

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 960798-TC
Public Service Commission of Pay) ORDER NO. PSC-96-1077-FOF-TC
Telephone Certificate No. 3006) ISSUED: August 21, 1996
issued to Donald R. Chafin d/b/a)
C-W Enterprises for violation of)
Rule 25-24.520, F.A.C.,)
Reporting Requirements, and Rule)
25-4.043, F.A.C., Response to)
Commission Staff Inquiries.)
_____)
)

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE OR 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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On January 8, 1996, our Division of Consumer Affairs forwarded a complaint file to Donald R. Chafin d/b/a C-W Enterprises, holder of pay telephone certificate number 3006. A consumer had complained that two telephones operated by the company were not accessible to handicapped persons. Both our Division of Consumer Affairs and our Division of Communications have attempted the company by telephone and certified mail but have not received a response.

Rules 25-24.520(1)(a) and (b), Florida Administrative Code, requires a pay telephone provider to inform this Commission within 10 days if there is a change in the company mailing address, its

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telephone number, or its Commission contact person. By failing to inform this Commission of changes in address and telephone number, Donald R. Chafin d/b/a C-W Enterprises is in apparent violation of Rules 25-24.520(1)(a) and (b), Florida Administrative Code. By failing to respond to Commission staff inquiries within 15 days, Donald R. Chafin d/b/a C-W Enterprises is in apparent violation of Rules 25-24.505(1) and 25-4.043, Florida Administrative Code.

Accordingly, we order Donald R. Chafin d/b/a C-W Enterprises to pay a \$500 fine and provide the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. The fine is to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If Mr. Chafin complies with this Order, this docket will be closed. If the Mr. Chafin fails to comply with this Order, Certificate No. 3006 will be cancelled and this docket will be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that Donald R. Chafin d/b/a C-W Enterprises pay a \$500 fine and provide the information required by Rule 25-24.520, Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if Donald R. Chafin d/b/a C-W Enterprises complies with this Order, this docket will be closed. It is further

ORDERED that if Donald R. Chafin d/b/a C-W Enterprises does not comply with this Order, its certificate will be cancelled and that docket will be closed. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review below, this Order shall become final.

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By ORDER of the Florida Public Service Commission, this 21st
day of August, 1996.

Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LMB

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 11, 1996.

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 substantially 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.

MEMORANDUM

AUGUST 19, 1996

RECEIVED
AUG 20 1996
1:45

FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BILLMEIER) *LMB MCB*

RE: DOCKET NO. 960798-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 3006 ISSUED TO DONALD R. CHAFIN D/B/A C-W ENTERPRISE FOR VIOLATION OF RULE 25-24.520, F.A.C., REPORTING REQUIREMENTS, AND RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES.

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING FINE OR CANCELLING CERTIFICATE to be issued in the above-referenced docket. (Number of pages in Order - 4)

LMB/anr
Attachment
cc: Division of Communications
I: 960798.LMB

*(1) certified
8/21/96*

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