



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-

RECORDS AND REPORTING

90 NOV - 3 AM 11:33

RECEIVED-FPSC

DATE: 11/05/98

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

FROM: DIVISION OF COMMUNICATIONS (MCCOY) *JM*
DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

RE: DOCKET NO. 981248-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5249 ISSUED TO PREFERRED PAYPHONES, INC. FOR VIOLATION OF RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES

AGENDA: 11/17/98 - REGULAR AGENDA -PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: I:\PSC\CMU\WP\981248TX.RCM

CASE BACKGROUND

- Preferred Payphones, Inc. (Preferred) was granted a Florida Public Service Commission Alternative Local Exchange Telecommunications certificate number 5249 on December 22, 1997.
- On August 5, 1998, the Commission received a notice from BellSouth Telecommunication, Inc. stating that Preferred was going to be disconnected for non-payment of services provided on August 14, 1998.
- On August 6, 1998, staff attempted to call Preferred but the telephone number was disconnected. As of October 1, 1998, the number was still disconnected and no forwarding number was available.

DOCUMENT NUMBER-DATE

12249 NOV-3 98

FPSC-RECORDS/REPORTING

- On August 14, 1998, staff mailed a certified letter to the address listed in the Master Commission Directory informing Preferred it must respond to Commission inquiries within fifteen days of the inquiry. The letter also contained a request for acknowledgment of BellSouth's disconnect notification and explanation of how many customers will be affected. The letter was returned by the United States Postal Service stamped "Refused" (Attachment A).
- On August 31, 1998 staff searched the Internet for a another address for Preferred and found a different address for the company.
- On September 9, 1998, staff mailed a second certified letter to the new address listed on the Internet informing Preferred that this was a "Second Notice" and it must notify the Commission within fifteen days of any inquiry. This letter also contained a request for acknowledgment of BellSouth's disconnect notification and explanation of how many customers will be affected as well as a statement regarding the penalties staff may pursue if no response is received. This letter was returned by the United States Postal Service stamped "Return To Sender" and handwritten "Vacant" (Attachment B).
- Preferred's Florida corporation status was "Revoked For Annual Report" as of October 16, 1998.
- Preferred's regulatory assessment fees are current.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$10,000 fine or cancel Preferred's Alternative Local Exchange Telecommunications Certificate No. 5249 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should impose a \$10,000 fine for failure to respond to the Commission or cancel the company's certificate if the fine is not received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received, certificate number 5249 should be canceled.
(McCoy)

STAFF ANALYSIS: Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company fails to comply with Commission rules. Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, requires a reply to an inquiry by the Commission to be furnished in writing within (15) days of the Commission inquiry. It has been over 60 days since Preferred refused the first certified mail which included the initial information request. Additionally, there is no known telephone number or forwarding address for Preferred. As a result, staff has no way to communicate or resolve the issue which generated the inquiry.

Staff recommends that the Commission assess a \$10,000 fine for failure to comply with Commission rules or cancel certificate number 5249 if the fine is not paid within the specified time.

DOCKET NO. 981248-TX
DATE: November 5, 1998

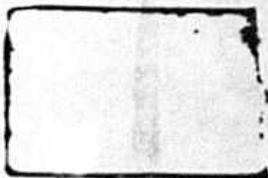
ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines and fees, and receipt of the required information, or cancellation of the certificate, this docket should be closed. **(Cox)**

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then Preferred will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and receipt of the required information or upon cancellation of the certificate.

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ATTACHMENT A



State of Florida
Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

CERTIFIED
Z 425 830 182
18:23 08/19/98 TLA FL
MAIL



REFUSED

Mr. George F. Papari, President
Preferred Payphones, Inc.
3941 Ryan Street, Suite A
Lake Charles, LA 70605

Refused
0565
P.



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ATTACHMENT A

RETURN ADDRESS completed on the reverse side?

SENDER:

Complete items 1 and 2 for additional services.
Complete items 3, 4, and 5.
Print your name and address on the reverse of this form so that we can return the card to you.
Attach this form to the front of the mailpiece, or on the back if space does not permit.
Write "Return Receipt Requested" on the mailpiece before the article number.
The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following service (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

Mr. George F. Papani, President
Preferred Payphones, Inc.
3941 Ryan Street, Suite A
Lake Charles, LA 70605
|||||

Z 425-830182

- Certified
- Insured
- COD

5. Received By: (Print Name)

6. Signature (Address or Agent)

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

Thank you for using Return Receipt Service.

Corporate Inquiry Menu: Please select an inquiry type from the list below, then enter a search key in the search field. Press SEARCH to begin the search.	
Inquiry by: <input type="radio"/> Corporation / Trademark Name <input type="radio"/> Officer / Registered Agent Name <input type="radio"/> Registered Agent Name <input type="radio"/> Trademark Owner Name <input type="radio"/> FEI Number <input type="radio"/> Document Number <input type="radio"/> Trademark Name Search String: <input type="text"/> <input type="button" value="Search"/> HomePage	10/21/98 CORPORATE DETAIL RECORD SCRE NUM: F97000004050 ST:LA INACTIVE/FOREIGN PROF FLD: 8-1-97 LAST: REVOKED FOR ANNUAL REPORT FLD: 10-16-98 FEI#: 72-1291918 NAME : PREFERRED PAYPHONES, INC. PRINCIPAL: 3941 RYAN STREET, STE K ADDRESS LAKE CHARLES, LA 70605 RA NAME : PAPANIA, GEORGE RA ADDR : 9874 BROOKHOLLOW LANE TALLAHASSEE, FL 32311 US ANN REP : * NONE FILED *
<u>Officers Events</u> ----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF <u>Document Image</u>	

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