

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 911207-TC
proceedings against DR. LEONARD) ORDER NO. PSC-92-0333-AS-TC
FREED for violation of Rule 25-) ISSUED: 05/11/92
4.043, F.A.C., Response Require-)
ment.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

FINAL ORDER APPROVING SETTLEMENT OFFER

BY THE COMMISSION:

Dr. Leonard Freed has been a certificated pay telephone service (PATS) provider since January 3, 1991. As a certificated PATS provider, Dr. Freed is subject to our jurisdiction.

On February 27, 1992 we issued Order No. 25815 requiring Dr. Freed to show cause why his certificate should not be canceled for violation of Rule 25-4.043, Florida Administrative Code after Dr. Freed failed to respond to a staff communication.

Dr. Freed filed a response to Order No. 25815 on March 18, 1992. After considerable discussing it became apparent that Dr. Freed had been providing service as Compare Communications, Inc. (Compare), an uncertificated corporation. Subsequently, Compare filed an application for a certificate and Dr. Freed has filed an settlement proposal. Essentially, Dr. Freed's settlement proposal Consents to payment of \$750.00 within 10 days of the date of an Order approving the proposal.

In his response, Dr. Freed indicates that his failure to respond was the result of an inadvertent oversight rather than an intentional or willful failure. Dr. Freed appears to have quickly taken steps to correct all substantive violations. Dr. Freed has responded to the original complaint and an application has been filed on behalf of the uncertificated corporation.

Based on the information before us, we believe Dr. Freed's violations reflect a lack of diligence. We further believe Dr. Freed's subsequent behavior serves to mitigate his previous lack of due diligence and justify a reduced penalty. Accordingly, we believe it appropriate to accept Dr. Freed's settlement proposal.

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Based on the foregoing. it is further

ORDERED by the Florida Public Service Commission that the settlement offer made in this docket by Dr. Leonard Freed is hereby approved. It is further

ORDERED that this docket shall be closed upon receipt of the settlement payment of \$750.00 from Dr. Freed.

By ORDER of the Florida Public Service Commission, this 11th day of May, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.