**FLORIDA PUBLIC SERVICE COMMISSION**

 **Capital Circle Office Center 2540 Shumard Oak Boulevard**

 **Tallahassee, Florida 32399-0850**

 **M E M O R A N D U M**

 **OCTOBER 17, 1996**

**TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)**

**FROM: DIVISION OF COMMUNICATIONS (ISLER)**

 **DIVISION OF LEGAL SERVICES (CULPEPPER)**

**RE: DOCKET NO. 960853-TI - COLORADO RIVER COMMUNICATIONS CORP. - INITIATION OF SHOW CAUSE PROCEEDINGS FOR VIOLATION OF RULE 25-24.480, FLORIDA ADMINISTRATIVE CODE, RECORDS AND REPORTS; RULES INCORPORATED**

**AGENDA: OCTOBER 29, 1996 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE**

**CRITICAL DATES: NONE**

**SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\960853.RCM**

 **CASE BACKGROUND**

 Colorado River Communications Corp., (CRC) is a provider of interexchange telecommunications service and was certificated on July 8, 1994.

 At the September 3, 1996, Agenda Conference, the Commission voted to approve staff's recommendation to initiate show cause proceedings against CRC for not responding to Commission staff inquiries.

 After the September 3, 1996, Agenda Conference, but prior to issuance of Order No. PSC-96-1156-FOF-TI on September 17, 1996, CRC submitted a proposed settlement offer of $1,000 and agreed to take the necessary corrective action (Attachment 1). Therefore, staff believes the following recommendation is appropriate.

 **DISCUSSION OF ISSUES**

**ISSUE :** Should the Commission accept the settlement offer proposed by Colorado River Communications Corp. to resolve the apparent violations of Rule 25-24.480 (1), Florida Administrative Code, Response Requirement?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** The Commission's Division of Consumer Affairs received six consumer complaints between July 8, 1994 and July 12, 1996. Only once did Colorado River Communications respond within the 15 days allowed and in two cases, the company did not respond until after this matter was docketed.

 In recognition of its apparent violations of the Commission's response requirement, Colorado River Communications submitted the following settlement offer:

 Respond to the two outstanding complaints within 15 days from the date of its settlement offer;

 Respond to any Commission inquiry in a timely manner; and

 Pay $1,000 to the Commission.

 CRC advised staff that the reason it did not respond to Commission inquiries at all, or responded after the required 15 days, was due to a lack of understanding within CRC of responsibility and authority. CRC has committed to responding timely in the future. Also, on September 23, 1996, the company met its commitment to respond to the two outstanding complaints. Therefore, staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable. Any fine should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes.

**ISSUE :** Should this docket be closed?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, and upon remittance of the $1,000 fine, this docket may be closed. The fine amount should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285 (1), Florida Statutes.