

State of Florida

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



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYO
DIRECTOR
(904) 413-6770

Public Service Commission

August 19, 1996

ORIGINAL
FILE COPY

Sharyn Smith, Director
Division of Administrative Hearings
1230 Apalachee Parkway
DeSoto Building
Tallahassee, Florida 32301

RE: Docket No. 960124-TC - Initiation of show cause proceedings
against Wlberth Gaviria for violation of Service Standards Rules
25-24.515 and 25-24.512, F.A.C.

Dear Ms. Smith:

Commission staff have recommended, and the Chairman has approved, the referral of the above-referenced docket to your Division for hearing. I am forwarding copies of material from our docket file for your examiner's use in preparation of the case.

When the case is set for hearing, please furnish my office with a copy of the notice so that it may be included in the docket file. Also, note that I am enclosing a copy of this transmittal letter. As soon as a case number is assigned, please complete the blanks and return the copy to me.

You may contact our staff counsel, Scott Edmonds, at 413-6199 if you have any questions regarding the case.

Sincerely,

Kay Flynn, Chief
Bureau of Records

cc: Chairman Susan Clark
Scott Edmonds
Wlberth Gaviria c/o Brian L. Fink

DATE RECEIVED _____ DOAH CASE NO. _____

DOCUMENT NO.
08716-96

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
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DIANE K. KIESLING
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RECEIVED
AUG 21 AM 11:45
DIVISION OF
ADMINISTRATIVE
HEARINGS

Public Service Commission

August 19, 1996

RECEIVED
AUG 27 1996

Sharyn Smith, Director
Division of Administrative Hearings
1230 Apalachee Parkway
DeSoto Building
Tallahassee, Florida 32301

FPSC-RECORDS/REPORTING

RE: Docket No. 960124-TC - initiation of show cause proceedings
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Sincerely,

Kay Flynn, Chief
Bureau of Records

cc: Chairman Susan Clark
Scott Edmonds
Wlberth Gaviria c/o Brian L. Fink

DATE RECEIVED 8-21-96 DOAH CASE NO. 96-3925



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: August 9, 1996
TO: COMMISSIONERS
FROM: NANETTE FISHER, SCHEDULING COORDINATOR *NF*
RE: DOCKET TO BE ASSIGNED TO DOAH

The following docket was tentatively assigned to DOAH by the Chairman. Unless you have objection, a transmittal letter will be prepared by Records and Reporting for the docket to be transferred on Monday, August 19.

Docket 960124-TC -- INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST WLBERTH GAVIRIA FOR VIOLATION OF SERVICE STANDARDS RULES 25-24.515 AND 25-24.512, FLORIDA ADMINISTRATIVE CODE.

If you wish to see a copy of the transmittal letter before it is sent to DOAH, please let me know and I will get a copy to you for your additional review.

cc: Blanca Bayo
Norene Davis
Martha Brown
Scott Edmonds
Rick Moses
Vic Cordiano
Kay Flynn ✓
Joy Kelly
Sandy Simmons

MEMORANDUM

August 6, 1996

TO: NANETTE FISHER

FROM: DIVISION OF LEGAL SERVICES (EDMONDS, BROWN, DAVIS) *SE* *MCB* *usd*
DIVISION OF COMMUNICATIONS (CORDIANO, MOSES)

RE: DOCKET NO. 960124-TC - INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST WLBERTH GAVIRIA FOR VIOLATION OF
SERVICE STANDARDS RULES 25-24.515 AND 25-24.512, FLORIDA
ADMINISTRATIVE CODE.

This docket was initiated after staff learned that Mr. Wlberth Gaviria, holder of pay telephone Certificate No. 3320, was an officer of South Telecommunication, Inc. (STI), which filed an application for a certificate to provide pay telephone service in the name of STI. In addition, Liberty Tel, Inc. (Liberty) filed a complaint alleging numerous service standard violations. Staff inspected several of Mr. Gaviria's telephones and discovered numerous service standard violations. By Order No. PSC-96-0388-FOF-TC, issued March 20, 1996, Wlberth Gaviria was ordered to show cause why it should not be fined or have its certificate cancelled for apparent violations of Rules 25-24.515 and 25-24.512, Florida Administrative Code. By response filed April 9, 1996, Wlberth Gaviria denied any violations and requested a hearing.

Accordingly, this docket was set for an administrative hearing. Because it is likely that the issues will be primarily factual, this case may be appropriate for referral to DOAH.

SKE

cc: Division of Communications (Cordiano, Moses)

Don



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: AUGUST 27, 1996
TO: DIVISION OF RECORDS AND REPORTING (FLYNN)
FROM: DIVISION OF LEGAL SERVICES (EDMONDS) *[Signature]*
RE: DOCKET NO. 960124-TC - INITIATION OF SHOW CAUSE PROCEEDINGS
AGAINST WLBERTH GAVIRIA FOR VIOLATION OF SERVICE
STANDARDS RULES 25-24.515 AND 25-24.512, F.A.C

Please place the attached letter in the correspondence section for Docket No. 960124-TC. Also, please make the necessary changes to reflect the appropriate address of client and counsel for this docket in the Case Management System for future mailings.

Your assistance is appreciated.

SKE/clp
Attachment
cc: Division of Communications (Moses)

RECEIVED
AUG 27 1996
FPSC-RECORDS/REPORTING

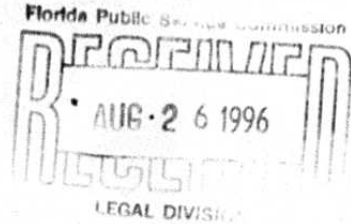
CATLIN, SAXON, TUTTLE AND EVANS, P.A.

1700 ALFRED I. DUPONT BUILDING
169 EAST FLAGLER STREET
MIAMI, FLORIDA 33131-1298

FAX (305) 371-8011

(305) 371-9575

August 23, 1996



Mr. Scott Edmonds
Public Service Commission
Staff Counsel
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RE: Docket No. 960124-TC - Wilberth Gaviria

Dear Mr. Edmonds:

Today I received in the mail a copy of the letter from Kay Flynn to Sharyn Smith, Director of the Division of Administrative Hearings referring the above referenced matter to the Division of Administrative Hearings. Please be advised that our office no longer represents Wilberth Gaviria. To the best of our knowledge he is currently being represented by:

Richard Doherty, Esq., Penthouse I, 155 South Miami Ave., Miami, Florida 33130

and/or

Luis A. Fors, Esq., 8360 West Flagler Street, Suite 203A, Miami, Florida 33144

All further correspondent, pleadings, etc. in this matter should be forwarded to them or directly to Mr. Wilberth Gaviria.

Thank you for your courtesies.

Sincerely,

Brian L. Fink

BLF/kbw

cc: Wilberth Gaviria (C.M.R.R.R: P 061-199-915)
Richard E. Doherty, Esq.
Luis A. Fors, Esq.