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On November 24, 1991, the original complainant was contacted. The complainant indicated that he had not been contacted by Dr. Freed or a representative of Compare, and that the pay phones in question were still on his property. Based upon the conversation with the complainant, a second certified letter was sent to Dr. Freed requesting a response by December 9, 1991. However, a response was not received. Rule 25-4.043, Florida Administrative Code, indicates:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Based on Dr. Freed's failure to address the complaint, as well as comply with certification requirements for Compare Communications, we find it appropriate to require Dr. Freed to show cause why his pay telephone certificate should not be canceled.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that Dr. Leonard Freed shall be required to show cause why his Pay Telephone Service Certificate No. 2597 should not be canceled for violation of Rule 25-4.043, Florida Administrative Code. It is further

ORDERED that if Dr. Leonard Freed fails to file a timely response to this Order, his failure to respond shall be deemed a default and Certificate No. 2597 shall be canceled and this docket closed. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 27th day of FEBRUARY, 1992.

(S E A L)
JKA


STEVE TRIBBLE, Director
Division of Records and Reporting

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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 3/18/92.

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.