

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Transfer of)	DOCKET NO. 870939-1C
Certificate No. 87 from National Pay)	ORDER NO. 20667
Telephone Corporation to Amnex)	ISSUED: 1-27-89
(Florida), Inc.)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN
 THOMAS M. BEARD
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING AMNEX FLORIDA, INC.'S REQUEST FOR
 HEARING ON ITS RESPONSE TO SHOW CAUSE ORDER

BY THE COMMISSION:

By Order No. 19925, issued September 6, 1988, we required Amnex Florida, Inc., (Amnex or the Company) to show cause in writing within twenty days why its Certificate No. 87 should not be revoked for its continued violation of our service rules. Amnex's Verified Response to Commission Order No. 19925 was timely filed, on October 3, 1988, within an extension of time it had been granted by the Prehearing Officer. Amnex's response included several arguments along with allegations that the show cause order was based on erroneous and out-of-date evidence. Its response also stated that the sanctions proposed were too severe in a case such as this where there is no evidence of public harm. Also, Amnex argued that it had already been punished by previous fines for any violations that may have occurred. In summary, Amnex's response includes many issues that require an evidentiary proceeding. However, Amnex failed to request a hearing in its response. Subsequent to filing its response, Amnex did file a request for a formal hearing, on October 13, 1988.


Although Amnex failed to timely request a hearing, we find that it is appropriate to grant the Company a hearing because the revocation of a certificate is a serious action, because Amnex's response was timely filed, and because its response raised issues that require an evidentiary proceeding for resolution.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Amnex Florida, Inc.'s request for a formal hearing on its response to show cause Order No. 19925 is hereby granted. It is further

ORDERED that further proceedings will be scheduled accordingly.

By ORDER of the Florida Public Service Commission,
 this 27th day of JANUARY, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

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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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.