, 1993 and March 17, 1993, our staff contacted the Motel by telephone and left messages for the manager. On April 6, 1993, an on site inspection was attempted, however staff was unable to find anyone to admit them.

On June 9, 1993, we issued Order No. PSC-93-0866-FOF-TP requiring the Motel to show cause why it should not be fined for violation of Section 364.3376(6), Florida Statutes. A response was due by June 29, 1993. To date, no response has been filed. And a fine has been imposed by a separate Order.

Subsection 364.3376, Florida Statutes, provides in part:

Upon the failure of the responsible party to correct a violation within a mandatory time limit established by the commission or upon a proven pattern of intentional

RECEIVED
10222 OCT 23

ORDER NO. PSC-93-1384-FOF-TP
DOCKET NO. 930390-TP
PAGE 2

blocking the commission shall order the discontinuance of the call aggregator's telephone service or revoke the operator service providers certificate, as applicable.

Given the Motel's failure to respond to Order No. PSC-93-0866-FOF-TP we find it appropriate to require the Motel to show cause in writing why its a local exchange. We find that the Motel's repeated failures to respond represents sufficient intent to justify this action.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Bel Aire Motel at 612 Hinson Avenue, Haines City, Florida shall show cause in writing why its local exchange service should not be discontinued for violation of the requirements set forth in Subsection 364.3376(6), Florida Statutes. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that failure to respond to this Order shall constitute a default and waiver of the right to a hearing. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process and collection of the previously imposed fine.

By ORDER of the Florida Public Service Commission, this 22nd day of September, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay Hizon
Chief, Bureau of Records

(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.

This order is preliminary, procedural or intermediate in nature. 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 25-22.037(1), 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 October 12, 1993.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.