

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 920687-TC
proceedings against OWN YOUR) ORDER NO. PSC-92-1009-FCF-TC
OWN PHONE CENTERS, INC. for) ISSUED: 09/21/92
violation of Commission Rule)
25-4.043, F.A.C., Response)
Requirement.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE WHY
A FINE SHOULD NOT BE IMPOSED

BY THE COMMISSION:

On November 6, 1992, Own Your Own Phone Center, Inc. (Phone Center) was granted a certificate to provide pay telephone service.

On November 25, 1991, a complaint against Phone Center was filed with the Florida Public Service Commission. The complaint alleged that Phone Center terminated calls prior to the minimum fifteen minute time limit mandated by Commission Order No. 24101. After several inquiries by the Division of Consumer Affairs and three letters and a telephone call by the Division of Communications, the complaint was finally resolved on July 24, 1992.

On July 22, 1992, an additional complaint against Phone Center was filed with the Florida Public Service Commission. The complainant alleged that Phone Center was charging \$1.25 for local calls from its debit card pay phones in the Escambia County Jail, rather than the \$1.00 as permitted by Commission Order No. 24101. Although a response from Phone Center was due on August 10, 1992, Phone Center did not respond until September 10, 1992, in violation of Rule 25-4.043, Florida Administrative Code.

Therefore, we find it appropriate to require Own Your Own Phone Center to show cause why it should not be fined for violating Commission Order No. 24101 and Rule 25-4.043, Florida Administrative Code.

DOCUMENT NUMBER-DATE

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that OWN YOUR OWN PHONE CENTERS, INC. shall show cause why the Company should not be fined for the violations set forth herein. It is further

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

ORDERED that failure to respond within the time period set forth below 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 shall constitute a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such a default shall be effective on the day subsequent to the date set forth below. It is further

ORDERED that upon default, OWN YOUR OWN PHONE CENTERS, INC.'s certificate of public convenience and necessity is heretofore cancelled. It is further

ORDERED that, in the event of default, this is the only notice that OWN YOUR OWN PHONE CENTERS, INC. will receive prior to cancellation of its certificate for failure to respond to this Order. It is further

ORDERED that in the event of default, this docket shall be closed administratively; otherwise, this docket shall remain open pending resolution of the show cause process.

By ORDER of the Florida Public Service Commission this 21st day of September, 1992.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PLT

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 October 12, 1992.

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 wastewater 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.