

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

DOCKET NO. 140222-TC
ORDER NO. PSC-15-0156-AS-TC
ISSUED: April 22, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

ORDER APPROVING SETTLEMENT AND
FINALIZING SHOW CAUSE ORDER

BY THE COMMISSION:

CASE BACKGROUND

Our staff opened Docket No. 140222-TC to initiate show cause proceedings against Tri-County Telephone, Inc. (Tri-County or Company) for apparent violations of Florida Statutes and Commission rules and regulations in failing to: maintain an operable pay telephone, reply to customer complaints, maintain current contact information with the Commission, and maintain current corporation status with the Florida Secretary of State.

On January 14, 2015, we issued Order No. PSC-15-0049-SC-TC¹ (Show Cause Order), ordering Tri-County to show cause in writing within 21 days of the issuance of the Order why it should not be penalized \$2,000 or its Pay Telephone Certificate No. 7903 cancelled for apparent violations of Sections 364.335(2) and 364.3375(2), Florida Statutes (F.S.), and Rules 25-4.0051 and 25-22.032(6)(b), Florida Administrative Code (F.A.C.) Pursuant to the Show Cause Order,

¹ See Order No. PSC-15-0049-SC-TC, issued January 14, 2015, in Docket No. 140222-TC, In re: Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

Tri-County's response was due on February 4, 2015. On February 2, 2015, Tri-County filed a response to the Order to Show Cause, wherein it offered to submit a \$300.00 penalty to resolve the apparent violations and to voluntarily surrender its certificate.² Finally, Tri-County submitted its 2014 and 2015 Regulatory Assessment Fees to the Commission on March 11, 2015, in compliance with Section 364.336, F.S., and Rule 25-4.0161, F.A.C.

We have jurisdiction pursuant to Chapter 364, F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032, F.A.C.

DECISION

On February 2, 2015, Tri-County filed a letter in response to our Show Cause Order and offered to submit a \$300.00 penalty and voluntarily surrender its certificate in an effort to fully resolve the apparent violations of Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C. In its response, Tri-County stated that it stopped operating pay telephones in 2009, at which time Tri-County disconnected and removed all of its pay telephones. The pay telephone that is the subject of this complaint was thought to have been removed by Tri-County.³ Although Tri-County ceased operating pay telephones, it maintained its Pay Telephone Certificate No. 7903 and submitted its annual Regulatory Assessment Fees (RAFs).⁴

The goal of any show cause proceeding is to ensure compliance with Florida law and the Commission's rules and orders. We find that the settlement proposed by Tri-County accomplishes this goal, as well as provides a remedy for apparent past violations. We further find that the settlement to be in the public interest and promotes administrative efficiency by avoiding the time and expense of a hearing. Therefore, we hereby approve the proposed settlement offer submitted by Tri-County.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposed by Tri-County Telephone, Inc., attached hereto as Attachment A, is hereby approved, resolving all outstanding matters in this docket. It is further,

ORDERED that Tri-County Telephone, Inc. remit a penalty in the amount of \$300.00 to the Commission within fourteen (14) days from the date of this Order and Tri-County Telephone, Inc. identify the docket number and company name with its penalty payment. It is further,

² See Document No. 00711-15, in Docket No. 140222-TC, Letter from Tri-County Telephone, Inc., dated January 27, 2015, attached hereto as Attachment A.

³ Between the initial reporting of the customer complaint and the issuance of the Commission's Show Cause Order, the pay telephone was removed by the property manager of the site where the pay telephone was located.

⁴ On March 11, 2015, Tri-County submitted its 2014 RAFs, including penalties and interest, as well as its RAFs for 2015.

ORDERED that Tri-County Telephone, Inc.'s Pay Telephone Certificate No. 7903 be cancelled effective the date Tri-County Telephone, Inc.'s \$300.00 payment is received by the Commission. It is furthered,

ORDERED that the Commission shall forward the penalty received from Tri-County Telephone, Inc. to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, F.S. It is further,

ORDERED that this docket be administratively closed upon receipt of Tri-County Telephone, Inc.'s \$300.00 penalty payment and cancellation of Tri-County's Pay Telephone Certificate No. 7903.

By ORDER of the Florida Public Service Commission this 22nd day of April, 2015.



HONG WANG
Chief Deputy Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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.

FILED FEB 02, 2015
DOCUMENT NO. 00711-15
FPSC - COMMISSION CLERK

Tri-County Telephone Inc.
P.O. Box 667812
Pompano Beach, FL 33066
561-705-5280

January 27, 2015

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Re: Order No. PSC-15-0049-SC-TC / Docket No. 140222-TC

"ORDERED by the Florida Public Service Commission that Tri-County Telephone Company, Inc. show cause, in writing, within 21 days why it should not be penalized \$2,000 or its Certificate No. 7903 cancelled for violating Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C. Tri-County Telephone Company, Inc.'s response shall reference Docket No. 140222-TC, In re: Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25022.032(6)(b), F.A.C., Customer Complaints."

In response to Sections 364.335(2) and 364.3375(2) and Rules 25-4.0051 and 25-22.032(6)(b):

Tri-County Telephone Inc. stopped operating phones in 2009. The phone in this reference was disconnected during this time, and assumed to have been removed from the building.

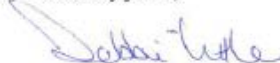
Tri-County Telephone Inc. kept Certificate No. 7903 renewed every year since that time, while operating no phones.

Tri County Telephone Inc. was hoping that the payphone industry would re-organize and that we eventually re-establish this business.

Tri County Telephone Inc. has only maintained the post office box, and not a physical location, as we were doing no business.

Tri-County Telephone Inc. has in no way had malicious intent, and has acted innocently in the problems that have occurred. We apologize for any difficulties that have resulted, and ask if we voluntarily surrender our license, and pay a fine in the amount of \$300.00 (three hundred dollars) that this case be resolved and closed.

Sincerely yours,



Debbie Little, Director
Tri-County Telephone, Inc.
P.O. Box 667812
Pompano Beach, FL 33066
561-705-5280

RECEIVED-PPSC
15 FEB -2 PM 10:20
AM
COMMISSION
CLERK