

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910937-TC
proceedings against KRYSTAL)	
COMMUNICATIONS NETWORK for violation of)	ORDER NO. 25276
Commission Rule 25-24.520, 1990 Annual)	
Report, and Rule 25-4.043, Response)	ISSUED: 10/31/91
Requirement.)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

ORDER TO SHOW CAUSE WHY KRYSTAL
COMMUNICATIONS NETWORK SHOULD NOT BE
CANCELED FOR VIOLATION OF RULES 25-24.520
AND 25-4.043, FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

Krystal Communications Network (Krystal or the company) has been a certificated pay telephone service (PATS) provider since January 3, 1991. As a certificated PATS provider, Krystal is subject to our jurisdiction.

Our staff has attempted to communicate with Krystal several times, and the Company has failed to respond. On April 10, 1991, our staff sent a certified letter to Krystal requesting an updated address and telephone number. No response has been received at this time.

Rule 25-4.043, Florida Administrative Code, provides:

25-4.043 Response to Commission Staff Inquiries. 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.

Krystal's failure to respond with our staff's earlier communications or with the April 10, 1991 certified letter appears to violate this rule.

DOCUMENT NUMBER-DATE

10848 OCT 31 1991

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We further note that Krystal appears to have violated Rule 25-24.520(1), Florida Administrative Code, which provides:

25-24.520(1) Each pay telephone service company shall file with the Commission's Division of Communications updated information for the following items within 10 days after a change occurs:

- (a) The street address of the certificate holder including number, street name, city, state and zip code, and the mailing address if it differs from the street address also,
- (b) Name, title, and phone number of the individual responsible for contact with the Commission.

Our staff has attempted to communicate with Krystal to no avail. This lack of success appears to be at least partially attributable to Krystal's failure to maintain a correct and current address. Because the ability to communicate with certificated entities is essential to effective regulation, we find it appropriate to require Krystal to show cause why its PATS certificate should not be canceled for these apparent violations.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Krystal Communications Network shall show cause why Certificate No. 2619 should not be canceled for the Rule violations alleged in the body of this Order. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that if Krystal Communications Network fails to file a timely response to this Order, Certificate No. 2619 shall be canceled and this docket administratively closed.

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By ORDER of the Florida Public Service Commission, this 31st
day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Flynn
Chief, Bureau of Records

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.

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 11/20/91.

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.

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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.