

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910185-TC
proceedings against AUNT LUCILLE'S)	ORDER NO. 25193
for violation of Rule 25-24.520,)	ISSUED: 10/10/91
Annual Report Requirement.)	
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

FINAL ORDER RESOLVING
SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Aunt Lucille's has been a certificated pay telephone service (PATS) provider since March 2, 1989. As a certificated PATS provider, Aunt Lucille's is subject to our jurisdiction.

On May 2, 1991, we issued Order No. 24469 requiring Aunt Lucille's to show cause why it should not be fined \$250 for failure to file an Annual Report for 1990 as required by Rule 25-24.520, Florida Administrative Code. Order No. 24469 also provided that if Aunt Lucille's elected to cancel its PATS certificate, no fine would be imposed. Finally, Order No. 24469 provided that if Aunt Lucille's failed to file a timely response, its certificate would be canceled and this docket closed.

On May 10, 1991, Aunt Lucille's filed a response to Show Cause Order No. 24469. Aunt Lucille's response consists solely of a Regulatory Assessment Fee Return (RAF Return) and the front page of Order No. 24469. Across the bottom of the front page of Order No. 24469 were the words, "Is this not what you are referring to?"

Aunt Lucille's response does not appear to make any legal or factual assertion that would justify not imposing the fine proposed in Order No. 24469. At best, Aunt Lucille's response demonstrates the PATS provider's confusion between the RAF Return and the Annual Report. We have often ruled such confusion is not adequate to set aside a fine for violation of Rule 25-24.520.

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Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Aunt Lucille's shall, within 30 days, pay the \$250 fine proposed in Order No. 24469 or, in the alternative, voluntarily cancel its Certificate of Public Convenience and Necessity No. 2243. It is further

ORDERED that if Aunt Lucille's elects to voluntarily cancel its certificate, the \$250 fine shall not be imposed, but the Company shall still be liable for the 1991 Regulatory Assessment Fee. It is further

ORDERED that if Aunt Lucille's fails to respond to this Order, its Certificate of Public Convenience and Necessity No. 2243 shall be canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 10th day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Selman
Chief, Bureau of Records

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.

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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.