

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 910344-TC
proceedings against SAYONA CORPORATION	)	ORDER NO. 25188
d/b/a SANS SOUCI APARTMENT/MOTEL for	)	ISSUED: 10/10/91
violation of Rule 25-24.520, Annual	)	
Report Requirement.	)	

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The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD, Chairman
- SUSAN F. CLARK
- J. TERRY DEASON
- BETTY EASLEY
- MICHAEL MCK. WILSON

FINAL ORDER RESOLVING  
SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

SAYONA CORPORATION d/b/a Sans Souci Apartment/Motel (Sayona or the Company) has been a certificated pay telephone service (PATS) provider since August 16, 1988. As a certificated PATS provider, Sayona is subject to our jurisdiction.

On May 13, 1991, we issued Order No. 24517 requiring Sayona to show cause why it should not be fined \$250 for failure to file an Annual Report for 1990 as required by Rule 25-24.520, Florida Administrative Code. Order No. 24517 also provided that if Sayona elected to cancel its PATS certificate, no fine would be imposed. Finally, Order No. 24517 provided that if Sayona failed to file a timely response, its certificate would be canceled and this docket closed.

On June 10, 1991, Sayona filed a response to Show Cause Order No. 24517. Sayona's response is an allegation that the Company failed to file the report because it did not receive a form or reminder to file the report.

Sayona's response fails to make out any defense sufficient to set aside the proposed fine. We have repeatedly ruled that forms are provided to certificated PATS providers as a convenience and a courtesy. The Annual Report filing requirement is not contingent upon receipt of a form. Sayona's response constitutes a default and a waiver of the right to a hearing.

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Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Sayona Corporation d/b/a Sans Souci Apartment/Motel shall, within 30 days, pay the \$250 fine proposed in Order No. 24517 or, in the alternative, voluntarily cancel its Certificate of Public Convenience and Necessity No. 2107. It is further

ORDERED that if Sayona Corporation d/b/a Sans Souci Apartment/Motel elects to voluntarily cancel its certificate, the \$250 fine shall not be imposed, but the Company shall still be liable for the 1991 Regulatory Assessment Fee. It is further

ORDERED that if Sayona Corporation d/b/a Sans Souci Apartment/Motel fails to respond to this Order, its Certificate of Public Convenience and Necessity No. 2107 shall be canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 10<sup>th</sup> day of OCTOBER, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

by: Kay Flynn  
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 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.

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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.