

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to)	DOCKET NO. 910106-TC
provide pay telephone service by FLORIDA)	ORDER NO. 24390
PUBLIC PAY PHONE CORPORATION.)	ISSUED: 4/18/91
_____)	

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD, Chairman
- J. TERRY DEASON
- GERALD L. GUNTER
- MICHAEL MCK. WILSON

ORDER INITIATING SHOW CAUSE PROCEEDINGS

Florida Public Pay Phone Corp. (Florida Public or the Company) submitted an application for a certificate to provide pay telephone service (PATS) on December 10, 1990. On October 23, 1990, a complaint was filed against Florida Public with the Division of Consumer Affairs. The complainant lost \$1.00 in the pay phone and tried to contact the pay telephone operator by dialing 211; however, the number was not in service. The name listed on the pay telephone as the company's contact was Dan Gold. Since Florida Public is not certificated as a pay telephone provider the complaint was sent to the Division of Communications for further action.

Upon further investigation by staff, it was discovered that the company contact, Dan Gold, has a certificate in the name of Daniel Goldstein (Mr. Goldstein). Mr. Goldstein has been a certificated pay phone provider since August 15, 1990. A certified letter requesting a response to the complaint and the pay telephone operations of Florida Public and Mr. Goldstein was sent on December 7, 1990. Mr. Goldstein responded by sending in an application for Florida Public; however, he failed to address the issue of the complaint and what actions would be taken to correct the pay telephone and compensate the customer. A second certified letter was sent on January 16, 1991 requesting a response to the complaint. A response was due on January 31, 1991; however, a response has not been received. In addition to Mr. Goldstein's failure to respond to the complaint by January 31, Mr. Goldstein failed to file a 1990 Pay Telephone Annual Report.

Mr. Goldstein's activities appear to have violated numerous rules regulating PATS providers. These violations include:

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Rule 25-4.043, Florida Administrative Code - 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.

Rule 25-24.511(5), Florida Administrative Code - Each telephone station shall be equipped with a legible sign card or plate of reasonable permanence which shall identify the following; telephone number and location address of such station, name or recognizable logo of the owner and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions...

Rule 25-24.520(1), Florida Administrative Code - Each pay telephone service company shall file with the Commission's Division of Communications updated information for the following items within ten (10) days after such changes occur...The address of the certificate holder (street number and name, city, state and zip code)...

Rule 25-24.520(2), Florida Administrative Code - Each pay telephone service company shall file with the Division of Communications by January 31 of each year, a report showing the certificate holder's name and address, the telephone number of the persons responsible for Commission contacts, the number of instruments in place as of the end of the year, a statement of whether the company is currently providing service to customers, and if not, the last date service was provided to customers and plans for providing service in the future.

In consideration of Mr. Goldstein's failure to respond to staff inquiries, we find it appropriate to require Mr. Goldstein to show cause why his certificate should not be canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Daniel Goldstein shall show cause why his Certificate No. 2549 should not be canceled for violation of the rules listed in the body of this Order. It is further

ORDERED that any response to this Order shall be in writing and shall comply with the requirements set forth below. It is further

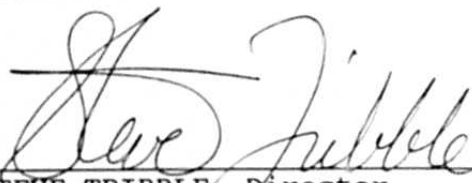
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ORDERED that failure to respond to this order within 20 days shall constitute a default and an admission to the allegations set forth in the body of this order. It is further

ORDERED that if no response is filed pursuant to the requirements set forth below, this docket shall be closed and Mr. Goldstein's certificate canceled. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process.

By ORDER of the Florida Public Service Commission, this 18th day of APRIL, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

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

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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 May 9, 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.