

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public	)	DOCKET NO. 891332-TC
Service Commission of Pay Telephone	)	ORDER NO. 23137
Certificate No. 1426 issued to	)	ISSUED: 7-2-90
COMMONWEALTH TELEPHONE CORPORATION OF	)	
VIRGINIA	)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL MCK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Commonwealth Telephone Corporation of Virginia (Commonwealth) has been a certificated provider of pay telephone service since February 1987. On September 21, 1989, a complaint was filed against Commonwealth with our Division of Consumer Affairs, regarding lack of service. A response to the complaint was due by October 17, 1989; however, a response was not received. On November 6, 1989, our staff sent a certified letter requesting a response by November 21, 1989. Commonwealth signed for the letter, but again no response was received. By failing to respond to staff inquiries within fifteen (15) days, Commonwealth violated Rule 25-24.505, Florida Administrative Code.

In attempting to contact Commonwealth, our staff became aware that Commonwealth was operating under the name Comtel. Rule 25-24.520(1)(b), Florida Administrative Code, requires certificated phone companies to notify us of name changes.

Upon review, we find adequate cause to believe Commonwealth has violated the above-cited rules. Accordingly, we find it appropriate to require Commonwealth to show cause why its certificate to provide pay telephone service should not be cancelled.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Commonwealth Telephone Corporation of Virginia, shall show cause why Certificate No. 1426 should not be cancelled for violation of Rules 25-24.505 and 25-24.520, Florida Administrative Code. It is further

ORDERED that any response to this Order shall conform to the requirements of Rules 25-22-036(7)(a) and 25-22.037(1), Florida Administrative Code, and shall contain specific statements as to fact and law. It is further

ORDERED that any response must be filed within 20 days of the issuance date of this Order. It is further

ORDERED that this docket shall remain open pending the resolution of the show cause proceedings. It is further

ORDERED that failure to respond in the form, and within the prescribed time, will constitute an admission of guilt of the alleged violation as well as a waiver of any right to a hearing.

By ORDER of the Florida Public Service Commission this 2nd day of JULY, 1990.

STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

by: Kay Helton  
Chief, Bureau of Records

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

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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 July 23, 1990.

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 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.