

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public)	DOCKET NO. 891208-TC
Service Commission of Pay Telephone)	
Certificate No. 89 issued to ALL)	ORDER NO. 22833
COUNTY TELEPHONE COMPANY, INC.)	
_____)	ISSUED: 4-18-90

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 DISMISSING ACTION TO CANCEL CERTIFICATE

BY THE COMMISSION:

In Order No. 22288, this Commission proposed to cancel the certificate of All County Telephone because the company's certificate, or the regulatory assessment fee billing had been returned by the Post Office as undeliverable and because Commission Staff was unable to contact the company by telephone. All County Telephone replied to the order in a timely manner and Staff Counsel contacted the company in an effort to settle the matter without a hearing. The Company President, Edward Wanisko, in his reply, alleged that he had been having trouble receiving mail at the address listed in Commission records and he supplied a new address. He alleges that he never received any of the notices sent by Commission Staff, that he wants and intends to abide by all Commission Rules and that he understands the importance of answering Commission communications. Further, it appears that Staff incorrectly determined the contact number and that a correct contact number did appear in the company's file.

The company did have a correct contact number in its file, and it has exhibited a clear intention to abide by Commission Rules. We accept that the trouble Staff encountered trying to contact the company was not due to the fault of the company. Therefore, we believe that it would be appropriate to withdraw Order No. 22288 and dismiss this action. However, we caution the company that transgressions of Commission Rules will not be dealt with lightly.

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Based on the foregoing, it is hereby

ORDERED by the Florida Public Service Commission that this action to cancel the certificate of All County Telephone Company, Inc., is hereby dismissed. It is further,

ORDERED that this docket be and the same is hereby closed.

By ORDER of the Florida Public Service Commission,
this 18th day of APRIL, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JSR

by: Kay Flynn
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.

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

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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.