

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 920687-TC
proceedings against OWN YOUR) ORDER NO. PSC-92-1318-FOF-TC
OWN PHONE CENTERS, INC. for) ISSUED: 11/13/92
violation of Commission Rule)
25-4.043, F.A.C., 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

FINAL ORDER IMPOSING FINE

BY THE COMMISSION:

On November 6, 1991, Own Your Own Phone Center, Inc. (Phone Center) was granted a certificate to provide pay telephone service.

On November 25, 1991, a complaint against Phone Center was filed with the Florida Public Service Commission. The complaint alleged that Phone Center terminated calls prior to the minimum fifteen minute time limit mandated by Commission Order No. 24101. After several inquiries by the Division of Consumer Affairs and three letters and a telephone call by the Division of Communications, the complaint was finally resolved on July 24, 1992.

On July 22, 1992, an additional complaint against Phone Center was filed with the Florida Public Service Commission. The complainant alleged that Phone Center was charging \$1.25 for local calls from its debit card pay phones in the Escambia County Jail, rather than the \$1.00 as permitted by Commission Order No. 24101. Additionally, although a response from Phone Center was due on August 10, 1992, Phone Center did not respond until September 10, 1992, in violation of Rule 25-4.043, Florida Administrative Code.

On September 21, 1992, this Commission issued Order No. PSC-92-1009-FOF-TC directing Own Your Own Phone Centers, Inc. to Show Cause why a fine should not be imposed against them in this docket. Although Own Your Own Phone Centers, Inc. timely filed a response to that Order, the Company's response was insufficient, and was

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

essentially an admission of all facts and a waiver of the right to a hearing.

We believe this docket should remain open for six (6) months to enable Own Your Own Phone Centers, Inc. to refund all money due to inmates that have been overcharged for use of the debit card phone. Money due to inmates which cannot be located shall be submitted to the facility for placement into its Inmate Trust Fund. Further, Own Your Own Phone Centers, Inc. shall submit a written report to the Florida Public Service Commission by May 3, 1993, informing this Commission how all the refunds were allocated.

Therefore, for the above cited reasons, we find it appropriate to require Own Your Own Phone Centers, Inc. to pay a fine in the amount of \$500 for the violations set forth above.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that OWN YOUR OWN PHONE CENTERS, INC. is hereby required to pay to the Florida Public Service Commission a fine in the amount of \$500 for the violations set forth in the body of this Order. It is further

ORDERED that OWN YOUR OWN PHONE CENTERS, INC. shall pay the fine in full within twenty-one (21) days of the issuance of this Order. It is further

ORDERED that OWN YOUR OWN PHONE CENTERS, INC. shall refund all moneys due prisoners overcharged for using the debit card phones. It is further

ORDERED that money due to prisoners who cannot be located must be submitted to the appropriate facility for deposit into that facility's Inmate Trust Fund. It is further

ORDERED that OWN YOUR OWN PHONE CENTERS, INC. shall submit a written report to the Florida Public Service Commission by May 3, 1993, informing this Commission how the total refund due the inmates was allocated. It is further

ORDERED that if OWN YOUR OWN PHONE CENTERS, INC. pays the fine amount in full to the Florida Public Service Commission as required, this docket shall remain open until May 5, 1993. It is further

ORDERED that if OWN YOUR OWN PHONE CENTERS, INC. does not pay the fine in full within twenty-one (21) days of the issuance of

ORDER NO. PSC-92-1318-FOF-TC
DOCKET NO. 920687-TC
PAGE 3

this Order, its certificate of public convenience and necessity (No. 2401) is heretofore cancelled. It is further

ORDERED that this is the only notice that OWN YOUR OWN PHONE CENTERS, INC. will receive prior to cancellation of its certificate for failure to pay the fine as required by this Order. It is further

ORDERED that if OWN YOUR OWN PHONE CENTERS, INC.'s certificate is cancelled for failure to pay the fine as required by this Order, this docket shall be closed upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 13th day of November, 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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.