

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: APPLICATION FOR) DOCKET NO. 930257-TI
CERTIFICATE TO PROVIDE) ORDER NO. PSC-93-0856-FOF-TI
INTERCHANGE TELECOMMUNICATIONS) ISSUED: June 8, 1993
SERVICE BY ROBERT CEFAIL &)
ASSOCIATED AMERICAN INMATE)
COMMUNICATIONS, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING APPLICATION FOR CERTIFICATE TO
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICES

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On March 10, 1993 Robert Cefail and Associates American Inmate Communications, Incorporated (RC&A) filed an application for a certificate to provide interexchange telecommunications service. On April 7, 1993, the North Carolina Pay Telephone Association (NCPTA) contacted us regarding RC&A's application. According to NCPTA, RC&A admitted to the overbilling of customers on its inmate pay telephone service and long distance service.

Our Staff contacted the North Carolina Utilities Commission (NCUC) on April 9, 1993, in order to verify the allegations. NCUC informed Staff that there had been instances of overcharging on inmate pay telephone services and long distance service, but that the matter was being settled informally. Staff requested written documentation of RC&A's activities in North Carolina; however, NCUC never responded to its request.

Next, Staff contacted RC&A. RC&A admitted that there had been instances where it overcharged customers. However, RC&A contends

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that it was a computer programming error that led to the overcharges and that the error had been identified and corrected by RC&A itself.


We note that RC&A holds a pay telephone certificate from this Commission and that we have not had any problems with the company. Its application to provide interexchange service is complete and meets the requirements as set forth in our rules. Moreover, the informality of the North Carolina settlement indicates that the violations were minor. RC&A's application to provide interexchange telecommunications services in the State of Florida is, therefore, approved.

It is, therefore,

ORDERED by the Florida Public Service Commission that the application to provide interexchange telecommunications services in the State of Florida, filed by Robert Cefail & Associates American Inmate Communications, Inc., is hereby granted. It is further

ORDERED that, unless a person whose interests are substantially affected files a protest in the form and by the date set forth in the Notice of Further Proceedings, below, this docket will be closed.

By ORDER of the Florida Public Service Commission this 8th day of June, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

Commissioner Luis J. Lauredo dissented from the majority opinion in this matter.

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 June 29, 1993.

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.