

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings Against)
the following Companies for Violation of)
Commission Rule 25-24.520, F.A.C., 1988)
Annual Report Requirements for Pay)
Telephone Service Companies and Rule)
25-4.043, F.A.C. Response Requirements)
))
ROBERT WEINER) DOCKET NO. 890996-TC
ROHI MARKETING, INC.) DOCKET NO. 890997-TC
RUDY'S SUPER DUPER) DOCKET NO. 890998-TC
SALAMEH (TOM) BAHUR NATIONAL FOOD STORE) DOCKET NO. 890999-TC
SAMER BAHLOWAN D/B/A DELTA FOOD MARKET) DOCKET NO. 891000-TC
SIBONEY CONTRACTING COMPANY) DOCKET NO. 891001-TC
STANLEY WESTER) DOCKET NO. 891002-TC
SUNRISE FOODS) DOCKET NO. 891003-TC
SUNSHINE SHELL) DOCKET NO. 891052-TC
SUN-TELEPHONE SYSTEMS, INC.) DOCKET NO. 891053-TC
) ORDER NO. 21999
) ISSUED: 10-5-89

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 INITIATING SHOW CAUSE PROCEEDINGS

DEMAND FOR RESPONSE WHY A FINE SHOULD NOT BE IMPOSED OR IN THE ALTERNATIVE, WHY CERTIFICATE SHOULD NOT BE CANCELLED FOR FAILURE TO FILE ANNUAL REPORTS

BY THE COMMISSION:

Rule 25-24.520, Florida Administrative Code, requires the filing of annual reports with the Commission, due January 31st. Rule 25-4.043 requires that all entities under Commission jurisdiction reply to Commission inquiries. As certificated Pay Telephone Service (PATS) providers, the companies listed in the caption of this Order are subject to

ORDER NO. 21999

DOCKETS NOS. 890996-TC, 890997-TC, 890998-TC, 890999-TC,
 891000-TC, 891001-TC, 891002-TC, 891003-TC,
 891052-TC, 891053-TC

Page 2

the jurisdiction of this Commission and have failed to file the required reports. Notices were sent on December 19, 1989, February 23, 1989, and May 8, 1989, respectively, notifying them of these requirements and requesting compliance within 20 days of each notice. As of the date of this order, the companies referenced below have not responded. The subject companies and their respective certificate numbers are as follows:

<u>Name</u>	<u>Certificate No.</u>
ROBERT WEINER	1635
ROMI MARKETING, INC.	2070
RUDY'S SUPER DUPER	999
SALAMEH (TOM) BAHUR NATIONAL FOOD STORE	1404
SAMER BAHRAWAN D/B/A DELTA FOOD MARKET	2127
SIBONEY CONTRACTING COMPANY	1829
STANLEY WESTER	1916
SUNRISE FOODS	1783
SUNSHINE SHELL	1788
SUN-TELEPHONE SYSTEMS, INC.	1836

Pursuant to Section 364.285, Florida Statutes, this Commission is authorized to levy a fine of up to \$5,000 for each violation of a statute, rule or order subject to the Commission's jurisdiction or to revoke a certificate of public convenience and necessity. Accordingly, we find it appropriate to require each PATS company listed above to show cause in writing why it should not be fined \$100, or in the alternative, have its certificate revoked for failure to file its 1988 annual report as required by Rule 25-24.520 and for failure to respond to Commission inquiries as required by Rule 25-4.043. All responses to this Order to Show Cause shall be filed in conformance with Rules 25-22.036(7)(a) and 25-22.037(1), Florida Administrative Code. Each Company's response shall contain specific statements as to fact and law.

If any PATS company fails to respond to this show cause in the form and within the time limits prescribed, the facts alleged in this Order shall be deemed true and shall constitute an admission of guilt of the violation of Rule 25-24.520 and a waiver of the right to a hearing. If no response is received from a company, we find it appropriate that no fine be imposed and that the company's certificate be cancelled.

ORDER NO. 21999

DOCKETS NOS. 890996-TC, 890997-TC, 890998-TC, 890999-TC,
891000-TC, 891001-TC, 891002-TC, 891003-TC,
891052-TC, 891053-TC

Page 3

Any company desiring to avoid the potential of either a fine or revocation of its certificate as a result of this show cause order may request voluntary cancellation of its certificate. If a company requests cancellation of its certificate, this show cause order will be withdrawn as to that party. A request for cancellation pursuant to this Order shall be filed within the time limits set forth herein. A request for cancellation of a certificate must include (a) a statement of intent and date to pay Regulatory Assessment Fee and (b) a statement of why the certificate is proposed to be cancelled. Payment of fine or a written request to cancel a certificate should be mailed to:

Director of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each company listed in the caption of this Order shall show cause in writing why it should not be fined \$100 or, in the alternative, have its certificate revoked for failure to file the reports required by Rule 25-24.520, Florida Administrative Code, or return a written request that its certificate be cancelled and the docket be administratively closed. It is further

ORDERED that any response filed by any company 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 a Company'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

ORDER NO. 21999

DOCKETS NOS. 890996-TC, 890997-TC, 890998-TC, 890999-TC,
 891000-TC, 891001-TC, 891002-TC, 891003-TC,
 891052-TC, 891053-TC

Page 4

ORDERED that any Company's failure to respond in the form and within the prescribed time will constitute admission of guilt of the violations alleged above and a waiver of the right to a hearing. It is further

ORDERED that if no timely response to this Order is filed by a Company described herein, that Company's certificate will be revoked.

By ORDER of the Florida Public Service Commission,
 this 5th day of October, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

JSR

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 adversely affected by the action proposed by this order may file a petition for a formal proceeding pursuant to Rule 25-22.037(1),

ORDER NO. 21999

DOCKETS NOS. 890996-TC, 890997-TC, 890998-TC, 890999-TC,
891000-TC, 891001-TC, 891002-TC, 891003-TC,
891052-TC, 891053-TC

Page 5

Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a), 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 October 25, 1989. Failure to respond by October 25, 1989, 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 October 26, 1989.

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 an 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 the default set forth in 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.