

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930794-TC
proceedings against MAX A. MEEKS) ORDER NO. PSC-93-1762-FOF-TC
for violation of Rule 25-) ISSUED: December 8, 1993
24.420(1)(a) and (b), F.A.C.,)
Reporting Requirements, and Rule)
25-4.043, F.A.C., Response to)
Commission Inquiries.)
_____)

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 7, 1993, the United States Postal Service returned mail sent by this Commission to Max A. Meeks, the holder of Pay Telephone Certificate No. 2783. The returned mail displayed an address in North Carolina. The Staff of this Commission sent Mr. Meeks two letters, the second by certified mail, requesting that he clarify his official mailing address. Although the return receipt was signed by Martha Meeks on October 7, 1993, no response has ever been made to Staff's inquiries. Staff also attempted to reach Mr. Meeks by telephone; however, directory assistance informed Staff that his telephone number is not published.

Under Rules 25-24.520(1)(a) & (b), Florida Administrative Code, pay telephone providers are required to inform this Commission, in writing, of any change in their street address or the name, title, and telephone number of their primary Commission liaison, within ten days of such change. Pursuant to Rule 25-4.043, Florida Administrative Code, certificate holders are required to reply to Staff inquiries, in writing, within fifteen days from the date of the inquiry. Under Rules 25-24.514(1)(a) & (b), Florida Administrative Code, this Commission may cancel a certificate for any violation of the terms and conditions under which it was originally granted or for the violation of any Commission rules or orders.

DOCUMENT NUMBER-DATE

13023 DEC-83

FFSD-ELECTRIC REPORTING

ORDER NO. PSC-93-1762-FOF-TC
DOCKET NO. 930794-TC
PAGE 2

Mr. Meeks is in apparent violation of Rules 25-24.520(1)(a) & (b), as well as Rule 25-4.043, Florida Administrative Code. We, therefore, find it appropriate to require Mr. Meeks to show cause, in writing, why this Commission should not cancel Certificate No. 2783. Mr. Meeks' written response must contain specific allegations of fact and law. Moreover, should Mr. Meeks fail to respond in a timely manner, 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. 2783.

It is, therefore,

ORDERED by the Florida Public Service Commission that Max A. Meeks shall show cause, in writing, why we should not cancel Certificate No. 2783. It is further

ORDERED that Mr. Meeks' response must contain specific allegations of fact and law. It is further

ORDERED that, should Mr. Meeks fail to file an appropriate written response by the date set forth in the Notice of Further Proceedings or Judicial Review, such failure shall constitute an admission of the alleged violations, and a waiver of any right to a hearing. It is further

ORDERED that, unless Mr. Meeks files a written response in the form and by the date set forth in the Notice of Further Proceedings or Judicial Review, Certificate No. 2783 shall be cancelled and this docket shall be closed on the following date.

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



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 28, 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.