

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show ) DOCKET NO. 920498-TC  
cause proceedings against ) ORDER NO. PSC-92-1347-FOF-TC  
PAY TALK, INC. for ) ISSUED: 11/23/92  
violation of Rule )  
25-4.0161(2), F.A.C. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

FINAL ORDER

BY THE COMMISSION:

On August 27, 1992, we issued Order No. PSC-92-0894-FOF-TC (Order No. 0894) requiring Pay Talk, Inc. (Pay Talk) to show cause why it should not be fined \$250.00 for failure to file its regulatory assessment fee/annual report form pursuant to Rule 25-4.0161(2), Florida Administrative Code. On September 14, 1992, Pay Talk filed a response to Order No. 0894.

Essentially, Pay Talk's response appears to be an admission of the facts alleged, a default, and a waiver of the right to a formal hearing.

Pay Talk argues that it should be relieved of the penalty proposed because it had contracted to have the various duties associated with the authority to provide pay telephone service completed by an independent contractor. The independent contractor subsequently breached the contract, resulting in the violation. Pay Talk, does not argue that it did not violate Rule 25-4.0161(2) Florida Administrative Code, nor does the Company argue that it was not subject to Rule 25-4.0161(2).

We find that the penalties proposed in Order No. 0894 be imposed. If Pay Talk elects to voluntarily cancel its certificate or fails to respond to the Final Order, no fine should be imposed, Certificate No. 2812 should be cancelled and the docket closed. If Pay Talk elects to pay the fine, the docket should be closed. The docket should remain open 30 days from the date of the Final Order to allow Pay Talk to comply with the Final Order.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the penalties proposed in Order No. PSC-92-0894-TC be imposed against Pay Talk, Inc. It is further

ORDERED that if Pay Talk, Inc. elects to voluntarily cancel its certificate or fails to respond to this Order, no fine shall be imposed, Certificate No. 2812 shall be cancelled and this docket closed. It is further

ORDERED that if Pay Talk, Inc. elects to pay the \$250.00 fine proposed in Order No. PSC-92-0894-FOF-TC this docket shall be closed. It is further

ORDERED that this docket shall remain open thirty days from the date of this Order to allow Pay Talk, Inc. to comply with the terms of this Order.

By ORDER of the Florida Public Service Commission, this 23rd day of November, 1992.

  
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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 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.