

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900335-TC
proceedings against ANNUNZIATA)	
HOLDINGS, INC. for violation of)	ORDER NO. 24169
Commission Rule 25-24.520, 1989 Annual)	
Report Requirement, and Rule 25-4.043,)	ISSUED: 2/26/91
Response Requirement.)	
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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

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 Annunziata Holdings, Inc. (Annunziata) to show cause why it should not be fined \$100 for violation of Rule 25-24.520, was issued on July 25, 1990.

On July 30, 1990, Annunziata filed a response to Order No. 23252. Essentially, confusion exists on the part of Annunziata regarding the regulatory assessment fee and the annual report filing. Annunziata indicated that it did not receive any information regarding the filings. Also, Annunziata indicated that there was a change in its mailing address. Notice of an address change was not filed until August 6, 1990. Commission Rule 25-24.520(1), Florida Administrative Code, requires certificated telephone companies to maintain a correct current address with the Commission's Division of Communications. We adopt the position that completion of the annual report requirement is the responsible of each PATS provider and forms are provided only as a convenience and courtesy.

Annunziata failed to make specific factual or legal arguments that, even if accepted as true, would constitute an effective defense to the allegations made in Order No. 23252. The overall effect of Annunziata's response is to act as a default.

We find it appropriate to impose the fine proposed in Order No. 23252 or, in the alternative, permit Annunziata to voluntarily

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cancel its certificate. In the event Annunziata fails to respond to this Order within 30 days, Certificate No. 2276 should be canceled and this docket automatically closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Annunziata Holdings, Inc. shall be required to pay the \$100 fine proposed in Order No. 23252 within 30 days of the date of this Order. It is further

ORDERED that if Annunziata Holdings, Inc. elects to not pay the aforementioned fine, its Certificate No. 2276 shall be automatically canceled. It is further

ORDERED that this docket shall remain open 30 days pending payment of the fine or cancellation of the certificate, and the docket shall then be automatically closed.

By ORDER of the Florida Public Service Commission, this ~~26th~~
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

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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.