

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 910946-TC  
proceedings against U.S. ALTER-) ORDER NO. PSC-92-0215-FOF-TC  
NATIVE COMMUNICATIONS for ) ISSUED: 4/16/92  
violation of Commission Rule )  
25-24.520(1), Reporting )  
Requirement, and Rule 25-4.043,) )  
Response Requirement )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER CLOSING DOCKET

BY THE COMMISSION:

U. S. Alternative Communication (USAC) has been a certificated pay telephone service (PATS) provider since January 3, 1991. As a certificated PATS provider, USAC is subject to our jurisdiction.

Between August 29, 1991 and December 16, 1991, all mail sent to USAC was returned without a forwarding address. All efforts to contact USAC by mail or telephone proved unsuccessful. Rule 25-24.520 Florida Administrative Code requires certificated PATS providers to file any change of address. Rule 25-4.043 Florida Administrative Code requires PATS providers to respond to staff requires within 15 days.

On November 29, 1991, the we issued Order No. 25399 requiring USAC to show cause why its Certificate of Public Convenience and Necessity should not cancelled failure to comply with Rules 25-24.920 and 25-4.043 Florida Administrative Code.

On December 16, 1991, USAC responded to Order 25399. Essentially USAC appears to be a one man operation. The Company's defense appears to be the impossibility of compliance.

Based on Richard Proctor's response, he was unable to respond for almost 6 months because of a severe auto accident and the resulting hospitalization. During this period, he also lost his lease. Upon his return to Florida, he was forced to relocate to different premises. At this time, he corrected his address and responded to Order No. 25399. Based on the specific circumstances of this case, we find that no fine should be imposed. These circumstances are distinct from cases where the PATS provider has

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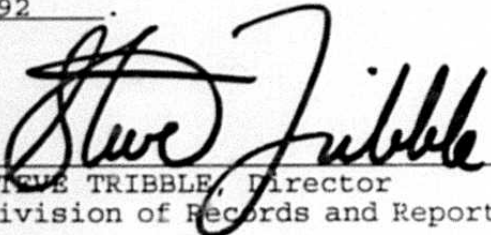
voluntarily created the circumstances that prevented compliance with the rules.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that based on the specific limited facts of this case, no fine should be imposed in this docket. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 16TH day of April, 1992.

  
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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the

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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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.