

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930390-TP
proceedings against BEL AIRE) ORDER NO. PSC-93-1397-FOF-TP
MOTEL for violation of Section) ISSUED: September 27, 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
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

FINAL ORDER IMPOSING FINE

BY THE COMMISSION:

On November 25, 1992, 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, however staff was unable to find anyone to admit them.

On June 9, 1993, we issued Order No. PSC-93-0866-FOF-TP requiring the Motel to show cause why it should not be fined for violation of Section 364.3376(6), Florida Statutes. A response was due by June 29, 1993. To date, no response has been filed.

The Motel's failure to respond to Order No. PSC-93-0866-FOF-TP essentially constitutes an admission of the facts alleged in that Order, a default and a waiver of the right to a formal hearing. The Motel has failed to demonstrate any defense to the proposed penalty and accordingly we find it appropriate to impose the fine. Fines for similar violations have ranged from \$200 to \$1,000.

DOCUMENT NUMBER-DATE

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Because of the Motel's disregard for Order No. PSC-93-0866-FOF-TP we find it appropriate to levy a \$1,000 fine.

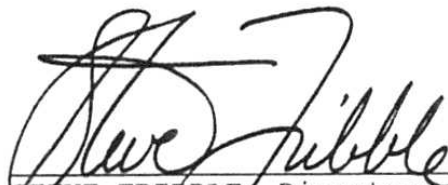
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Bel Aire Motel, located at 612 Hinson Avenue, Haines City, Florida, shall be fined \$1,000 for violation of section 364.3376(6), Florida Statutes, as proposed in Order No. PSC-93-0866-FOF-TP. It is further

ORDERED that reasonable efforts shall be made to collect the fine. It is further

ORDERED that this docket shall remain open pending payment of the fine and resolution of a subsequent show cause Order.

By ORDER of the Florida Public Service Commission this 27th day of September, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.