

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 940883-TC
Public Service Commission of Pay) ORDER NO. PSC-94-1288-FOF-TC
Telephone Certificate No. 1948) ISSUED: October 17, 1994
issued to PUBLIC PAY-TEL CO. for)
violation of Rule 25-)
24.520(1)(a) and (b), F.A.C.,)
Reporting Requirements)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE OR CANCELLING 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.

Pay Telephone Certificate Number 1948 was issued to Public Pay-Tel Co. (Pay-Tel) on March 24, 1988. On July 30, 1993, a letter was sent to Pay-Tel concerning the results of a service evaluation that had been conducted on one of its pay telephones. The letter requested a written response within 15 days.

No response was received so on September 23, 1993, a letter was sent via certified mail. This letter also requested a response within 15 days. No response was received, although the certified mail receipt care was returned on October 4, 1993 with an illegible signature. Our staff attempted to reach Pay-Tel by telephone several times in February and July of 1994 at the number listed in our records as the contact number. However, the number had been changed and the party at the new number had no information about Pay-Tel.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Pay-Tel is in apparent violation of Rules 25-4.043 and 25-24.520(1) (a) and (b), Florida Administrative Code. Rule 25-4.043 requires companies to respond to inquiries from Commission staff within 15 days. Pay-Tel has failed to respond to two written inquiries. Rule 25-24.520(1) (a) and (b) requires companies to file updated address, phone number, and Commission contact person information with the Commission within 10 days of any change. Pay-Tel's phone number, and possibly its address, is no longer correct. Pay-Tel has had adequate time to update its information and has not done so.

Pursuant to Section 364.285(1), Florida Statutes, we may cancel a company's certificate or impose a fine for violation of Commission rules and order. Accordingly, we order Pay-Tel to pay a \$100 fine, respond to our staff's inquiry, and comply with Rule 25-24.520 within 60 days of this Order becoming final. When Pay-Tel complies with this Order, this docket shall be closed. If Pay-Tel fails to fulfil any of these conditions, its certificate shall be cancelled and this docket closed without further action by this Commission. If Certificate 1948 is cancelled, the serving local exchange companies are directed to discontinue service to any pay telephones operated by Pay-Tel.

It is, therefore,

ORDERED by the Florida Public Service Commission that Pay-Tel pay a \$100 fine, respond to our staff's inquiry, and comply with Rule 25-24.520, Florida Administrative Code within 60 days of this Order becoming final. It is further

ORDERED that when Pay-Tel complies with this Order, this docket shall be closed. It is further

ORDERED that if Pay-Tel fails to comply with this Order, Certificate 1948 shall be cancelled and this docket closed. It is further

ORDERED that unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order shall become final on the following date.

ORDER NO. PSC-94-1288-FOF-TC
DOCKET NO. 940883-TC
PAGE 3

By ORDER of the Florida Public Service Commission, this 17th
day of October, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Lynn
Chief, Bureau of Records

(S E A L)

LMB

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 25-22.029(4), 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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 7, 1994.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

ORDER NO. PSC-94-1288-FOF-TC
DOCKET NO. 940883-TC
PAGE 4

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.