

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILED

In Re: Initiation of show case proceedings against Telaleasing Enterprises, Inc. for violation of Rules 25-24.515, F.A.C., Pay Telephone Service, and 25-24.043, F.A.C., Response Requirement

Docket No. 960649-TC

Filed: 7-23-96

RESPONSE OF TELALESING ENTERPRISES, INC. TO ORDER NO. PSC-96-0912-FOF-TC

On July 16, 1996, the Commission issued Order No. PSC-96-0912-FOF-TC ("Show Cause Order") requiring Telaleasing Enterprises, Inc. (Telaleasing) to show cause why it should not be fined or have its certificate revoked for alleged violations of Rules 25-24.515 and 25-24.043, Florida Administrative Code. Telaleasing hereby provides its response to the show cause order and submits its request for relief.

1. The exact name of Telaleasing and the address of its principal business office is:

Telaleasing Enterprises, Inc. 601 West Morgan Jacksonville, Illinois 62650

2. All notices, pleadings and orders should be directed to:

Marsha E. Rule Wiggins & Villacorta, P.A. 501 East Tennessee Street Suite B Post Office Drawer 1657 Tallahassee, Florida 32302 (904) 222-1534 (telephone) (904) 222-1689 (facsimile)

3. Telaleasing is certificated as a pay telephone provider in Florida, and is the holder of Certificate No. 2358.

4. Order No. PSC-96-0912-FOF-TC alleges violations of Rule

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25-4.043, Florida Administrative Code, but fails to provide information sufficient to allow Telaleasing to respond with specific allegations of fact and law as required by the Show Cause Order. Accordingly, Telaleasing requests a more particular statement of alleged violations, including the alleged date of each staff notice and company response, so that it may respond in detail as contemplated by the Show Cause Order.

5. Similarly, the allegations in Order No. PSC-96-0912-FOF-TC regarding violations of Rule 25-24.515, Florida Administrative Code, fail to specify the date or location of each such violation, noting only that staff recorded them between 1994 and March 8, 1996. In order to respond in the detail required by the Show Cause Order, Telaleasing requests a more particular statement of the alleged violations, including the alleged date and location of each such service deficiency.

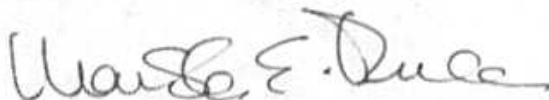
6. Telaleasing believes that it can obtain sufficient details of allegations giving rise to the Show Cause Order from Commission staff that will allow it to proceed in this matter. If, however, the Commission finds that Telaleasing's formal response to the Show Cause Order must be more detailed - for example, must address each of the alleged violations specifically - Telaleasing would demand a more particular statement of the alleged violations.

7. The Commission should not fine Telaleasing for the violations alleged in Order No. PSC-96-0912-FOF-TC. Section 364.285, Florida Statutes, which determines the Commission's authority to impose fines, provides that the Commission may impose

a penalty on telecommunication companies subject to its jurisdiction that have "refused to comply with or (that) have willfully violated any lawful rule or order of the commission . . . ." In order to support imposition of fines, the Show Cause Order must explain why the alleged violations constitute willful violations of the Commission's rules or orders. The Show Cause Order, however, fails to explain why the violations are considered to be willful. Telaleasing denies that it has refused to comply with or that it willfully violated Commission rules.

WHEREFORE, Telaleasing Enterprises, Inc. requests a hearing on this matter pursuant to Section 120.57(1), Florida Statutes.

DATED this 23rd day of July, 1996.



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