

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause ) DOCKET NO. 930390-TP  
proceedings against BEL AIRE ) ORDER NO. PSC-93-0866-FOF-TP  
MOTEL for violation of Section ) ISSUED: June 9, 1993  
364.3376(6), F.S., and Rule 25- )  
4.043, F.A.C., Timely Response )  
to Staff Inquiries. )  
\_\_\_\_\_)

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 TO SHOW CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED

BY THE COMMISSION:

On November 25, 1982, the Department of Business Regulation inspected the Bel Aire Motel (the Motel) at 612 Hinson Avenue, Haines City, Florida. The inspector discovered that the Motel was blocking access to locally available interexchange carriers in apparent violation of Section 364.3376(6), Florida Statutes. The Motel was notified of the apparent violations on January 29, 1993, and again by certified mail on February 17, 1993. Both letters requested corrective action and a written response confirming such action. No written response has been received. On February 24, 1993 and March 17, 1993, our staff contacted the Motel by telephone and left messages for the manager. On April 6, 1993 an on site inspection was attempted to no avail.

We find, based on the information before us, reasonable cause to believe that the Bel Aire Motel has violated Section 364.3376(6), Sections 365.285 and 364.3376(6), Florida Statutes, provides us with authority to fine all aggregators up to \$25,000 per day per violation. Pursuant to this authority, we find it appropriate to order the Motel to show cause why it should not be fined for violators of Section 364.3376(6).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Bel Aire Motel, located at 612 Hinson Avenue, Haines City, Florida shall show cause why should not be fined for violations of Section 364.3376(6), Florida Statutes, it is further,

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ORDERED that any protest of this order shall be pursuant to the requirements set forth below. It is further

ORDERED that this docket remain open pending resolution of the Show Cause process.

By ORDER of the Florida Public Service Commission this 9th day of June, 1993.

  
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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

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office at 101 East Gaines Street, Tallahassee, Florida 32399-0870,  
by the close of business on June 29, 1993.

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 wastewater 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.