

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910200-TC
proceedings against CITY VENDING,)	ORDER NO. 25192
INC. for violation of Rule)	ISSUED: 10/10/91
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
 MICHAEL MCK. WILSON

FINAL ORDER RESOLVING
SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

City Vending, Inc. (City or the Company) has been a certificated pay telephone service (PATS) provider since August 8, 1989. As a certificated PATS provider, City is subject to our jurisdiction.

On May 7, 1991, we issued Order No. 24493 requiring City to show cause why it should not be fined \$250 for failure to file an Annual Report for 1990 as required by Rule 25-24.520, Florida Administrative Code. Order No. 24493 also provided that if City elected to cancel its PATS certificate, no fine would be imposed. Finally, Order No. 24493 provided that if City failed to file a timely response, its certificate would be canceled and this docket closed.

On May 30, 1991, City Vending filed a response to Order No. 24493. City Vending's response is little more than an admission of fault and a request that the company not be fined because of ignorance regarding the filing requirement and the company's lack of experience with Commission requirements.

We have repeatedly ruled that PATS providers are placed on constructive notice of all rules regulating PATS by completion of the application. City Vending's response is a default and waiver of the right to a hearing.

DOCUMENT NUMBER-DATE

10069 OCT 10 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25192
DOCKET NO. 910200-TC
PAGE 2

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that City Vending, Inc. shall, within 30 days, pay the \$250 fine proposed in Order No. 24493 or, in the alternative, voluntarily cancel its Certificate of Public Convenience and Necessity No. 2342. It is further

ORDERED that if City Vending, 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 City Vending, Inc. fails to respond to this Order, its Certificate of Public Convenience and Necessity No. 2342 shall be canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 10th day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Flynn
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 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.

ORDER NO. 25192
DOCKET NO. 910200-TC
PAGE 3

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.