

Beuford B. Wentworth

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
JUL 21 PM 1:01
MAIL ROOM

Beuford B. Wentworth
12609 Condor Drive
Jacksonville, Florida 32223
Certificate No. 3096

7/16/99

Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, Florida 32399-0850

Reference: Docket No. 990622-TC
Order No. PSC-99-1230-SC-TC
Issued: June 22, 1999

Dear Mr. Chairman and Members,

Enclosed please find my check for \$400.00, representing the balance I owe for Order No. PSC-991230-SC-TC.

Sincerely,

Beuford B. Wentworth
Beuford B. Wentworth

DEPOSIT DATE
D171 JUL 20 1999

- AFA _____
- APP _____
- CAF _____
- CMJ H
- CTR _____
- EAG _____
- LEG H
- MAS _____
- OPC _____
- RRR _____
- SEC H
- WAW _____
- OTH _____

R+R
Ray Kennedy



BEUFORD B. WENTWORTH, LT USN (RET)
REMA J. WENTWORTH
SSN 282-34-2502, 282-34-2353
12609 CONDOR DR., PH 268-2210
JACKSONVILLE, FL 32223

1611

Date 7-15-99

63-7927/2630
BRANCH 013

Pay to the Order of FLORIDA PUBLIC SERVICE COMMISSION \$ 400.00

FOUR HUNDRED

Dollars Security features included. Details on back.

FEDERAL RESERVE NOTE
P.O. BOX 45085, JACKSONVILLE, FLORIDA 32232-5085

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Beuford B. Wentworth

DOCUMENT NUMBER-DATE

08641 JUL 21 99

FPSC-RECORDS/REPORTING

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Dear Mr. Chairman and Members,

It is with deep regret that I find myself writing this response to the referenced "show cause" order. I am at a loss to adequately explain my apparent violation of Rule 25-24.515. At the time of these violations, I was in the process of installing on all my pay phones newly redesigned signage of a more permanent nature (silk screened placards) to replace the inkjet created signage that tended to washout in the sunlight within a few weeks. I honestly thought these phones had the signage replaced. In fact, when I checked after receiving the violation notice resulting from the April 14, reinspection, the new signage had been installed. I checked again after receiving the "show cause" and confirmed again that the more permanent signage was there on each of these phones and was in fact very clear and readable. I am not trying to find an excuse but I do want you to know that I take very seriously the commissions rules and orders.

I have checked ALL my pay phones and have ensured that correct signage of the more permanent nature as I described has been installed and is clearly readable. In regards to this show cause order, in view of the fact that all the violations on each phone pertain to the one placard, i.e., if a placard is missing or unreadable, then multiple violations may occur, I would ask that rather than me being fined for each rule violation, the Commission would see fit to fine me instead for each pay phone not in compliance. That is, I would offer a \$400.00 fine to be more appropriate.

I offer my sincere apologies to the Commission and promise that my phones will be in compliance in the future and will be checked on a regular basis. Anticipating your acceptance of my offer of \$400.00, I have enclosed a check for same.

Sincerely,

B B Wentworth



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REMA J. WENTWORTH
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RAR
Roy Kennedy

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For DOCKET # 990622-TC

Beuford B. Wentworth MP

Beuford B. Wentworth

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Certificate No. 3096

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Sincerely,


Beuford B. Wentworth

MAIL ROOM
COMMUNICATIONS
JUL 12 1 42 PM '99

UBAIBO ❖ ❖

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Beuford B. Wentworth for violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 990622-TC
ORDER NO. PSC-99-1230-SC-TC
ISSUED: June 22, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Beuford B. Wentworth (BBW) currently holds Certificate of Public Convenience and Necessity No. 3096, issued by this Commission on August 28, 1992, authorizing the provision of pay telephone service. On January 26, 1999, the 1998 regulatory assessment fee return of BBW reported \$118,308 in gross intrastate revenues and 89 pay telephones in operation.

On February 23, 1999 and February 24, 1999, our staff performed routine service evaluations of four pay telephone stations operated by Beuford B. Wentworth. On March 22, 1999, our staff received a Service Violation Correction Form from BBW signifying that all apparent violations were corrected by replacement of signage.

On April 14, 1999, our staff reevaluated the four pay telephone stations. Although BBW reported that all violations had been corrected, the table provided as Attachment A, incorporated herein by reference, depicts those apparent rule violations that were the same violations observed during the initial evaluations.

ORDER NO. PSC-99-1230-SC-TC
DOCKET NO. 990622-TC
PAGE 2

By Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 per day for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of this Commission, or any provision of Chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

We believe that BBW's conduct in providing pay telephone services in apparent violation of Commission Rule 25-24.515, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as BBW's conduct at issue here, would meet the standard for a "willful violation."

Accordingly, BBW is hereby ordered to show cause in writing within 21 days of the date of this Order why BBW should not have Certificate No. 3096 canceled or be fined \$800 for apparent violation of Rule 25-24.515, Florida Administrative Code. BBW's response must contain specific allegations of fact or law.

If Beuford B. Wentworth timely responds to this show cause order, this docket shall remain open pending resolution of the show cause proceeding. If BBW fails to respond to this show cause order, and the fine is not paid within five business days after the expiration of the show cause response period, certificate number 3096 shall be canceled and this docket closed. If the fine is paid it will be remitted by this Commission to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, and this docket shall be closed.

ORDER NO. PSC-99-1230-SC-TC
DOCKET NO. 990622-TC
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Beuford B. Wentworth shall show cause in writing within 21 days of the date of this Order why it should not be fined \$800 for apparent violation of Rule 25-24.515, Florida Administrative Code. It is further

ORDERED that any response to this Order to Show Cause filed by Beuford B. Wentworth shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, waiver of right to a hearing, and will result in the automatic assessment of the \$800 fine. It is further

ORDERED that in the event Beuford B. Wentworth fails to respond to this Order and the fine is not received within five business days after the expiration of the show cause response period, certificate number 3096 shall be canceled and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of June, 1999.

/s/ Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

JAM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 13, 1999.

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 and a default pursuant to Rule 28-106.111(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.