

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 890262-TC
proceedings against RAY'S CLEANER)	
for failure to comply with 1987)	
annual report requirements)	
)	
In re: Initiation of show cause)	DOCKET NO. 890280-TC
proceedings against REY CLEANER-)	
COIN LAUNDRY for failure to comply)	ORDER NO. 21267
with 1987 annual report requirements))	
)	ISSUED: 5-22-89

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 RESOLVING SHOW CAUSE PROCEEDINGS
AND CANCELLING CERTIFICATE

BY THE COMMISSION:

Pursuant to Orders No. 20951 and 20952, both issued March 28, 1989, the above-referenced companies were included in a group of pay telephone service (PATS) providers which were ordered to show cause in writing why they should not be fined \$100 for failing to file their 1987 annual reports as required by Rule 25-24.520, Florida Administrative Code.

On April 10, 1989, we received a written response to the above Orders from Reinaldo Romeu, on behalf of himself and his father, Sindulfo Romeu. Reinaldo Romeu's letter indicated that the required annual reports were filed for both certificates.

Staff's subsequent investigation of the matter confirmed that both 1987 Annual Reports were filed, along with the 1987 Regulatory Assessment Fees.

Reinaldo Romeu's letter additionally indicated that neither he nor his father ever intended to have two certificates. It appears that the first PATS application was filled out by a customer premises equipment (CPE) salesman on behalf of Rey Cleaner-Coin Laundry. The owner of the laundry, Sindulfo Romeu, signed the application; however, because of his limited knowledge of the English language, Sindulfo Romeu did not realize that the name of the laundry was misspelled as "Ray's Cleaner." Sindulfo Romeu never purchased a pay telephone from this vendor. About a year later, Reinaldo Romeu purchased a pay telephone from a different CPE vendor and filled out a PATS application under the correct name of the laundry, Rey Cleaner-Coin Laundry. Although Mr. Romeu did not realize both certificates were valid, he still paid all the regulatory assessment fees due for 1985, 1986, 1987 and 1988.

Based upon the specific facts of this case, we find that no fine should be imposed upon these certificate holders. We further find that PATS Certificate No. 181, issued to "Ray's

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Cleaner" should be cancelled, while PATS Certificate No. 1071, issued to Rey Cleaner-Coin Laundry should be the only certificate retained.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that based upon the specific facts of this case, the request of Reinaldo Romeu to retain PATS Certificate No. 1071 is hereby granted. It is further

ORDERED that PATS Certificate No. 181 is hereby cancelled. It is further

ORDERED that Rey Cleaner-Coin Laundry, if it has not already done so, is to return PATS Certificate No. 181 to the Florida Public Service Commission. It is further

ORDERED that these dockets are hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd day of MAY, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

ABG

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

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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.