

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 4606
issued to Vertex Enterprize &
Investment, Inc. for violation
of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 981294-TC
ORDER NO. PSC-99-2295-PCO-TC
ISSUED: November 29, 1999

**ORDER CONTINUING PROCEEDING AND GRANTING
STAFF'S MOTION FOR EXTENSION OF TIME**

I. CASE BACKGROUND

On May 10, 1996, Vertex Enterprize & Investment, Inc. (Vertex) was granted certificate No. 4606, allowing it to provide pay telephone services. Upon determining that Regulatory Assessment Fees were not received from Vertex for 1997, Commission staff attempted to contact Vertex and found that the company could not be contacted directly through the telephone numbers on record with the Commission. After a Show Cause proceeding was docketed, but prior to a Show Cause Order issuing, Vertex submitted a partial payment and a settlement offer for the violation. Thereafter, we issued Order No. PSC-99-0339-AS-TC, approving the settlement offer. The settlement amount, however, was never received by us, and a certified letter of inquiry was not claimed by Vertex. Additional efforts by our staff to contact Vertex disclosed disconnected and erroneous telephone numbers. When Vertex's certificate was canceled, we received a letter from Vertex protesting the cancellation. Vertex has not, however, made any further efforts to pursue the protest. Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on November 15, 1999, in Tallahassee, Florida, before Commissioner Joe Garcia, as Prehearing Officer.

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II. CONTINUANCE

Vertex failed to appear at the November 15, 1999, prehearing conference and did not comply with any portion of the Order Establishing Procedure for this Docket, Order No. PSC-99-1581-PCO-TC, issued August 11, 1999. Therefore, the prehearing conference and the January 31, 2000, hearing shall be continued to allow our staff to prepare a recommendation on the issues for consideration by the full Commission.

III. RULINGS

Staff's Motion for Extension of Time to File Prehearing Statement is granted. The Prehearing Statement was filed 2 days following the due date, and no one was prejudiced by the delay.

It is therefore,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the proceedings in this Docket are continued for the reason and purpose set forth in the body of this Order.

By ORDER of Chairman Joe Garcia, as Prehearing Officer, this 29th day of November, 1999.



JOE GARCIA
Chairman and Prehearing Officer

(S E A L)

CLF

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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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

M E M O R A N D U M

November 23, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) *OV for CLF*

RE: DOCKET NO. 981294-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4606 ISSUED TO VERTEX ENTERPRIZE & INVESTMENT, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

2295-PCD-TC

Attached is an ORDER CONTINUING PROCEEDING AND GRANTING STAFF'S MOTION FOR EXTENSION OF TIME, to be issued in the above-referenced docket. (Number of pages in order - 3)

CLF/anc
Attachment
cc: Division of Communications
I: 981294po.clf

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MUST GO TODAY