

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings against) DOCKET NO. 900364-TC
 D&E STOP & SHOP for Violation of) ORDER NO. 23890
 Commission Rule 25-24.520, 1989 Annual) ISSUED: 12-17-90
 Report Requirement, and Rule 25-4.043,)
 Response Requirement)
 _____)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

ORDER CANCELLING CERTIFICATE AND CLOSING DOCKET

BY THE COMMISSION:

By Order No. 23417, D&E Stop & Shop (D&E or the Company) was ordered to show cause why it should not be fined for failure to file the required Annual Reports pursuant to Rule 25-24.520, Florida Administrative Code. In the alternative, D&E was offered the option of cancelling its Certificate of Public Convenience and Necessity with no imposition of a fine. D&E has elected to cancel Certificate No. 1837 and cease providing pay telephone service. We therefore approve D&E's request to cancel D&E's Certificate of Public Convenience and Necessity to provide pay telephone service.

Our cancellation of the certificate held by D&E and the closing of the docket in no way diminishes the Company's obligation to pay applicable delinquent regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the certificate of public convenience and necessity held by D&E Stop & Shop, Certificate No. 1837, is cancelled effective upon the issuance of this Order. It is further

ORDERED that this docket be closed.

DOCUMENT NUMBER-DATE

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By ORDER of the Florida Public Service Commission this 17th
day of DECEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.