

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910785-TC
proceedings against HAZEN GLENN)	
LANCASTER, JR. for violation of service)	ORDER NO. 25219
standards and Rule 25-4.043, F.A.C.,)	
Response Requirement.)	ISSUED: 10/15/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 MICHAEL MCK. WILSON

ORDER TO SHOW CAUSE WHY
A FINE SHOULD NOT BE IMPOSED

BY THE COMMISSION:

Hazen Glenn Lancaster, Jr. (Mr. Lancaster) has been a certificated pay telephone service (PATS) provider since August 28, 1989. As a certificated PATS provider, Mr. Lancaster is subject to our jurisdiction.

On April 2, 1991, our staff performed service evaluations on two pay telephones operated by Mr. Lancaster in Tampa. The evaluator noted an apparent violation of Rule 25-24.515(6), Florida Administrative Code which provides:

Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

On April 26, 1991, our staff sent Mr. Lancaster a letter requesting corrective action be taken and a written response within 15 days. When no response was forthcoming, our staff sent a certified letter on May 29, 1991, again requesting corrective action and a response within 15 days. Rule 25-4.043, Florida Administrative Code, provides:

Response to Commission Staff Inquiries. The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen

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(15) days from the date of the Commission inquiry.

Mr. Glenn filed a subsequent late response to the certified letter on August 2, 1991 and reported that all deficiencies had been corrected on June 10, 1991. A follow-up evaluation on June 18, 1991 had indicated that, contrary to Mr. Glenn's assertion, access was still denied to some IXCs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Hazen Glenn Lancaster, Jr. shall show cause why he should not be fined up to \$2,000 for the violations cited in the body of this Order, or in the alternative, why his certificate should no be canceled. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements below. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process. It is further

ORDERED that in the event Hazen Glenn Lancaster, Jr. fails to file a timely response to this Order, Certificate No. 2348 shall be administratively canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 15th day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Hagan
Chief, Bureau of Records

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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 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 11/05/91.

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.