

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 920529-TC
proceedings against STEVEN J.) ORDER NO. PSC-93-0183-FOF-TC
KURLANSIK for violation of Rule) ISSUED: 02/08/93
25-4.161(2), F.A.C., Regulatory)
Assessment Fee Filing.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA J. JOHNSON
LUIS J. LAUREDO

FINAL ORDER RESOLVING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Steven J. Kurlansik has been a certificated pay telephone service (PATS) provider since January 10, 1989. As a certificated PATS provider Mr. Kurlansik is subject to our jurisdiction pursuant to Chapter 364, Florida Statutes.

On August 24, 1992 we issued Order No. PSC-92-0858-FOF-TC requiring Mr. Kurlansik to show cause in writing why he should not be fined \$250 or in the alternative have his Certificate cancelled for failure to timely file the annual report as required by Rule 25-4.0161(2), Florida Administrative Code. On October 10, 1992 we issued Order No. PSC-92-1142-FOF-TC extending the response period until October 27, 1992 because of mail delivery problems arising from Hurricane Andrew.

On September 14, 1992 Mr. Kurlansik filed a response to Order No. PSC-92-0858-FOF-TC. In his response, Mr. Kurlansik essentially admits the facts alleged in Order No. PSC-92-0858-FOF-TC.

Mr. Kurlansik bases his response to Order No. PSC-92-0858-FOF-TC on the failure of his agent to meet the requirements. In acquiring the PATS certificate however, Mr. Kurlansik not only acquired the authority to provide PATS, he assumed the obligation to file the Regulatory Assessment Fee and the Annual Report in a timely manner. While Mr. Kurlansik may have a cause of action against his agent, he is liable for the violations. Accordingly, the penalties proposed in Order No. PSC-92-0858-FOF-TC should be imposed.

DOCUMENT NUMBER-DATE

01528 FEB-89

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If Mr. Kurlansik elects to cancel his Certificate No. 2210, no fine shall be imposed and this docket shall be closed. If Mr. Kurlansik fails to respond to the final Order, no fine should be imposed, the certificate cancelled and the docket closed. If Mr. Kurlansik elects to pay the \$250 fine no further action should be taken and the docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the penalty proposed in Order No. PSC-92-0858-FOF-TC are hereby imposed against Steven J. Kurlansik. It is further

ORDERED that if Steven J. Kurlansik elects to cancel his Certificate No. 2210 no fine shall be imposed and this docket shall be closed. It is further

ORDERED that if Steven J. Kurlansik fails to respond to this Order, Certificate No. 2210 shall be cancelled, no fine imposed and this docket closed. It is further

ORDERED that if Steven J. Kurlansik pays the \$250 fine, no further action shall be taken and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of February, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

Commissioner Laredo dissented.

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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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.