

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 3760
issued to The Garlic Crab
Corporation for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 981186-TC
ORDER NO. PSC-98-1657-FOF-TC
ISSUED: December 9, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING
FINE OR CANCELING PAY TELEPHONE CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

The Garlic Crab Corporation (Garlic Crab) currently holds
Certificate of Public Convenience and Necessity No. 3760, issued by
the Commission on May 19, 1994, authorizing the provision of pay
telephone service. This docket was opened to cancel Garlic Crab's
certificate, unless Garlic Crab paid its delinquent 1997 regulatory
assessment fee, which was due by January 30, 1998, along with
statutory penalties, and a \$500 fine for failure to comply with
Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida
Administrative Code. Therefore, we find it appropriate to levy the
fine in the amount of \$500.

DOCUMENT NUMBER-DATE

13829 DEC-98

FPC RECORDS/REPORTING

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Pursuant to Rule 25-24.514(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Garlic Crab's certificate, unless Garlic Crab pays the fine in the amount of \$500 for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, to the Florida Public Service Commission. Garlic Crab must comply with this requirement within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the fine is received, this docket shall be closed. Should Garlic Crab fail to comply with this Order within five business days from the date this Order becomes final, Garlic Crab shall have its certificate canceled and the docket will be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that The Garlic Crab Corporation shall pay a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

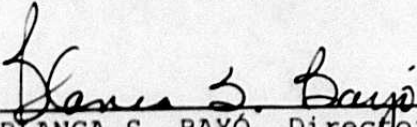
ORDERED that should The Garlic Crab Corporation fail to comply with this Order, The Garlic Crab Corporation's certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed upon payment of the fine or cancellation of the certificate.

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By ORDER of the Florida Public Service Commission, this 9th
day of December, 1998.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

JCM

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 30, 1998.

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.