

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910297-TC
proceedings against MORTON WINKEL)	
for violation of Commission Rule)	ORDER NO. 25136
25-24.520, 1990 Annual Report,)	
and Rule 25-4.043, Response Requirement.))	ISSUED: 9/27/91
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The following Commissioners participated in the disposition of this matter:

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

FINAL ORDER RESOLVING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Morton Winkel (Mr. Winkel) has been a certificated pay telephone service (PATS) provider since October 31, 1990. As a certificated PATS provider, Mr. Winkel subject to our jurisdiction.

On May 13, 1991, we issued Order No. 24520 requiring Mr. Winkel to show cause why he should not be fined \$250 for failure to file an Annual Report for 1990 as required by Rule 25-24.520, Florida Administrative Code. On May 23, 1991, Mr. Winkel filed a response to Order No. 24520. In his response, Mr. Winkel asserted that he did in fact file the Annual Report. Included with the response was a copy of the report and an overnight delivery receipt indicating timely delivery and filing. Under the specific limited facts in this docket, we find this to be sufficient evidence to prove Mr. Winkel's assertions. Therefore, we find it appropriate to impose no fine, dismiss the action, and close this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket No. 910297-TC be closed and no fine imposed in this matter.

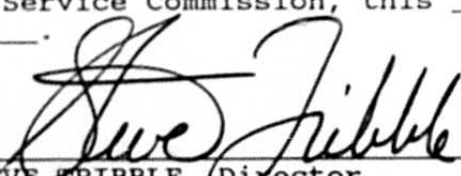
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FPSC-RECORDS/REPORTING

ORDER NO. 25136
DOCKET NO. 910297-TC
PAGE 2

By ORDER of the Florida Public Service Commission, this 27th
day of SEPTEMBER, 1991.



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