

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900763-TC
proceedings against Telpac Systems,)	ORDER NO. 23990
INC. for violation of Commission)	ISSUED: 1-15-91
Rule 25-4.043, Florida)	
Administrative Code, Response)	
Requirement)	
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

ORDER INITIATING SHOW CAUSE PROCEEDINGS

Telpac Systems, Inc. (Telpac or the Company) has been a certificated pay telephone provider since January 1987. On May 22, 1990, a complaint regarding service problems was filed with the Division of Consumer Affairs against Telpac. The complainant indicated that the pay telephone located on the premise was out of service and Telpac failed to make any attempts to repair the telephone. The complaint was forwarded to the Division of Communications for further handling because Telpac failed to respond to Consumer Affairs requests for information. Telpac has failed to return telephone calls or respond to written inquiries regarding the complaint.

Rule 25-4.043, Florida Administrative code, states:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Additionally, because the pay telephones were out of service for an extended period of time, Telpac violated Rule 25-24.515(10)(a), Florida Administrative Code, which states:

Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the

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same day that the interruption is reported to the company. (Sundays and holidays excepted).

Pay telephone providers furnish a service to the transient public; therefore, it is important for PATS providers to have pay telephones in operation with minimal service interruption.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Telpac Systems, Inc. show cause why its Certificate of Public Convenience and Necessity, Certificate No. 1770, should not be canceled for violation of Rules 25-4.043 and 25-24.515(10)(a), Florida Administrative Code. It is further

ORDERED that the docket remain open for 30 days pending a response pursuant to the requirement set forth below.

By ORDER of the Florida Public Service Commission, this 15th day of JANUARY, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 4, 1991.

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 pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(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 sewer 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.