

Talbott
Vandiver

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

September 26, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *PHH*
DIVISION OF LEGAL SERVICES (BROWN) *ocel/116*

RE: DOCKET NO. 960964-TC - JOSEPH FRANCIS CIRIGLIANO JR. -
CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY
TELEPHONE CERTIFICATE NO. 4216 FOR VIOLATION OF RULE
25.24.520(1)(A), F.A.C., REPORTING REQUIREMENTS.

DOCKET NO. 961032-TC - SCOTT MELICK d/b/a ON LINE PAY
PHONE SYSTEMS - CANCELLATION BY FLORIDA PUBLIC SERVICE
COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3664 FOR
VIOLATION OF RULE 25-24.520(1)(A), F.A.C., REPORTING
REQUIREMENTS.

AGENDA: 10/8/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\960964.RCM

CASE BACKGROUND

- Certificate number 4216 was issued to JOSEPH FRANCIS CIRIGLIANO JR. August 8, 1995. Certificate number 3664 was issued to SCOTT MELICK d/b/a ON LINE PAY PHONE SYSTEMS February 28, 1994.
- The Division of Records and Reporting received returned mail from the Post Office on each company. They asked that they be furnished with the correct mailing addresses or that staff initiate proceedings to have the providers' certificates cancelled. (Pages 6 - 7)

DOCUMENT NUMBER-DATE

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DOCKET NOS. 960964-TC and 961032
DATE: SEPTEMBER 26, 1996

- . Communications staff attempted unsuccessfully to reach each provider by calling the telephone number listed in the Master Commission Directory. The number for JOSEPH FRANCIS CIRIGLIANO JR. is out of order. The number for SCOTT MELICK d/b/a ON LINE PAY PHONE SYSTEMS has voice mail but no one has returned staff's calls.

DOCKET NOS. 960964-TC and 961032
DATE: SEPTEMBER 26, 1996

DISCUSSION OF ISSUES

ISSUE 1: Should JOSEPH FRANCIS CIRIGLIANO JR. and SCOTT MELICK d/b/a ON LINE PAY PHONE SYSTEMS have their certificates cancelled by the Florida Public Service Commission for violation of Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, if they fail to pay a \$250 fine, and provide staff with the information required by Rule 25-24.520 (1)(a) and (b), Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. Staff recommends that JOSEPH FRANCIS CIRIGLIANO and SCOTT MELICK d/b/a ON LINE PAY PHONE SYSTEMS should have their respective certificates cancelled if they fail to pay a \$250 fine and provide staff with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within 30 days after the Order becomes final. The fines are to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to 364.285(1), Florida Statutes.

STAFF ANALYSIS:

- . Pursuant to Rule 25-24.514 (1) (a) and (b), F.A.C., Cancellation of a Certificate, in pertinent part, the Commission may cancel a company's certificate for violation of the terms and conditions under which the authority was originally granted or for violation of Commission rules and orders.
- . Pursuant to Rule 25-24.520(1)(a) and (b), in pertinent part, each pay telephone service company shall file with the Division of Communications within 10 days after a change occurs: the street address of the certificate holder and the name, title and phone number of the individual responsible for contact with the Commission.
- . Communications staff has attempted to contact the two providers by telephone but was not successful.
- . It has been well over 10 days and staff has not been informed of the providers' correct mailing address, phone number or liaison information.

DOCKET NOS. 960964-TC and 961032
DATE: SEPTEMBER 26, 1996

- Therefore, staff recommends that the certificates be cancelled unless the companies pay a \$250 fine and provide staff with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within 30 days after the Order becomes final:

PROVIDER	CERTIFICATE NUMBER
JOSEPH FRANCIS CIRIGLIANO	4216
SCOTT MELICK d/b/a ON LINE PAY PHONE SYSTEMS	3664

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. These dockets should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of the Order. If no timely protest is filed, these dockets should be closed at the conclusion of the 30 day period after the Order becomes final. If a company pays the \$250 fine and provides the information required, the docket should be closed. A protest of one docket should not prevent this Order from becoming final for the other docket.

STAFF ANALYSIS:

- If the Commission adopts staff's recommendation in Issue 1, then JOSEPH FRANCIS CIRIGLIANO JR. and SCOTT MELICK d/b/a ON LINE PAY PHONE SYSTEMS will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff the information called for in Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, or their certificates will be cancelled without further Commission action.

DOCKET NOS. 960964-TC and 961032
DATE: SEPTEMBER 26, 1996

Unless a person whose substantial interests are affected by this Order files a protest within 21 days, the dockets should be closed after the conclusion of the 30 day period. A protest in one docket shall not prevent this Order from becoming final for the other docket.

For each certificate that is cancelled, the serving local exchange company shall be notified by staff to discontinue service to all pay telephones operated by that company. If the Commission denies staff on Issue 1 the dockets should be closed.

RECEIVED
JUL 15 1996

FPSC-RECORDS/REPORTING



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TF422
Joseph Francis Cirigliano Jr.
13066 Hazelcrest Street
Spring Hill FL 34609-5954

Forward to
2601 Duran Chapel Rd
Milledgeville SC

RECEIVED
JUL 9 1996

FPSC-RECORDS/REPORTING

TE012

On-Line Pay Phone Systems
1801 Brantley Road, #209
Ft. Myers FL 33907-3947

(Scott Malick aka)

Received by email 4/9/96

ONLI601 339072055 IN 06/10/96
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

*ANK
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