

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 950352-TC
proceedings against Brian R.) ORDER NO. PSC-96-0634-FOF-TC
Albury for failure to comply) ISSUED: May 10, 1996
with Rule 25-24.515, F.A.C. Pay)
Telephone Service Standards.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER CANCELLING CERTIFICATE

BY THE COMMISSION:

By Order PSC-95-0625-FOF-TC, issued on May 23, 1995, we ordered Brian R. Albury, holder of Certificate No. 2909, to show cause why he should not be fined or have his certificate cancelled for violations of Rule 25-24.515, Florida Administrative Code, identified at nine of his pay telephones. In his response to the show cause order, Mr. Albury did not deny any of the allegations nor request a hearing. Accordingly, by Order PSC-96-0173-FOF-TC, issued February 7, 1996, we found that Mr. Albury violated Rule 25-24.515, Florida Administrative Code, and imposed a \$1,000 fine for the past violations. Because Mr. Albury still had not corrected all the violations, he was also ordered to certify, in writing, that all his pay telephones were in compliance within 30 days from the date or his certificate would be cancelled.

On March 1, 1996, Mr. Albury filed a response to Order PSC-96-0173-FOF-TC. The response stated that all his pay telephones were in compliance and requested a payment plan in order to pay the \$1,000 fine.

Under the terms of Order No. PSC-96-0173-FOF-TC, Mr. Albury's certificate should be cancelled. Since Mr. Albury requested a payment plan, we will treat that as a request for an extension of time. We deny Mr. Albury's request for an extension of time to pay the fine and cancel Certificate No. 2909. Mr. Albury offers no compelling reason why this extension of time should be granted. We have spent over a year attempting to get Mr. Albury to bring his pay telephones into compliance. This is the second time we have initiated show cause proceedings against Mr. Albury for failure to

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comply with Commission rules regarding response to Commission staff inquiries and compliance with pay telephone service standards. See Docket No. 940164-TC. We do not have confidence that Mr. Albury will correct the violations and believe cancelling the pay telephone certificate is more appropriate than leaving this docket open to attempt to collect a fine. Since we cancel Mr. Albury's certificate, we order all serving local exchange companies to discontinue service to pay telephones operated by Mr. Albury.

Our staff investigation indicated continued violations at one phone operated by Mr. Albury. Since we are cancelling Mr. Albury's certificate under the terms of Order No. PSC-96-0173-FOF-TC, we choose not to issue another show cause order for the alleged violations.

It is, therefore,

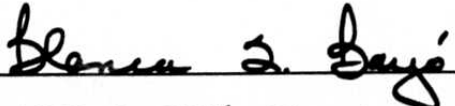
ORDERED by the Florida Public Service Commission that Brian R. Albury's March 1, 1996 letter is treated as a request for an extension of time to comply with Order No. PSC-96-0173-FOF-TC and that request is hereby denied. It is further

ORDERED that Certificate No. 2909 is hereby cancelled. It is further

ORDERED that all serving local exchange companies are ordered to discontinue service to all pay telephones operated by Brian R. Albury. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 10th day of May, 1996.



BLANCA S. BAYÓ, 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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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 after the issuance 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.