

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show case)
proceedings against Adtec)
Communications, Inc. for violation)
of Rules 25-24.515, F.A.C., Pay)
Telephone Service, and 25-4.043,)
F.A.C., Response to Commission)
Staff Inquiries)

Docket No. 960350-TC

Filed 6/18/96

ORIGINAL
FILE COPY

RESPONSE OF
ADTEC COMMUNICATIONS, INC.
TO ORDER NO. PSC-96-0722-FOF-TC

On May 29, 1996, the Commission issued Order No. PSC-96-0722-FOF-TC ("Show Cause Order") requiring Adtec Communications, Inc. (Adtec) 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. Adtec hereby provides its response to the show cause order and submits its request for relief.

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

Adtec Communications, Inc.
601 West Morgan
P.O. Box 727
Jacksonville, Illinois 62650

ACK _____
AFA _____
APP _____
CAF _____
CMU Isler
CTR _____
EAG _____
LEG Edmonds
LIN _____
OPC _____
RCH _____
SEC 1
WAS _____
OTH _____

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

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

3. Adtec is certificated as a pay telephone provider in Florida, and is the holder of Certificate No. 100.

4. Order No. PSC-96-0722-FOF-TC alleges violations of Rule

DOCUMENT NUMBER-DATE

06583 JUN 18 96

FPSC-RECORDS/REPORTING

25-4.043, Florida Administrative Code, but fails to provide information sufficient to allow Adtec to respond with specific allegations of fact and law as required by the Show Cause Order. Accordingly, Adtec 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-96-0722-FOF-TC regarding violations of Rule 25-24.515, Florida Administrative Code, fail to specify the date of each such violation, noting only that staff recorded them between the two-year time period of January 1, 1994 and December 31, 1995. The majority of the violations are alleged to have occurred during 1995. In order to respond in the detail required by the Show Cause Order, Adtec requests a more particular statement of the alleged violations, including the alleged date of each such service deficiency.

6. Adtec 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 Adtec's formal response to the Show Cause Order must be more detailed - for example, must address each of the alleged violations specifically - Adtec would demand a more particular statement of the alleged violations.

7. The Commission should not fine Adtec for the violations alleged in Order No. PSC-96-0722-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. Adtec denies that it has refused to comply with or that it willfully violated Commission rules.

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

DATED this 18th day of June, 1996.



Marsha E. Rule
Wiggins & Villacorta
Post Office Drawer 1657
Tallahassee, Florida 32302
(904) 222-1534

Attorneys for Adtec Communications,
Inc.



June 14, 1996

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

via Hand Delivery

960670-TX

Re Correction to Name Request of Time Warner AxS of Florida, L P

Dear Ms. Bayo:

This is to correct the information previously sent in my letter of May 28, 1996 regarding a name change for Time Warner AxS of Florida, L.P. Time Warner Communications is a fictitious name, and has been registered with the Florida Secretary of State as Time Warner AxS of Florida, L.P. d/b/a Time Warner Communications. This is the name that should be reflected on the revised certificate. I have spoken to Tommy Williams of the Commission staff to inform him of this correction, and this letter is to provide a written record of it. I am sorry for any inconvenience this has caused.

You will also find a duplicate copy of this letter enclosed. Please date-stamp the copy letter to indicate that the original was filed and return the copy to me.

Respectfully,

ACR _____
AFM _____
ALM _____
CAF _____
CFL 1 _____
CTH _____
EAL _____
ELM 1 _____
LIM _____
SIL 1 _____
WAS _____
YTH _____

Jill Butler

Enclosure

cc: John Rigsby
Rich Gerstemeier
Diane Pickett
Jill Clark

RECEIVED & FILED

14
DIVISION OF RECORDS

DOCUMENT NUMBER-DATE

06538 JUN 17 96