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FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

May 7, 1997

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

FROM: DIVISION OF COMMUNICATIONS (PRUITT) *WP*
DIVISION OF LEGAL SERVICES (PELLEGRINI) *CP* *MSB*

RE: DOCKET NO. 970479-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF CERTIFICATE NO. 4238 ISSUED TO LPR TELEPHONES UNLIMITED, INC. FOR VIOLATION OF RULES 25-4.043, RESPONSE TO COMMISSION STAFF INQUIRIES, AND 25-24.520, REPORTING REQUIREMENTS, FLORIDA ADMINISTRATIVE CODE.

AGENDA: MAY 19, 1997 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970479.RCM

CASE BACKGROUND

On January 30, 1997 staff of the Division of Communications mailed LPR Telephones Unlimited, Inc. (LPR) service evaluation forms on four LPR pay telephones. LPR was asked to take corrective action on the violations found and return the Service Violation Correction Form within 15 days. No response was received. On February 17, 1997 a certified letter requesting a response within 15 days was mailed to LPR. The certified receipt was signed and returned to the Division of Communications. No response was received. On February 27, March 6, March 14 and April 3, 1997, calls placed by staff to LPR's number on file with the Commission reached a recording indicating that the number was not in service.

DOCUMENT NUMBER-DATE

04503 MAY-75

FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission cancel LPR Telephones Unlimited, Inc.'s pay telephone Certificate No. 4238, if it fails to pay a \$250 fine and provide staff the correct mailing address, liaison information and other information as required by Rules 25-24.520 (1)(a) and (b), Florida Administrative Code and complete the Service Violation Correction Form as required by Rule 25-4.043, Florida Administrative Code?

RECOMMENDATION: Yes. Any fine collected should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund.

STAFF ANALYSIS: Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.514, Florida Administrative Code, establishes the requirements for cancellation of a pay telephone company certificate. The rule provides that the Commission may cancel a certificate for violation of Commission Rules or Orders.

Pursuant to Rules 25-24.520 (1)(a) and (b), Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's telephone number and any change in the name and address of the individual who is serving as the primary liaison with the Commission. Rule 25-4.043, Florida Administrative Code, requires responses to staff inquiries within 15 days from the date of the Commission inquiry.

Mail sent to LPR on January 30 and February 17, 1997 was not answered within 15 days by the company. Further investigation indicated that LPR's telephone number listed in the Commission's Directory was no longer in service.

Therefore, the company has failed to comply with Rules 25-24.520 (1)(a) and (b), Florida Administrative Code, in that it has not filed with staff the change in telephone number and possible change in mailing address and liaison information within 10 days after the change occurred. The company has failed to comply with Rule 25-4.043, Florida Administrative Code, in that it did not reply to staff's service evaluation inquiry within 15 days from the date of the inquiry.

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Accordingly, staff recommends that the company's certificate be canceled unless it pays a \$250 fine and provides staff with the information required in accordance with Rules 25-24.520(1)(a) and (b) and Rule 25-4.043, Florida Administrative Code, within 30 days of the Order becoming final. Staff notes that cancellation or a fine is consistent with previous proceedings of this nature. Pursuant to Section 364.285, Florida Statutes, any fine collected should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund. If the certificate is canceled, staff of the Division of Communications will notify the local exchange companies to discontinue service to all LPR pay telephones.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final, and the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff with the information as required by Rules 25-24.520(1)(a) and (b) and Rule 25-4.043, Florida Administrative Code, or its certificate will be canceled without further Commission action. Upon payment of the fine or cancellation of the certificate, this docket should be closed without further Commission action.

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff with the information as required or its certificate will be canceled without further Commission action. If no protest is filed in this docket, the docket should be closed after the conclusion of the 30 day period. Pursuant to Section 364.285, Florida Statutes, any fine collected should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund.