

DOCKETS NOS. 970216-TC, 970217-TC & 970218-TC
DATE: MARCH 6, 1997

- The Division of Records and Reporting received returned mail from the Post Office on each company. The Division of Records and Reporting asked that they be furnished with the correct mailing addresses or that staff initiate proceedings to have the providers' certificates cancelled. (Pages 6 - 8)
- Communications staff attempted unsuccessfully to reach each provider by calling the telephone number listed in the Master Commission Directory. The number for Anthony Clark d/b/a Aqui te Espero Restaurant is a working number and the gentleman said that Mr. Clark sold him the business, but there is no payphone there. The new owners removed the payphone. The person answering the phone number for Robert A. Phillips d/b/a Central Payphone Vendors, Inc. said that there was no one living at that number by the name of Robert A. Phillips and they had no knowledge of Central Payphone Vendors, Inc. They also had never heard of Robert A. Phillips. The number for Carlos M. Martinez d/b/a CJ'S Communications rings with no answer.

DISCUSSION OF ISSUES

ISSUE 1: Should Anthony Clark d/b/a Aqui te Espero Restaurant, Robert A. Phillips d/b/a Central Payphone Vendors, Inc. and Carlos M. Martinez d/b/a CJ's Communications 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 Anthony Clark d/b/a Aqui te Espero Restaurant, Robert A. Phillips d/b/a Central Payphone Vendors, Inc. and Carlos M. Martinez d/b/a CJ's Communications 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), Florida Administrative Code, 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 three 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.

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- 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
Anthony Clark d/b/a Aqui te Espero Restaurant	4481
Robert A. Phillips d/b/a Central Payphone Vendors, Inc.	4498
Carlos M. Martinez d/b/a CJ's Communications	4282

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, the certificate should be cancelled and 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 dockets.

STAFF ANALYSIS:

- If the Commission adopts staff's recommendation in Issue 1, then Anthony Clark d/b/a Aqui te Espero Restaurant, Robert A. Phillips d/b/a Central Payphone Vendors, Inc. and Carlos M. Martinez d/b/a CJ's Communications 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

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Code, Reporting Requirements, or their certificates will be cancelled without further Commission action.

- 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 dockets.

- 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.

State of Florida

Service Commission

1000
Sumner Oak Boulevard
Tallahassee, Florida 32399-0850



Handwritten signature
P. J. ...

TFS43
Aqui te Espero Restaurant (Anthony CI
d/b/a)
1956 N.W. 17th Avenue
Miami, FL 33125-1544

State of Florida

Service Commission

Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



TF563
Central Payphone Vendors, Inc. (Robert A.
Phillips d/b/a)
37636 Beth Street
Dade City, FL 33525-5708

CENTRAL PAYPHONE VENDORS
37636 BETH ST
DADE CITY FL 33525-5708
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
12/20/90

00000-00000000

State of Florida

Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



TF478

18418

CJ's Communications (Carlos M. Martinez)

P. O. Box 620545
Orlando, FL 32862-0545

MARTINEZ 220022079 1127 01/08/97
MARTINEZ RETURN TO SENDER

BOX 51028
SPRINGFIELD, MO 65702

