

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 4238  
issued to LPR Telephones  
Unlimited, Inc. for violation of  
Rules 25-4.043 and 25-24.520,  
F.A.C.

DOCKET NO. 970479-TC  
ORDER NO. PSC-97-0662-FOF-TC  
ISSUED: June 10, 1997

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINE OR CANCELING 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 30, 1997, Commission staff mailed LPR Telephones  
Unlimited, Inc., (LPR) service evaluation forms on four of the  
utility's pay telephones, requesting LPR to take corrective action  
on the violations found and return the forms within 15 days. LPR  
did not respond. On February 17, 1997, our staff sent a follow-up  
request for response within 15 days to LPR by certified mail. The  
request was received, but again the utility did not make the  
requested response. On February 27, March 6, March 14 and April 3,  
1997, our staff placed calls to LPR's telephone number on file with  
the Commission, but each time reached only a recording stating that  
the number was not in service.

DOCUMENT NUMBER-DATE

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FPSO-RECORDS/REPORTING

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Pursuant to Section 364.285, Florida Statutes, we are authorized to impose a fine or cancel a certificate if a utility refuses to comply with the rules of the Commission. Rule 25-24.514, Florida Administrative Code, establishes the requirements for cancellation of a pay telephone company certificate.

Rule 25-24.520 (1)(b), Florida Administrative Code, provides that utilities are allowed 10 days to file updated information following changes in the certificate holder's telephone number. Rule 25-4.043, Florida Administrative Code, requires responses to staff inquiries within 15 days from the date of the inquiry.

LPR has not filed a change in telephone number. It is, therefore, in violation of Rule 25-24.520 (1)(b), Florida Administrative Code. In addition, the utility, in failing to respond to staff inquiries, is in violation of Rule 25-4.043, Florida Administrative Code.

Accordingly, we find it appropriate to cancel LPR's certificate unless the utility pays a \$250 fine and provides our staff with the information required by Rules 25-24.520(1)(b) and 25-4.043, Florida Administrative Code, within 30 days of the date this Order becomes final. If the utility pays the fine, the money shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund as required by Section 364.285, Florida Statutes. If the certificate is canceled, our staff shall notify the local exchange companies to discontinue service to the utility's telephones.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the certificate of LPR Telephones Unlimited, Inc., shall be canceled unless it pays a fine in the amount of \$250 for violation of Rules 25-24.520(1)(b) and 25-4.043, Florida Administrative Code, and furnishes the required information as described in the body of this Order within 30 days of the date this Order becomes final. It is further

ORDERED that if LPR Telephones Unlimited, Inc., pays the fine, the money shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund. It is further


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ORDERED that if the certificate of LPR Telephones Unlimited, Inc., is canceled, Commission staff shall notify local exchange companies to discontinue service to the utility's telephones. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed upon payment of the fine and furnishing of the required information as described in the body of this Order or upon cancellation of certificate.

By ORDER of the Florida Public Service Commission, this 10th day of June, 1997.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 July 1, 1997.

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.