

Talbott
Vandiver

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

MARCH 6, 1997

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *CHH*
DIVISION OF LEGAL SERVICES (PENA) *MCB*

**RE: DOCKET NO. 970219-TC - DELTA COM COMMUNICATIONS, INC. -
CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY
TELEPHONE CERTIFICATE NO. 3684 FOR VIOLATION OF RULE
25.24.520(1)(a) and (b), FLORIDA ADMINISTRATIVE CODE,
REPORTING REQUIREMENTS.**

**DOCKET NO. 970220-TC - REYMUENDO NUNEZ - CANCELLATION BY
FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE
CERTIFICATE NO. 3934 FOR VIOLATION OF RULE 25-
24.520(1)(a) and (b), FLORIDA ADMINISTRATIVE CODE.,
REPORTING REQUIREMENTS.**

**DOCKET NO. 970221-TC - VAPI TECHNICS, INC. - CANCELLATION
BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE
CERTIFICATE NO. 3239 FOR VIOLATION OF RULE 25-
24.520(1)(a) and (b), FLORIDA ADMINISTRATIVE CODE.,
REPORTING REQUIREMENTS.**

**AGENDA: 03/18/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE**

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970219.RCM

CASE BACKGROUND

Certificate number 3684 was issued to Delta Com Communications, Inc. on April 7, 1994. Reymundo Nunez was issued Certificate 3934 on November 11, 1995. VAPI Technics, Inc. was issued Certificate number 3239 on March 24, 1993.

DOCUMENT NO. 12

02439 MAR-96

FPSC-RECORDS/REPORTING

DOCKETS NOS. 970219-TC, 970220-TC & 970221-TC
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- . The Division of Records and Reporting received returned mail from the Post Office on each company. The Division of Records and Reporting asked that it be furnished with the correct mailing addresses or that staff initiate proceedings to have the providers' certificates cancelled. (Pages 6 - 8)

- . Communications staff attempted unsuccessfully to reach each provider by calling the telephone number listed in the Master Commission Directory. The number for Delta Com Communications, Inc. is not in service. The number for Reymundo Nunez rings with no answer. The number for VAPI Technics, Inc. is no longer in service.

DISCUSSION OF ISSUES

ISSUE 1: Should Delta Com Communications, Inc., Reymundo Nunez and VAPI Technics, Inc. have their certificates cancelled by the Florida Public Service Commission for violation of Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, if they fail to pay a \$250 fine and provide staff with the information required by Rule 25-24.520 (1)(a) and (b), Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. Staff recommends that Delta Com Communications, Inc., Reymundo Nunez, and VAPI Technics, Inc. should have their respective certificates cancelled if they fail to pay a \$250 fine and provide staff with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within 30 days after the Order becomes final. The fines are to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to 364.285(1), Florida Statutes.

STAFF ANALYSIS:

- Pursuant to Rule 25-24.514 (1) (a) and (b), Florida Administrative Code, Cancellation of a Certificate, in pertinent part, the Commission may cancel a company's certificate for violation of the terms and conditions under which the authority was originally granted or for violation of Commission rules and orders.
- Pursuant to Rule 25-24.520(1)(a) and (b), in pertinent part, each pay telephone service company shall file with the Division of Communications, within 10 days after a change occurs, the street address of the certificate holder and the name, title and phone number of the individual responsible for contact with the Commission.
- Communications staff has attempted to contact the three providers by telephone but was not successful.
- It has been well over 10 days and staff has not been informed of the providers' correct mailing address, phone number or liaison information.

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Therefore, staff recommends that the certificates be cancelled unless the companies pay a \$250 fine and provide staff with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within 30 days after the Order becomes final:

PROVIDER	CERTIFICATE NUMBER
Delta Com Communications, Inc.	3684
Reymundo Nunez	3934
VAPI Technics, Inc.	3239

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. These dockets should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of the Order. If no timely protest is filed, the certificate should be cancelled and these dockets should be closed at the conclusion of the 30 day period after the Order becomes final. If a company pays the \$250 fine and provides the information required, the docket should be closed. A protest of one docket should not prevent this Order from becoming final for the other dockets.

STAFF ANALYSIS:

If the Commission adopts staff's recommendation in Issue 1, then Delta Com Communications, Inc., Reymundo Nunez and VAPI Technics, Inc. will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff the information called for in Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, or their certificates will be cancelled without further Commission action.

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- . Unless a person whose substantial interests are affected by this Order files a protest within 21 days, the dockets should be closed after the conclusion of the 30 day period. A protest in one docket shall not prevent this Order from becoming final for the other dockets.

- . For each certificate that is cancelled, the serving local exchange company shall be notified by staff to discontinue service to all pay telephones operated by that company. If the Commission denies staff on Issue 1 the dockets should be closed.

State of Florida
Public Service Commission

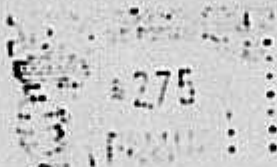
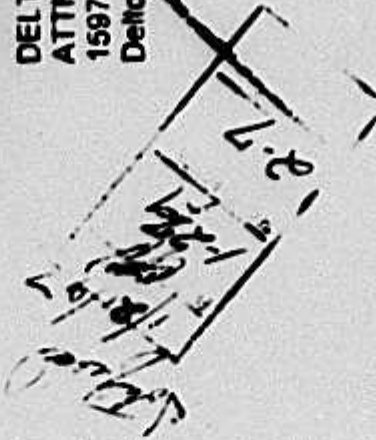
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-40850



P 234 763 924



DELTA COM COMMUNICATIONS INC
ATTN: Robert Damianiuk
1587 Robert Lane
Deltone, FL 32738-5383



State of Florida

Service Commission

40 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



TF282

~~Reymundo Munda
8005 N.W. 9th Street
Hialeah Gardens, FL 33016-2319~~



State of Florida
Public Commission
Sturmd Oak Boulevard
Tallahassee, Florida 32399-0850

E712
/API Technics, Inc.
01 N.W. 13th Street, #D-4
Loca Raton, FL 33486-2333



VARI701 334862333 1996 12/10/96
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
RETURN TO SENDER

Mr. ...