

Talbott *MAR for WDI*
Vandiver *DS for R*

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

NOVEMBER 20, 1996

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *ASST* *420*
DIVISION OF LEGAL SERVICES (COX) *WPC* *MCB*

RE: DOCKET NO. 961317-TC - COLIN HOWARD HALL - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4351 FOR VIOLATION OF RULE 25.24.520(1)(A), F.A.C., REPORTING REQUIREMENTS.

DOCKET NO. 961318-TC - L.A.W. DEVELOPMENT d/b/a TARKS RESTAURANT - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 1375 FOR VIOLATION OF RULE 25-24.520(1)(A), F.A.C., REPORTING REQUIREMENTS.

DOCKET NO. 961319-TC - OEE, INC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4484 FOR VIOLATION OF RULE 25-24.520(1)(A), F.A.C., REPORTING REQUIREMENTS.

AGENDA: 12/02/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961317.RCM

CASE BACKGROUND

Certificate number 4351 was issued to Colin Howard Hall February 9, 1996. Certificate number 1375 was issued to L.A.W. Development d/b/a Tarks Restaurant January 1, 1987. Certificate number 4484 was issued to OEE, Inc. January 20, 1996.

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- The Division of Records and Reporting received returned mail from the Post Office on each company. They asked that they be furnished with the correct mailing addresses or that staff initiate proceedings to have the providers' certificates cancelled. (Pages 6 - 8)
- Communications staff attempted unsuccessfully to reach each provider by calling the telephone number listed in the Master Commission Directory. The number for Colin Howard Hall rings but no answer. The number for L.A.W. Development d/b/a Tarks Restaurant is not in service. The number for OEE, Inc. has been assigned to someone else who doesn't know anything about OEE, Inc. nor Richard Ebelink.

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DISCUSSION OF ISSUES

ISSUE 1: Should Colin Howard Hall, L.A.W. Development d/b/a Tarks Restaurant and OEE, Inc. have their certificates cancelled by the Florida Public Service Commission for violation of Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, if they fail to pay a \$250 fine, and provide staff with the information required by Rule 25-24.520 (1)(a) and (b), Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. Staff recommends that Colin Howard Hall, L.A.W. Development d/b/a Tarks Restaurant and OEE, Inc. have their respective certificates cancelled if they fail to pay a \$250 fine and provide staff with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within 30 days after the Order becomes final. The fines are to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to 364.285(1), Florida Statutes.

STAFF ANALYSIS:

- . Pursuant to Rule 25-24.514 (1) (a) and (b), F.A.C., Cancellation of a Certificate, in pertinent part, the Commission may cancel a company's certificate for violation of the terms and conditions under which the authority was originally granted or for violation of Commission rules and orders.
- . Pursuant to Rule 25-24.520(1)(a) and (b), in pertinent part, each pay telephone service company shall file with the Division of Communications within 10 days after a change occurs: the street address of the certificate holder and the name, title and phone number of the individual responsible for contact with the Commission.
- . Communications staff has attempted to contact the three providers by telephone but was not successful.
- . It has been well over 10 days and staff has not been informed of the providers' correct mailing address, phone number or liaison information.

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Therefore, staff recommends that the certificates be cancelled unless the companies pay a \$250 fine and provide staff with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within 30 days after the Order becomes final:

PROVIDER	CERTIFICATE NUMBER
Colin Howard Hall	4351
L.A.W. Development d/b/a Tarks Restaurant	4375
OEE, INC.	4484

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. These dockets should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of the Order. If no timely protest is filed, these dockets should be closed at the conclusion of the 30 day period after the Order becomes final. If a company pays the \$250 fine and provides the information required, the docket should be closed. A protest of one docket should not prevent this Order from becoming final for the other dockets.

STAFF ANALYSIS:

If the Commission adopts staff's recommendation in Issue 1, then Colin Howard Hall, L.A.W Development d/b/a Tarks Restaurant and OEE, Inc. will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff the information called for in Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, or their certificates will be cancelled without further Commission action.

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Unless a person whose substantial interests are affected by this Order files a protest within 21 days, the dockets should be closed after the conclusion of the 30 day period. A protest in one docket shall not prevent this Order from becoming final for the other dockets.

For each certificate that is cancelled, the serving local exchange company shall be notified by staff to discontinue service to all pay telephones operated by that company. If the Commission denies staff on Issue 1 the dockets should be closed.