

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Maria E. Delgado d/b/a Global Communication for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 000482-TC  
ORDER NO. PSC-01-1016-PCO-TC  
ISSUED: April 24, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER REJECTING SETTLEMENT OFFER

BY THE COMMISSION:

Maria E. Delgado d/b/a Global Communication is certificated to provide pay telephone service in Florida, pursuant to Certificate Number 3874, issued November 4, 1994. As a provider of telecommunications services in Florida, Global is subject to the rules and regulations of the Commission. The Commission is vested with jurisdiction over this matter pursuant to Sections 374.183, 364.285, and 364.3375, Florida Statutes.

On January 27, 2000, our staff mailed Global a letter informing it of a pay telephone rule violation found in Tampa, Florida, with a response due on February 11, 2000. On February 2, 2000, our staff mailed Global a letter informing it of a pay telephone rule violation found in New Port Richey, Florida, with a response due on February 17, 2000. The company did not respond to either letter, and on February 22, 2000, our staff mailed the company certified letters for each of the violations noted above, with a response due on March 8, 2000. On February 25, 2000 Global signed for delivery of the envelope containing the two letters.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Between March 16, 2000, and April 17, 2000, staff attempted on four occasions to reach Global, each time leaving a message which did not result in a returned call. Thereafter, on April 24, 2000, our staff opened this docket to investigate whether Global should be ordered to show cause why it should not be fined or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. On June 30, 2000, we issue Order No. PSC-00-1180-SC-TC ordering Global to show cause why it should not be fined \$10,000 or have its certificate canceled. Global then submitted an offer on August 11, 2000, of \$100.00, as well as a promise to send all future communications to the Commission by certified mail, return receipt requested. In its settlement offer, Global claimed it faxed its responses to our staff on March 7, 2000.

At the October 17, 2000, Agenda Conference, our staff recommended that we reject Global's settlement offer. At that time, we declined to vote on the recommendation, allowing Global additional time to proffer evidence of its contacting staff. As Global was unable to produce call records, our staff subpoenaed MCI Worldcom Network Services, Inc., requesting the March 2000 call records for all the numbers from the location Global claims it sent the faxes. Those call records do not show a call being placed or a facsimile being sent from any of the phone numbers at the address given by Global, to us or any other Tallahassee exchange. While the possibility of a malfunction with the facsimile machine may be a mitigating factor, Global took no measures to ensure that the facsimile had been sent, nor did it respond to the four calls placed to it by our staff between March 16 - April 17, 2000. Our records indicate that Global did not respond to staff's inquiries for more than two months, instead of within 15 days as required by Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries. In light of Global's conduct, we find its proposed settlement of \$100.00 and a promise to send all future communications to us by certified mail, return receipt requested, to be insufficient, and reject it forthwith.

Based on the foregoing, it is

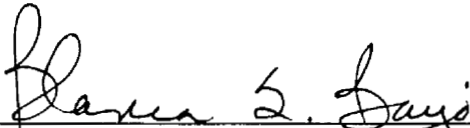
ORDERED by the Florida Public Service Commission that Maria E. Delgado d/b/a Global Communication's settlement proposal summarized in the body of this Order is hereby rejected. It is further

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ORDERED that Maria E. Delgado d/b/a Global Communication shall respond to the original show cause order (PSC-00-1180-SC-TC, dated June 30, 2000) within 21 days of the issuance of this Order denying the settlement. It is further

ORDERED that should Maria E. Delgado d/b/a Global Communication fail to respond to Order No. PSC-00-1180-SC-TC and the fine is not received within ten business days after the expiration of the show cause response period, then Certificate No. 3874 will be canceled and this docket shall be closed administratively. If Global timely responds to Order No. PSC-00-1180-SC-TC, this docket shall remain open pending resolution of the show cause proceeding.

By ORDER of the Florida Public Service Commission this 24th day of April, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

WDK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.