

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 900425-TC
proceedings against LA CUEVA DEL	)	ORDER NO. 24092
CAMARON, INC. for violation of Rule	)	ISSUED: 2/11/91
25-24.520, F.A.C., 1989 Annual Report	)	
Requirement, and Rule 25-4.043,	)	
F.A.C., Response Requirement.	)	
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH  
 MICHAEL MCK. WILSON

ORDER CONCLUDING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Rule 25-24.520, Florida Administrative Code, requires certificated PATS providers to file an annual report by January 31 of the following year. Order No. 23217 requiring La Cueva Del Camaron (La Cueva or the Company) to show cause why it should not be fined \$100 or, in the alternative, face cancellation of its certificate was issued on July 19, 1990.

On July 31, 1990, La Cueva filed a response to Order No. 23217. Essentially, La Cueva's response reflects confusion between the regulatory assessment fee requirement and the annual report requirement. La Cueva also seems to be arguing that if compliance with the administrative regulations interfere with the company's profit margin those regulations should be waived on a case by case basis.

After considering La Cueva's response we find it appropriate to levy the fine proposed in Order No. 23217 or permit La Cueva to voluntarily cancel its certificate. Confusion or misunderstanding regarding administrative regulations, in and of itself is not an adequate defense to failure to comply with administrative rules. Furthermore, inconvenience is not an adequate defense. La Cueva has alternative sources of PATS service if it finds it unprofitable to be a PATS provider. La Cueva has failed to raise any adequate defenses to the allegations raised in Order No. 23217 or request a formal hearing. La Cueva has in effect defaulted with regard to the

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. 24092  
DOCKET NO. 900425-TC  
PAGE 2

formal hearing. La Cueva has in effect defaulted with regard to the allegations set forth in Order No. 23217.

In the event La Cueva fails to respond to this order within 30 days, we find that Certificate No. 1279 should be canceled and this docket automatically closed.

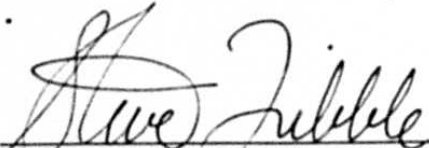
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that La Cueva del Camaron, Inc. shall be required to pay a \$100 fine or voluntarily cancel its certificate for violation of Rule 25-24.520, Florida Administrative Code, 1989 Annual Report Requirement. It is further

ORDERED that if La Cueva del Camaron, Inc. fails to pay the \$100 fine or voluntarily cancel its certificate within thirty days of the date of this Order, Certificate No. 1279 shall be canceled. It is further

ORDERED that this docket shall remain open thirty days pending payment of the fine or cancellation of the certificate, after which the docket shall be closed.

By ORDER of the Florida Public Service Commission, this 11th day of FEBRUARY, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( 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

ORDER NO. 24092  
DOCKET NO. 900425-TC  
PAGE 3

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 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.