

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 920451-TC
proceedings against EL CARRETON) ORDER NO. PSC-93-0327-FOF-TC
RESTAURANT for violation of Rule) ISSUED: 03/03/93
25-4.0161(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 L. JOHNSON
LUIS J. LAUREDO

ORDER RESOLVING SHOW CAUSE PROCEEDINGS AND CLOSING DOCKET

El Carreton Restaurant (El Carreton) has been a certificated pay telephone service (PATS) provider since April 2, 1991. As a certificated PATS provider, El Carreton is subject to our jurisdiction pursuant to Chapter 364, Florida Statutes.

On August 27, 1992, we issued Order No. PSC-93-0891-FOF-TC requiring El Carreton to show cause why it should not have its certificate cancelled or in the alternative be fined \$250.00 for failure to file its Annual Report and pay its Regulatory Assessment Fee as required by Rule 25-4.0161(2), Florida Statutes. A response to Order No. PSC-92-0891-FOF-TC was due by September 16, 1992.

Because of mail delivery problems in the Miami area caused by Hurricane Andrew, Order No. PSC-92-1144-FOF-TC was issued to permit responses to be filed by October 28, 1992.

On November 5, 1992, El Carreton's Certificate No. 2637 was cancelled for failure to respond to the Orders to Show Cause. On November 10, 1992, El Carreton filed a response to the Show Cause Order. The docket was reopened on November 12, 1992, to allow us to consider the substance of El Carreton's response.

El Carreton argues that it should not be penalized because of numerous personal tragedies experienced by the owner. These hardships included National Guard Duty in Desert Storm, serious family illness, and loss of property in Hurricane Andrew.

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We recognize the undue difficulties such hardships pose to small PATS providers. In doing so, we find it appropriate to impose no penalty based on these specific limited facts and order the docket to be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that no penalty shall be imposed in this docket. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd day of March, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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

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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.