

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900412-TC
proceedings against GILBERTO BOTERO for)	
violation of Commission Rule 25-24.520,)	ORDER NO. 24193
1989 Annual Report Requirement, and Rule)	
25-4.043, Response Requirement.)	ISSUED: 3-4-91
)	

The following Commissioners participated in the disposition of this matter:

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

FINAL 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. On July 14, 1990, Order No. 23220 requiring Gilberto Botero to show cause why he should not be fined \$100 or, in the alternative, face cancellation of his certificate for violation of Rule 25-24.520.

On July 30, 1990, Mr. Botero filed a timely response to Order No. 23220. Essentially, Mr. Botero's response is based on a change of address and the resulting non-delivery or delayed delivery of mail. Rule 25-24.520(1), Florida Administrative Code, requires certificated telephone companies to maintain a correct current address with the our Division of Records and Reporting. Mr. Botero does not specify when or how he attempted to correct his address did he submit a copy of an address correction. Mr. Botero's assertion that he attempted to contact the Division of Records and Reporting in order to correct his address does not rise to the level of specificity required under Rule 25-22.036(7)(a), Florida Administrative Code. Furthermore, certificated PATS providers are responsible for filing the prescribed annual report whether or not the our staff contacts them. Mr. Botero fails to raise specific factual or legal arguments that would constitute an effective defense to the allegations made in Order No. 23220 nor does he request a formal hearing. The overall effect of Mr. Botero's response is to act as a default.

DOCUMENT NUMBER-DATE

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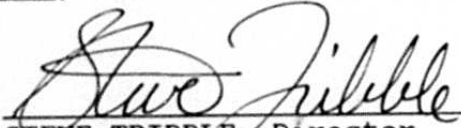
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gilberto Botero shall be required to pay the \$100 fine proposed in Order No. 23220 or, in the alternative, voluntarily cancel his Certificate No. 2139. It is further

ORDERED that if Mr. Botero fails to pay the \$100 fine or cancel his certificate within 30 days, Certificate No. 2139 shall be automatically canceled and this docket closed. It is further

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

By ORDER of the Florida Public Service Commission, this 4th day of March, 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 filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of

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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. c