

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

MEMORANDUM

June 20, 1991

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES [ADAMS] *ADA*
DIVISION OF COMMUNICATIONS [BROWN] *BB* *TR*

RE : DOCKET NO. 910292-TI - INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST TELESHERE NETWORK, INC. FOR
VIOLATION OF COMMISSION RULES 25-4.111(1) AND 25-4.043
REGARDING RESPONSES TO CONSUMER COMPLAINTS

AGENDA: 07/02/91 - CONTROVERSIAL AGENDA - PARTIES MAY
PARTICIPATE

CRITICAL DATES: NONE

CASE BACKGROUND

On April 30, 1991, Order No. 24448 (Attachment A) was issued requiring Telesphere Network, Inc. (Telesphere) to show cause why it should not be fined for failure to respond to consumer complaint inquiries in a timely fashion. Responses to such inquiries are required within 15 days by Rules 25-4.111(1) and 25-4.043, Florida Administrative Code.

On May 20, 1991, Telesphere filed a response (Attachment B) to Order No. 24448. In its response, Telesphere offered to pay the \$3,8600 fine and also asserted that the internal problems that originally led to the rule violations had been corrected.

Staff was originally willing to accept the settlement proposal. An ongoing review of Telesphere's consumer complaints, however, revealed that even after Telesphere was facing the Show Cause Order, it continued to file its responses late. Since the date of the show cause order, four complaint responses have become due. Of these four, three were received late. (See Attachment C for a breakdown of Telesphere's response time.)

DOCUMENT NUMBER-DATE

06203 JUN 20 1991

FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should Telesphere's settlement proposal be accepted?

RECOMMENDATION: No, because this appears to be an ongoing problem. The matter should be set for hearing so as to allow the Commission to consider a broader range of penalties.

STAFF ANALYSIS: Penalties are imposed to insure compliance. It is apparent from the actions of Telesphere that the company is continuing to have trouble with compliance. If such a pattern were to persist, staff would find it necessary to show cause Telesphere again. Therefore, in the interest of time and administrative efficiency, staff recommends the matter be set for hearing with no specified penalty for consideration.

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