

FLORIDA PUBLIC SERVICE COMMISSION
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M
June 4, 1992

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (JOHNSON) *John Johnson*
DIVISION OF LEGAL SERVICES (WILSON) *JRW*

RE : DOCKET NO. 920191-TC - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO.
2625 ISSUED TO CURRENT INSTALLATIONS, INC. *TC*

AGENDA: PLACE ON JUNE 16, 1992 AGENDA - PARTIES MAY
PARTICIPATE

CRITICAL DATES: NONE

CASE BACKGROUND

- Current Installations, Inc. was issued Certificate Number 2625 for the purpose of providing pay telephone service in Florida on February 27, 1991.
- During the period from December 1991 through February 1992 mail was returned to this Commission as undeliverable because Current had moved and had not provided staff with a current mailing address as well as a current phone number.
- On April 7, 1992, PAA Order PSC-92-0165-FOF-TC was issued cancelling Current's pay telephone certificate if no protest was received by April 28, 1992 (Attachment A)
- On April 23, 1992, Current filed a response to the PAA Order cancelling its certificate (Attachment B).

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05792 JUN -4 1992

FPC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission cancel Certificate No. 2625 issued to Current Installations, Inc. pursuant to Order No. PSC-92-0165-FOF-TC?

RECOMMENDATION: Yes, staff recommends that the Commission cancel Certificate No. 2625 issued to Current Installations, Inc.

STAFF ANALYSIS:

- In its response filed April 23, 1992, Current indicated that it has simply failed to forward its current mailing address to the Commission. Current indicated that its failure was essentially a "mix-up" on its part.
- Current's "response" is so deficient as to constitute a non-response to the Order. Moreover, the response admits the allegations set forth in the Order. Order No. PSC-92-0165-FOF-TC gives notice that one whose substantial interests are affected by the action proposed in that Order may file a petition for a formal proceeding, as provided by Rule 25-22.029, Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. Current's response does not conform with the requirements of form and content as set forth in Rule 25-22.036(7)(a)(3), (4) and (5). Specifically, the response did not contain: a statement of all known disputed issues of material fact or if there are none, the petitioner must so indicate (subsection (3)); a concise statement of the ultimate facts alleged, as well as, the rules and statutes which entitle the petitioner to relief (subsection (4)); and a demand for relief (subsection (5)).
- Accordingly, staff recommends that the Commission impose the penalty stated in Order No. PSC-92-0165-FOF-TC by cancelling Certificate No. 2625 issued to Current Installations, Inc.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, provided Issue 1 is approved, this docket should be closed.

STAFF ANALYSIS:

- Provided Issue 1 is approved this docket should be closed and Certificate No. 2625 issued to Current Installations, Inc. should be cancelled.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by FLORIDA)	DOCKET NO. 920191-TC
PUBLIC SERVICE COMMISSION of Pay)	ORDER NO. PSC-92-0165-FOF-TC
Telephone Certificate No. 2625)	ISSUED: 04/07/92
issued to CURRENT INSTALLATIONS,)	
INC.)	

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONORDER CANCELLING CERTIFICATE

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

This Commission approved and issued a certificate to provide pay telephone service to Current Installations, Inc. We are informed that this provider's mail is being returned with no forwarding address. Further, we are informed that our staff's attempts to communicate by phone and mail have been unsuccessful. The regulatory assessment fee billing and annual report has been returned as undeliverable by the Post Office.

Since the contact information originally provided is no longer correct and the provider has not kept us informed of its current address as required by Commission Rule 25-24.520, we hereby cancel Current Installations, Inc.'s Certificate No. 2625. The Company is directed to return its certificate to the Commission.

Our cancellation of the certificate and the closing of this docket in no way diminishes the above company's obligation to pay applicable delinquent regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Current Installations, Inc.'s Certificate of Public Convenience and Necessity, Certificate No. 2625 is cancelled. It is further

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03336 APR-7 1992

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ORDERED that the Company is to return its certificate and remit any and all outstanding Regulatory Assessment Fees due the Florida Public Service Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 7th day of APRIL, 1992.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

JRW

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 25-22.029(4), 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 April 28, 1992.

920191-TC

ORIGINAL
7/7/92

CURRENT INSTALLATION'S INC.
1300 LANDRY CIRCLE
LONGWOOD FL. 32750
(407) 831-7165

4/13/92

REF: ORDER # PSC-92-0165-FOF-TC.

DEAR MR. TRIBBLE,

AFTER RECEIVING THIS ABOVE REF ORDER # IT HAD OCCERED TO ME THAT I HAD NOT FORWARDED THE NEW UPDATED INFORMATION TO YOUR OFFICE. SHOULD THEIP BE ADDITIONAL INFORMATION THAT NEEDS TO BE SENT TO YOUR ATTENTION I WILL BE HAPPY TO DO SO.

I APPOLOGIZE FOR THE MIX UP PLEASE REINSTATE MY CERTIFICATE NUMBER #2625. ONCE AGAIN THANKS FOR YOUR ATTENTION IN THIS MATTER.

SINCERELY,



ALBERT GIBBONS

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.