

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930390-TP
proceedings against BEL AIRE) ORDER NO. PSC-94-1308-FOF-TP
MOTEL for violation of Section) ISSUED: October 24, 1994
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
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER REGARDING COLLECTION OF FINE AND CLOSING DOCKET

BY THE COMMISSION:

On June 9, 1993, the Bel Aire Motel located at 612 Hinson Avenue, Haines City, Florida, was ordered to show cause why it should not be fined for violations of Section 364.3376(6), Florida Statutes. (Order No. PSC-93-0866-FOF-TP)

The Bel Aire Motel failed to respond to the show cause order. Therefore, we ordered Bel Aire Motel to pay a \$1,000 fine and to show cause why its local service should not be discontinued. (Order No. PSC-93-1397-FOF-TP, issued September 27, 1993 and Order No. PSC-93-1384-FOF-TP, issued September 22, 1993). A letter was received from the Bel Aire Motel on October 6, 1993. The letter, however, was not a response to Order No. PSC-93-1384-FOF-TP, and local telephone service was discontinued on November 16, 1993.

On August 5, 1994, Bhagveti M. Patel, owner of Bel Aire Motel, advised us in writing that he does not intend to pay the fine, that he no longer has a telephone system for the motel rooms, and that he is closing the motel. Since telephone service is no longer available at the motel, compliance with Section 364.3376(6), Florida Statutes, is moot.

DOCUMENT NUMBER-DATE
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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-1308-FOF-TP
DOCKET NO. 930390-TP
PAGE 2

Thus, since the owner of the motel does not intend to pay the fine, we hold that collection of the fine shall be referred to the Department of Banking and Finance in accordance with the procedures set forth in Section 1610(J) of the Commission's Standard Operating Procedures Manual.

It is therefore

ORDERED by the Florida Public Service Commission that collection of Bel Aire Motel's unpaid \$1,000 fine shall be referred to the Department of Banking and Finance. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 24th day of October, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

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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.

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

ORDER NO. PSC-94-1308-FOF-TP
DOCKET NO. 930390-TP
PAGE 3

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.