

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide interexchange telecommunications service by Vendormatic, Inc. d/b/a HSS Vending Distributors, and initiation of show cause proceedings for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

DOCKET NO. 961309-TI
ORDER NO. PSC-97-1221-PCO-TI
ISSUED: October 9, 1997

ORDER GRANTING MOTION TO FILE RESPONSE LATE

In Order No. PSC-97-0937-FOF-TI, issued August 5, 1997, the Commission ordered Vendormatic, Inc., d/b/a HSS Vending Distributors (HSS), to show cause why it should not be fined in the amount of \$25,000 for violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. At the same time, in proposed agency action, the Commission also granted HSS a certificate to provide interexchange telecommunications service, but held the certificate in abeyance pending the resolution of the show cause proceeding.

On August 26, 1997, HSS filed a Response to Order to Show Cause (response). In the response, HSS requested that the proposed fine not be assessed and that a formal hearing be initiated before any such assessment. On the same date, HSS filed a Petition for Formal Proceeding (petition). In the petition, HSS requested that a formal proceeding pursuant to Section 120.57, Florida Statutes, be initiated with respect to that portion of the Commission's order holding HSS's certificate in abeyance. Accordingly, this matter is currently set for an administrative hearing on May 1, 1998.

With its response and petition, HSS filed a Motion to File Response and Petition Out of Time (motion). In fact, HSS's petition for a formal proceeding on the Commission's proposed agency action was timely filed. Its response to the Commission's show cause order was filed one day late.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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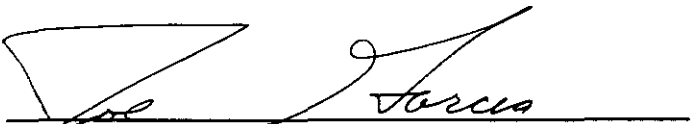
The company explained that the Commission's order was mailed on August 6, 1997, to an old address in Coraopolis, Pennsylvania, forwarded to a new address in Moon Township, Pennsylvania on August 12, 1997, and received on August 25, 1997. The company served its response and petition by facsimile on August 25, 1997, and by overnight delivery on August 26, 1997.

It appears that HSS conducted itself with diligence under the circumstances and that no prejudice to the interests of others will result from filing its response one day late. The motion, therefore, is granted.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Vendomatic, Inc., d/b/a HSS Vending Distributors' Motion to File Response and Petition Out of Time is granted.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 9th day of October, 1997.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility.

A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.