

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show Cause) DOCKET NO. 881226-TC
 Proceedings against ANGEL'S)
 CAFETERIA for failure to comply) ORDER NO. 20814
 with 1987 annual report requirements.)
 _____) ISSUED: 2-27-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER HONORING PAY TELEPHONE PROVIDER'S
 REQUEST NOT TO CANCEL CERTIFICATE OF SERVICE

BY THE COMMISSION:

On December 6, 1988, Show Cause Order No. 20426 was issued against Angel's Cafeteria for violation of Rule 25-24.520, which requires pay telephone providers (PATS) to file annual reports. The company responded to the show cause order by letter, dated December 24, 1988, detailing the circumstances which resulted in it being in non-compliance of the annual report requirement. In addition, the company requested that the Commission allow it to retain its certificate to provide pay telephone service and not require it to pay the fine of \$100 for non-compliance.

Staff followed up this response with telephone contact and determined that this PATS provider did not understand the responsibilities it incurred by signing the PATS application. Subsequently, the Commission furnished Angel's Cafeteria with a copy of the PATS rules and Pay Telephone Service Information Brochure. The company made immediate efforts to correct its non-compliance by filing its 1988 annual report and by paying the applicable regulatory assessment fee.

Based on the specific facts of this case, we find it appropriate to grant Angel's Cafeteria its request to retain its certificate of service and not require it to pay the \$100 fine.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that based on the specific facts of this case, the request of Angel's Cafeteria to retain its certificate of service is granted. It is further

ORDERED that based on the specific facts of this case, Angel's Cafeteria is not required to pay the \$100 fine for violation of Rule 25-24.520, Florida Administrative Code. It is further

DOCUMENT NUMBER-DATE

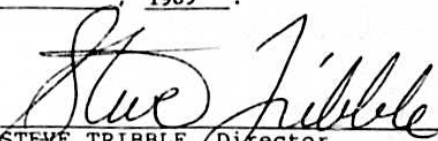
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ORDERED that this docket should be closed upon the issuance of this order.

By ORDER of the Florida Public Service Commission,
this 27th day of FEBRUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DWS/SC

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 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.