

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by FLORIDA PUBLIC)	DOCKET NO. 900093-TC
SERVICE COMMISSION of Pay Telephone)	
Certificate No. 2205 issued to WEST COAST)	ORDER NO. 24420
TELECOMMUNICATIONS, INC.)	
<hr/>		ISSUED: 4/23/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

ORDER TO SHOW CAUSE
WHY A \$100 FINE SHOULD NOT BE IMPOSED
FOR VIOLATION OF RULE 25-24.520(1),
FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

West Coast Telecommunications, Inc. (West Coast or the Company) has been a certificated pay telephone service provider since December 22, 1988. On March 7, 1990, we voted to cancel West Coast's certificate for failure to maintain a correct and current address on file with the Division of Records and Reporting. On April 3, 1990, PAA Order No. 22753 was issued proposing to cancel West Coast's certificate. Protests were due by April 24, 1990. West Coast filed a response to PAA Order No. 22753 on April 13, 1990.

West Coast's protest was simply an assertion that a change of address was filed. West Coast does not state specifically when the change of address was filed nor does the Company offer any evidence that such notice was filed. Finally, West Coast failed to request a formal hearing.

On January 29, 1991, this matter was again scheduled for Agenda. On January 28, 1991, R. D. Naylor filed an additional response to the original Show Cause Order on behalf of West Coast. This response also failed to rise to the standard imposed by Rule 25-22.036(7). Instead, Mr. Naylor reiterated West Coast's intention to comply and the corrective efforts made to facilitate compliance.

While Mr. Naylor's response does not deny the violation or argue any defense to the violation, it does appear that adequate

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measures were taken to prevent such violations from occurring in the future.

While we believe that this violation does not warrant cancellation in light of these corrective measures, it also appears that a penalty should be assessed. Prompt notification of address changes are essential to regulation. Failure to report address changes or to do so in a timely manner can interfere with ongoing proceedings. Therefore, we find it appropriate to require West Coast to show cause why it should not be fined for this violation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that West Coast Telecommunications, Inc. shall show cause why it should not be required to pay a \$100 fine for violation of Rule 25-24.520(1), Florida Administrative Code. It is further

ORDERED that any response to this show cause Order shall be filed pursuant to the requirements set forth below. It is further

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

ORDERED that if West Coast Telecommunications, Inc. fails to respond within the time period set forth below, its Certificate No. 2205 shall be canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 23rd day of APRIL, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Hizon
Chief, Bureau of Records

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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.

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 May 13, 1991.

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.