

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900651-TC
proceedings against TRIPLE CROWN)	
INDUSTRIES, INC. d/b/a TRIPLE CROWN)	ORDER NO. 23730
INMATES SERVICES for violation of)	
Commission Rule 25-.043, F.A.C.,)	ISSUED: 11-07-90
response to staff inquiry)	
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The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

ORDER INITIATING SHOW CAUSE

Triple Crown Industries, Inc. d/b/a Triple Crown Inmate Services (Triple Crown or Company), has been a certificated pay telephone provider since July 12, 1988. On October 26, 1989, a complaint was filed with the Division of Consumer Affairs against Triple Crown, concerning a customer's bill. Triple Crown did not respond to the Commission's inquiry regarding that complaint. Rule 25-4.043, Florida Administrative Code, requires replies to inquiries by the Commission to be furnished in writing within fifteen days from the date of the Commission inquiry.

During the ensuing investigation, we discovered that Triple Crown was operating in a penal institution providing collect-only calling. Rule 25-24.515 provides, in part, that each pay phone station shall permit access to "911," to local directory assistance, and to all locally available interexchange companies, unless the Company applies for and receives the necessary waiver of those provisions from the Commission. Triple Crown has not applied for the necessary waiver.

Triple Crown also has not filed a 1989 Annual Report, thus violating Rule 25-24.520(2), which requires each pay telephone company to file such report by January 31 of each year. In addition, the Company has violated Rule 25-24.520(1), which requires the Company to provide the Commission with a current address. The certified letters sent to Triple Crown have been returned.

Pursuant to Section 364.285, Florida Statutes, this Commission is authorized to revoke a company's certificate of public

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convenience and necessity for violation of applicable statutes or rules. Accordingly, we find it appropriate to require Triple Crown to show cause in writing why it should not have its certificate revoked for violation of Commission Rules 25-4.043, 25-24.515, and 25-24.520.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Triple Crown Industries, Inc. d/b/a Triple Crown Inmate Services be required to show cause in writing why it should not have its certificate canceled for violation of Commission Rules 25-4.043, 25-24.515, and 25-24.520. It is further

ORDERED that this docket remain open pending the resolution of this show cause.

By ORDER of the Florida Public Service Commission, this 7th day of NOVEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

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

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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.

This order is preliminary, procedural or intermediate in nature. 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 25-22.037(1), 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, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 27, 1990.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer 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.