

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 910173-TC
proceedings against AMERICAN MULTI-) ORDER NO. 25034
CINEMA, INC. for violation of Rule) ISSUED: 9/9/91
25-24.520, Annual Report Requirement.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

FINAL ORDER RESOLVING
SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

American Multi-Cinema, Inc. (AMC or the Company) has been a certificated pay telephone service (PATS) provider since December 22, 1988. As a certificated PATS provider, AMC is subject to our jurisdiction.

On May 2, 1991, we issued Order No. 24468 requiring AMC to show cause why it should not be fined \$250 for failure to file an Annual Report for 1991 as required by Rule 25-24.520, Florida Administrative Code. Order No. 24468 also provided that if AMC elected to cancel its PATS certificate, no fine would be imposed. Finally, Order No. 24468 provided that if AMC failed to file a timely response, its certificate would be canceled and this docket closed.

On May 10, 1991, AMC filed a response to Order No. 24468. In its response, AMC admits the violation and apologizes. AMC indicates that the Annual Report form was sent to its corporate headquarters in Kansas City, Missouri rather than the local office in Clearwater, Florida and was consequently "...lost in the shuffle."

The report form appears to have been properly sent to the address supplied by AMC. Furthermore, we have repeatedly ruled that the report form is merely supplied as a convenience and a courtesy and that failure to receive the form is not adequate cause for failure to supply the required information in a timely fashion.

DOCUMENT NUMBER-DATE

08937 SEP -9 1991

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AMC's response contains no specific factual or legal argument that, even if accepted as true, would constitute a defense to the allegations made in Order No. 24468. The overall effect of AMC's response is to act as a default and a waiver of the right to a formal hearing.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that American Multi-Cinema, Inc. shall, within 30 days, pay the \$250 fine proposed in Order No. 24468 or, in the alternative, voluntarily cancel its Certificate of Public Convenience and Necessity No. 2194. It is further

ORDERED that if American Multi-Cinema, Inc. elects to voluntarily cancel its certificate, the \$250 fine shall not be imposed, but the Company shall still be liable for the 1991 Regulatory Assessment Fee. It is further

ORDERED that if American Multi-Cinema, Inc. fails to respond to this Order, its Certificate of Public Convenience and Necessity No. 2194 shall be canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 9th day of SEPTEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Helton
Chief, Bureau of Records

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

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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.

MEMORANDUM

September 9, 1991

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (ADAMS) *JKA*
RE : DOCKET NO. 910173-TC

TR

25034

Attached is a FINAL ORDER RESOLVING SHOW CAUSE PROCEEDINGS in the above-referenced docket, which is ready to be issued.

JKA/ttl
Attachment
cc: Division of Communications

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