

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 920340-TC
cause proceedings against) ORDER NO. PSC-92-1027-FOF-TC
ALAN H. GRATHWOHL for) ISSUED: 09/21/92
violation of Rule)
25-4.0161(2))
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER IMPOSING FINE OR IN THE ALTERNATIVE
CANCELLATION OF PATS CERTIFICATE

BY THE COMMISSION:

Alan H. Grathwohl has been a certificated pay telephone service (PATS) provider since March 2, 1989. As a certificated PATS provider, Mr. Grathwohl is subject to our jurisdiction pursuant to Chapter 364 Florida Statute.

On June 4, 1992 we issued Order No. PSC-92-0452-FOF-TC requiring Mr. Grathwohl to show cause why he should not be fined \$250 or in alternative why his PATS certificate should not be cancelled for failure to file a Regulatory Assessment Fee (RAF) Return for 1991 as required by Rule 25-4.0161(2). Order No. PSC-92-0452-FOF-TC also provided that if Mr. Grathwohl voluntarily cancelled his certificate no fine would be imposed.

Mr. Grathwohl filed a response to Order No. PSC-92-0452-FOF-TC on June 19, 1992. Mr. Grathwohl filed his RAF return at the same time.

Essentially Mr. Grathwohl's response is an admission and a waiver of the right to a formal hearing. Mr. Grathwohl's response contains no argument of either law or fact sufficient to overcome the allegations set forth in Order No. PSC-92-0452-FOF-TC. Accordingly the response fails as a matter of law. We find that the penalties proposed in Order No. PSC-92-0452-FOF-TC should be imposed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the

1992 SEP 21 11:00 AM
PSC-RECORDS/REPORTING

penalty proposed in ORDER NO. PSC-92-0452-FOF-TC is hereby imposed. It is further

ORDERED that if Alan H. Grathwohl elects to voluntarily cancel his certificate No. 2240 no fine shall be imposed and this docket shall be closed. It is further

ORDERED that if Alan H. Grathwohl elects to pay the \$250 fine, his certificate No. 2240 shall not be cancelled and this docket shall be closed. It is further

ORDERED that if Alan H. Grathwohl fails to timely respond to this Order, his certificate shall be cancelled and this docket closed. It is further

ORDERED that this docket shall remain open 30 days to permit Alan H. Grathwohl to respond, after which this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of September, 1992.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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

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