

FLORIDA PUBLIC SERVICE COMMISSION

Item 3

VOTE SHEET

FILED JAN 08, 2015  
DOCUMENT NO. 00140-15  
FPSC - COMMISSION CLERK

January 8, 2015

**Docket No. 140223-TC** – Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

**Issue 1:** Should the Commission order Florida Public Telephone Company to show cause in writing, within 21 days of the date of the order why it should not be penalized \$2,000, or its Certificate No. 5108 should not be cancelled for apparent violations of Section 364.335(2), F.S., Section 364.3375(2), F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032(6)(b), F.A.C.?

**Recommendation:** Yes. The Commission should order Florida Public Telephone Company to show cause in writing, within 21 days of the issuance of an Order, why it should not be penalized \$2,000, or its Certificate No. 5108 cancelled for apparent violations of Section 364.335(2), F.S., Section 364.3375(2), F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032(6)(b), F.A.C. Specifically, staff recommends that Florida Public Telephone Company be directed to repair or remove the inoperable payphones, pay a penalty of \$2,000, update company contact information with the Commission Clerk, and update the Company’s Corporate Registration with the Florida Secretary of State. Florida Public Telephone Company’s response must contain specific allegations of fact or law. If Florida Public Telephone Company fails to respond to the show cause order or request a hearing, pursuant to Section 120.57, F.S., within 21 days and/or remit the penalty and resolve the complaints, the facts should be deemed admitted and the Company’s Certificate No. 5108 should be cancelled. If a penalty is assessed and paid by the Company, the Commission will remit the penalty to the State of Florida General Revenue Fund, pursuant to Section 364.285, F.S.

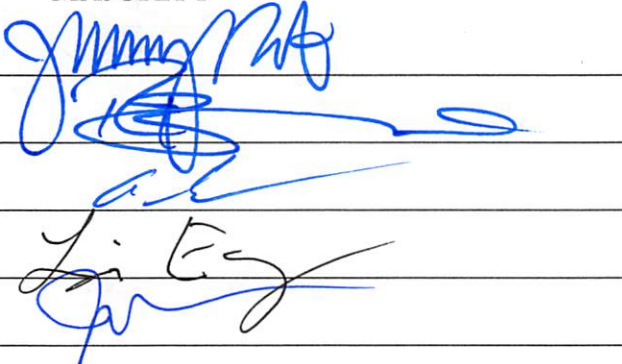
**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING



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**REMARKS/DISSENTING COMMENTS:**

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**Issue 2:** Should this docket be closed?

**Recommendation:** No. If Issue 1 is approved, then Florida Public Telephone Company, will have 21 days, from the issuance of the Order to Show Cause, to respond in writing why it should not be assessed a penalty or have its certificate canceled. If Florida Public Telephone Company timely responds, in writing, to the Order to Show Cause, and repairs or removes the inoperable payphones, updates the company contact information with the Commission Clerk, updates the Company's Corporate Registration with the Florida Secretary of State, and timely pays the assessed penalty of \$2,000, the penalty should be deposited in the Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, and the docket closed administratively. If Issue 1 is approved and Florida Public Telephone Company fails to timely respond to the Order to Show Cause or request a hearing, fails to repair or remove the inoperable payphones, fails to update the company contact information with the Commission Clerk, fails to update the Company's Corporate Registration with the Florida Secretary of State, or fails to timely pay the assessed penalty of \$2,000, then Florida Public Telephone Company's Certificate No. 5108 should be canceled and the docket closed administratively.

**APPROVED**