

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910262-TC
proceedings against J.C. CASH, INC.)	ORDER NO. 25195
for violation of Rule 25-24.520,)	ISSUED: 10/10/91
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:

J.C. Cash, Inc. (Cash or the Company) has been a certificated pay telephone service (PATS) provider since February 2, 1989. As a certificated PATS provider, Cash is subject to our jurisdiction.

On May 7, 1991, we issued Order No. 24495 requiring Cash 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. 24495 also provided that if Cash elected to cancel its PATS certificate, no fine would be imposed. Finally, Order No. 24495 provided that if Cash failed to file a timely response, its certificate would be canceled and this docket closed.

On June 3, 1991, Cash filed a response to Show Cause Order No. 24495. In its response, Cash alleged that its telephones were not currently functioning and that it had notified both the Commission and the Division of Consumer Affairs at least three times of this fact. Cash stated that it believed that it was not a PATS provider if its telephones were not functioning. Cash also stated that while it did not file the Annual Report, it did notify our Staff of the reason for not filing and proposed that its license be temporarily revoked. Finally, Cash proposed that the fine be abated or reduced until it could repair its phones.

Cash has failed to set forth any legal or factual argument sufficient to set aside or abate the proposed fine. We certificate

DOCUMENT NUMBER-DATE

10072 OCT 10 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25195
DOCKET NO. 910262-TC
PAGE 2

PATS providers, not instruments, and the report requirement is predicated on possession of the certificate, not on provision of the service. Furthermore, the rules regulating PATS providers do not provide for temporary revocation for the convenience of the certificated entity. Cash's response constitutes an admission of the facts alleged, a default, and a waiver of the right to a hearing.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that J.C. Cash, Inc. shall, within 30 days, pay the \$250 fine proposed in Order No. 24495 or, in the alternative, voluntarily cancel its Certificate of Public Convenience and Necessity No. 2238. It is further

ORDERED that if J.C. Cash, 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 J.C. Cash, Inc. fails to respond to this Order, its Certificate of Public Convenience and Necessity No. 2238 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

ORDER NO. 25195
DOCKET NO. 910262-TC
PAGE 3

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 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.