

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910350-TC
proceedings against FLORIDA PUBLIC)	
COMMUNICATIONS, INC. for violation of)	ORDER NO. 24452
Commission Rules.)	
<hr/>		ISSUED: 4/30/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

ORDER INITIATING SHOW CAUSE PROCEEDINGS
AGAINST FLORIDA PUBLIC COMMUNICATIONS, INC.
FOR VIOLATION OF RULE 25-24.515(5) AND 25-4.043,
FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

Florida Public Communications, Inc. (Florida Public) has been a certificated pay phone provider since November 1, 1988. As a certificated pay phone provider, Florida Public is subject to our jurisdiction.

A complaint was filed against Florida Public on June 20, 1990. Florida Public has failed to respond to numerous staff inquiries sent between June through January 30, 1991. Also, Florida Public has failed to post a number of the party responsible for service problems. Rule 25-24.515(5), Florida Administrative Code, provides:

Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following; telephone number and location address of such stations, name or recognizable logo of the owner and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions, (including notice of the lack of availability of local or toll services) and, where applicable, a statement that the phone is not maintained by the local exchange company.

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Rule 25-4.043, Florida Administrative Code, provides:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Compliance with these rules is essential if adequate pay telephone service is to be provided to the public. Therefore, we find it in the public interest to require Florida Public to show cause why its certificate should not be canceled for failure to comply with Rules 25-24.515(5) and 25-4.043.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Public Communications, Inc. is hereby ordered to show cause why its Certificate No. 2162 should not be canceled for failure to comply with Rules 25-24.515(5) and 25-4.043, Florida Administrative Code. It is further

ORDERED that any response to this Order shall be filed, in writing, within 20 days of the date of this Order. It is further

ORDERED that any response to this Order shall contain specific statements of law and fact and otherwise conform to the requirements set forth below. It is further

ORDERED that this docket shall remain open pending resolution of the show cause proceedings.

By ORDER of the Florida Public Service Commission, this 30th day of APRIL, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
JKA

By: Kay Helms
Chief, Bureau of Records

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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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 20, 1991.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.