

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause ) DOCKET NO. 930793-TC  
proceedings against SPARKLE HOME ) ORDER NO. PSC-93-1656-FOF-TC  
STYLE LAUNDRY, INC. for ) ISSUED: November 12, 1993  
violation of Rule 25- )  
24.520(1)(a) and (b), F.A.C., )  
Reporting Requirements. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER TO SHOW CAUSE

BY THE COMMISSION:

On June 4, 1993, the United States Postal Service returned mail addressed to Sparkle Home Style Laundry, Inc. (Sparkle), the holder of Pay Telephone Certificate No. 3303, to this Commission. The Staff of this Commission accordingly made several attempts to contact, via the telephone number reflected in our records, Sparkle's official Commission liaison, Garth Friedburg, but was unsuccessful. Staff thereupon obtained the telephone number for Sparkle from directory assistance. Next, Staff telephoned Sparkle, but was informed that Mr. Friedburg was no longer employed.

By letter dated June 21, 1993, Staff requested that Sparkle provide, in writing, its correct mailing address and the name of its current official Commission liaison. That letter was returned, with a note that Mr. Friedburg had moved out of state. Staff then telephoned Sparkle and spoke with Dick Harmon, the current owner of Sparkle. Mr. Harmon reported that he has no knowledge of any pay telephone activities.

Under Rule 25-24.514(1)(a) & (b), Florida Administrative Code, this Commission may cancel a certificate for a violation of the terms and conditions under which the certificate was granted or for a violation of a Commission rule or order. Pursuant to Rule 25-24.520(1)(a) & (b), Florida Administrative Code, pay telephone providers are required to inform this Commission of any change in their address or the name, title, and telephone number of their primary liaison person, in writing, within ten days after such change.

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Since we have not been able to contact anyone who has any knowledge of Sparkle's pay telephone activities, it appears that Sparkle is in violation of Rule 25-24.520(1)(a) & (b), Florida Administrative Code. We, therefore, find it appropriate to require Sparkle to show cause, in writing, within twenty days of the date of this Order, why we should not cancel Certificate No. 3303. Sparkle's written response must contain specific allegations of fact and law. Moreover, should Sparkle fail to file a timely response, such failure shall constitute an admission of the alleged violations, a waiver of any right to a hearing, and shall result in the automatic cancellation of Certificate No. 3303.

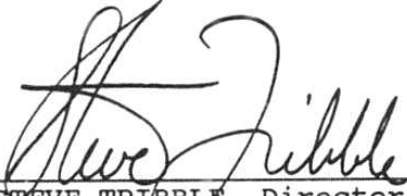
It is, therefore,

ORDERED by the Florida Public Service Commission that Sparkle Home Style Laundry, Inc. shall show cause, in writing, within twenty days of the date of this Order, why we should not cancel Certificate No. 3303. It is further

ORDERED that the written response of Sparkle Home Style Laundry, Inc. shall contain specific allegations of fact and law. It is further

ORDERED that, should Sparkle Home Style Laundry, Inc. fail to file a timely response to this Order, such failure shall constitute an admission of the violations alleged herein, a waiver of any right to a hearing, and shall result in the automatic cancellation of Certificate No. 3303.

By ORDER of the Florida Public Service Commission this 12th day of November, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP

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 December 2, 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.