

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against VOCAL MOTION, INC. for violation of Rule 25-24.510, F.A.C., Certificate of Public Convenience and Necessity Required, and Commission Order 24101.

DOCKET NO. 940719-TC
ORDER NO. PSC-97-1172-FOF-TC
ISSUED: October 1, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

ORDER CLOSING DOCKET

BY THE COMMISSION:

In Order No. PSC-94-1184-FOF-TC, issued September 28, 1994, we ordered Vocal Motion, Inc., (Vocal Motion) to show cause why it should not be fined for operating as a pay telephone provider without a certificate in violation of Rule 25-24.510, Florida Administrative Code, and charging rates in excess of the rate cap established by Order No. 24101. On October 19, 1994, Vocal Motion responded, stating that it provides mobile cellular telecommunications service and is not subject to this Commission's jurisdiction. The company petitioned for an administrative hearing. Although not timely filed, by Order No. PSC-95-0630-FOF-TC, issued May 23, 1995, in the exercise of our discretion pursuant to Rule 25-22.036(9)(b)(1), Florida Administrative Code, we granted Vocal Motion's petition and the matter was set for hearing on June 26, 1996.

By letter dated May 23, 1996, Vocal Motion proposed that this proceeding be stayed pending the outcome of the rulemaking docket, Docket No. 951560-TP, that was opened to address, among other

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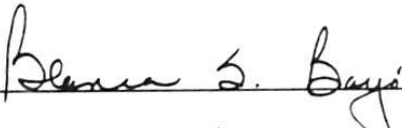
things, whether Part XI of Chapter 25-24, Florida Administrative Code, should be expanded to cover wireless pay telephone service providers. Vocal Motion agreed to be bound by the jurisdictional determination in that docket, which is still pending before us. By Order No. PSC-96-0713-PCO-TC, issued May 28, 1996, the Prehearing Officer ordered the hearing in this proceeding canceled and this proceeding stayed pending the outcome of the proceeding in Docket 951560-TP. On July 22, 1997, Leon W. Wells, for Vocal Motion, wrote the Commission to advise that Vocal Motion ceased business on June 1, 1997.

We conclude, therefore, that there is no point to holding this docket open. A new decision to proceed or not against Vocal Motion can be made when the jurisdictional question is settled in Docket No. 951560-TP. Accordingly, we order that Docket No. 940719-TC be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 940719-TC shall be closed.

By ORDER of the Florida Public Service Commission this 1st day of October, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CJP

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.