

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910345-TC
proceedings against SNAPPER CREEK)	
UNION 76 for violation of Commission)	ORDER NO. 25649
Rule 25-24.520, F.A.C., 1990 Annual)	
Report, and Rule 25-4.043, Response)	ISSUED: 1/29/92
Requirement.)	
)	

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Snapper Creek Union 76 (Snapper Creek) has been a certificated pay telephone service (PATS) provider since August 29, 1986. As a certificated PATS provider, Snapper Creek is subject to our jurisdiction.

Rule 25-24.520, Florida Administrative Code, (the Rule) requires all certificated PATS providers to file an Annual Report by January 31 of the following year. When no 1990 Annual Report was filed by January 31, 1991, this docket was opened on March 12, 1991. On May 13, 1991, we issued Order No. 24517 requiring Snapper Creek to show cause why it should not be fined \$250 for failure to file the required report as required by the Rule. On February 28, 1991, Snapper Creek filed a completed Annual Report with no explanation or comment. This Report was taken to be a response to Order No. 24517. However, Order No. 24517 was returned as undeliverable because of a scrivener's error in addressing the notice of the Order. Snapper Creek had not received notice of Order No. 24517, and the late-filed Annual Report could not have been a response to that Order. Accordingly, we find it appropriate to reaffirm the terms and requirements of Order No. 24517.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Snapper Creek Union 76 shall show cause why it should not be fined \$250, or in the alternative have its certificate revoked for failure to timely file the Report required by Rule 25-24.520, Florida Administrative Code, or return a written request that its certificate be canceled. It is further

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ORDERED that any response filed by Snapper Creek Union 76 described in the body of this Order must contain specific statements as to fact and law. It is further

ORDERED that a response or a request for cancellation shall be filed within 20 days of the date of this Order. It is further

ORDERED that upon receipt of a response as outlined above, and upon Snapper Creek Union 76's request for a hearing, further proceedings will be scheduled by the Commission, at which time the Company will have an opportunity to contest the violations alleged above. It is further

ORDERED that Snapper Creek Union 76's failure to respond in the form and within the prescribed time will constitute an admission of the violations alleged above and a waiver of the right to a hearing. It is further

ORDERED that if Snapper Creek Union 76 elects to pay the \$250 fine within 20 days of the date of this Order, this docket shall be closed. It is further

ORDERED that if no timely response to this Order is filed by Snapper Creek Union 76, Certificate of Public Convenience and Necessity No. 1134 is hereby revoked as set forth in Order No. 24517.

By ORDER of the Florida Public Service Commission, this 29th
day of JANUARY, 1992.



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 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 2/18/92.

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 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.