

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

OCTOBER 17, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pji AD*  
DIVISION OF LEGAL SERVICES (CULPEPPER) *LC WCB*

RE: DOCKET NO. 960853-TI - COLORADO RIVER COMMUNICATIONS  
CORP. - INITIATION OF SHOW CAUSE PROCEEDINGS FOR  
VIOLATION OF RULE 25-24.480, FLORIDA ADMINISTRATIVE CODE,  
RECORDS AND REPORTS; RULES INCORPORATED

AGENDA: OCTOBER 29, 1996 - REGULAR AGENDA - INTERESTED PERSONS  
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\960853.RCM

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CASE BACKGROUND

• Colorado River Communications Corp., (CRC) is a provider of interexchange telecommunications service and was certificated on July 8, 1994.

• At the September 3, 1996, Agenda Conference, the Commission voted to approve staff's recommendation to initiate show cause proceedings against CRC for not responding to Commission staff inquiries.

• After the September 3, 1996, Agenda Conference, but prior to issuance of Order No. PSC-96-1156-FOF-TI on September 17, 1996, CRC submitted a proposed settlement offer of \$1,000 and agreed to take the necessary corrective action (Attachment 1). Therefore, staff believes the following recommendation is appropriate.

DOCUMENT # \_\_\_\_\_ DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 960853-TI  
DATE: October 17, 1996

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Colorado River Communications Corp. to resolve the apparent violations of Rule 25-24.480 (1), Florida Administrative Code, Response Requirement?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** The Commission's Division of Consumer Affairs received six consumer complaints between July 8, 1994 and July 12, 1996. Only once did Colorado River Communications respond within the 15 days allowed and in two cases, the company did not respond until after this matter was docketed.

In recognition of its apparent violations of the Commission's response requirement, Colorado River Communications submitted the following settlement offer:

- Respond to the two outstanding complaints within 15 days from the date of its settlement offer;
- Respond to any Commission inquiry in a timely manner; and
- Pay \$1,000 to the Commission.

CRC advised staff that the reason it did not respond to Commission inquiries at all, or responded after the required 15 days, was due to a lack of understanding within CRC of responsibility and authority. CRC has committed to responding timely in the future. Also, on September 23, 1996, the company met its commitment to respond to the two outstanding complaints. Therefore, staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable. Any fine should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, and upon remittance of the \$1,000 fine, this docket may be closed. The fine amount should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285 (1), Florida Statutes.



September 9, 1996

Ms. Paula Isler  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL. 32399-0850

Re: Docket No. 960853-TI  
Colorado River Communications Corp.

Dear Ms. Isler,

Per our conversation this morning, this letter serves as a formal request and settlement offer for violation of Rule 25-24.480 (1), F.A.C., Response Requirement.

Colorado River Communications Corp. does hereby pledge to respond to the two (2) outstanding violations within 15 days of this date. Colorado River Communications Corp. also pledges to respond to any Florida Public Service Commission inquiry or consumer request in the timely manner as governed by the Florida PSC. I am also requesting that all requests and inquiry's be sent to the attention of myself Kelly L. Perry, Director of Regulatory & Tax Compliance. I will personally assure that any and all matters will be addressed in an orderly and timely manner. CRC does not disregard any of the Commissions rules & regulations. The reason for the untimely response is internal, due to a lack of understanding (within CRC) of responsibility and authority. That misunderstanding has now been addressed and resolved.

I am pleading that the Florida Public Service Commission does not revoke Colorado River Communications Corp. authority to conduct business in the state of Florida. I am also pleading that the fine assessed be no more than One-Thousand Dollars (1,000.00).

Thank you for your considerations in this matter.

Sincerely,

Kelly L. Perry  
Director of Regulatory & Tax Compliance

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