

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900466-TC
proceedings against RAY & YVONNE LYNN)	ORDER NO. 24162
for violation of Commission Rule)	ISSUED: 2/25/91
25-24.520, 1989 Annual Report)	
Requirement, and Rule 25-4.043,)	
Requirement.)	
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 BETTY EASLEY
 FRANK S. MESSERSMITH
 MICHAEL McK. WILSON

ORDER RESOLVING SHOW CAUSE PROCEEDINGS

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. 23219, requiring Ray and Yvonne Lynn to show cause why they should not be fined \$100 for violation of Rule 25-24.520, was issued on July 25, 1990.

On August 1, 1990, Ray and Yvonne Lynn filed a response to Order No. 23219. Essentially, confusion exists on the part of Ray and Yvonne Lynn regarding the regulatory assessment fee and the annual report filing. Ray and Yvonne Lynn indicated that there was no revenue collected in 1989. This is irrelevant because Rule 25-24.520 requires the annual report whether or not any revenue is collected. Furthermore, Ray and Yvonne Lynn indicated that they did not receive any information regarding the filings. Rule 25-24.520 does not prescribe any particular form or format but only specifies the date and information required. We adopt the position that whether or not a notification to file an annual report was received, as PATS providers they are responsible for filing an annual report. Notice of the requirement and forms are only provided as a convenience. Ray and Yvonne Lynn's response contains no assertions that, even if accepted as true, would constitute an adequate defense to the allegations raised in Order No. 23219. The response filed by Ray and Yvonne Lynn is essentially a default with regard to Order No. 23219.

We find it appropriate to impose the fine proposed in Order No. 23252 or, in the alternative, permit Ray and Yvonne Lynn to voluntarily cancel their certificate. In the event Ray and Yvonne Lynn fail to respond to this Order within 30 days, Certificate No. 1652 shall be canceled and this docket automatically closed.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. 24162
DOCKET NO. 900466-TC
PAGE 2


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ray and Yvonne Lynn shall pay the \$100 fine imposed in Order No. 23219 or, in the alternative, voluntarily cancel their Certificate No. 1652. It is further

ORDERED that if Ray and Yvonne Lynn fail to respond to this Order within 30 days of the date this Order is issued, their Certificate No. 1652 shall be automatically canceled. It is further

ORDERED that, pending payment of the \$100 fine or cancellation of Certificate No. 1652, this docket shall remain open 30 days and then automatically closed.

By ORDER of the Florida Public Service Commission, this 25th day of FEBRUARY, 1991



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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by

ORDER NO. 24162
DOCKET NO. 900466-TC
PAGE 3

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.