

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause ) DOCKET NO. 920340-TC  
proceedings against ALAN H. ) ORDER NO. PSC-92-0452-FOF-TC  
GRATHWOHL for violation of Rule ) ISSUED: 06/04/92  
25-4.0161(2), F.A.C., Regulatory )  
Assessment Fee Filing )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
SUSAN F. CLARK  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER TO SHOW CAUSE WHY CERTIFICATE  
SHOULD NOT BE CANCELLED

BY THE COMMISSION:

Alan H. Grathwohl has been a certificated pay telephone service (PATS) provider since April 2, 1989. As a certificated PATS provider, Mr. Grathwohl is subject to our jurisdiction.

Rule 25-4.016(2), Florida Administrative Code, requires:

Regulatory assessment fees and the applicable regulatory assessment fee return form are due each January 30 for the preceding period or any part of the preceding period or any part of the period from January 1 until June 30...Form PSC/CMU 26, entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return." Each company shall have up to and including the due date in which to submit the applicable form and:

- (a) Remit the total amount of its fee, or
- (b) Remit an amount which the company estimates is its full fee, or
- (c) Seek and receive from the Commission a 30-day extension of its due date.

In December 1991, regulatory assessment fee (RAF) return forms for the period July 1, 1991-December 31, 1991 were mailed to certificated utilities. Responses were due to the Bureau of Fiscal Services by January 30, 1992 as required by Rule 25-4.016(2).

To date, Mr. Grathwohl has failed to file a RAF Return for the period July 1, 1991-December 31, 1991. Furthermore, Mr. Grathwohl failed to file a regulatory assessment fee form for the period January 1-June 30, 1991.

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Based on Mr. Grathwohl's failure to comply with Rule 25-4.016(2), we believe it appropriate to require Mr. Grathwohl to show cause why certificate 2240 should not be cancelled. We take this action based, in part, on the assumption that Mr. Grathwohl's non-response is caused by his cessation of activity as a PATS provider.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alan H. Grathwohl shall be required to show cause why his Certificate of Public Convenience and Necessity No. 2240 should not be cancelled for violation of Rule 25-4.0161(2), Florida Administrative Code, as outlined in the body of this Order. It is further

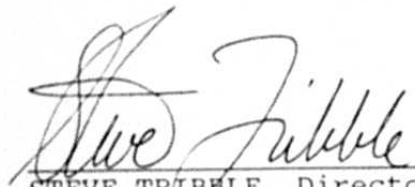
ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below and shall set forth specific arguments of fact and law. It is further

ORDERED that if no response to this Order is timely filed, the failure to respond shall be deemed an admission of the allegations and a default. It is further

ORDERED that if Alan H. Grathwohl should default, Certificate No. 2240 will be cancelled and this docket closed. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process.

By ORDER of the Florida Public Service Commission, this 4th day of June, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 24, 1992.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.