

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 900353-TC
proceedings against CHARLES D. ROBERTSON	)	ORDER NO. 24102
for violation of Commission Rule	)	ISSUED: 2-14-91
25-24.520, 1989 Annual Report	)	
Requirement, and Rule 25-4.043, Response	)	
Requirement.	)	
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH  
 MICHAEL MCK. WILSON

ORDER CONCLUDING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Rule 25-24.520, Florida Administrative Code, requires certificated PATS providers to file an annual report by January 31 of the following year. Order No. 23252 requiring Charles D. Robertson to show cause why he should not be fined \$100 or, in the alternative, face cancellation of his certificate was issued on July 19, 1990.

On August 3, 1990, Mr. Robertson filed a response to Order No. 23252. In his response, Mr. Robertson maintained that he had previously paid the regulatory assessment fees required by Rule 25-4.0161, Florida Administrative Code. We find that this portion of the response reflects Mr. Robertson's confusion with regard to regulatory assessment fee returns and annual reports. Such confusion does not constitute an adequate cause for failure to file the annual report in a prompt and timely manner. Mr. Robertson also stated that he had never received an annual report to complete. Rule 25-24.520 sets forth the information to be provided in the annual report but does not require that information be provided in any particular form or format. We adopt the position that completion of the annual report form is the responsibility of the certificate holder and that our staff forwards blank forms to certificate holders only as a courtesy and convenience.

In his response Mr. Robertson failed to raise any factual or legal argument that might act as an adequate defense to the allegations raised in Order No. 23252. Furthermore, Mr. Robertson

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failed to request a formal hearing. In effect, Mr. Robertson's response acted as a non-response and a default.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Charles D. Robertson shall be required to pay a \$100 fine or voluntarily cancel his certificate for violation of Rule 25-24.520, Florida Administrative Code, 1989 Annual Report Requirement. It is further

ORDERED that if Charles D. Robertson fails to pay the \$100 fine or voluntarily cancel his certificate within thirty days of the date of this Order, Certificate No. 630 shall be automatically canceled. It is further

ORDERED that this docket shall remain open thirty days pending payment of the fine or cancellation of the certificate, after which the docket shall be closed.

By ORDER of the Florida Public Service Commission, this 14th day of FEBRUARY, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.

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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.