



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

DATE: MARCH 18, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

FROM: DIVISION OF COMMUNICATIONS (MCCOY) *mc*
DIVISION OF LEGAL SERVICES (K. PEÑA) *kp*

RE: DOCKET NO. 981835-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY JOHANNNS TORRES.

AGENDA: 3/30/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981835TC.RCM

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CASE BACKGROUND

On December 10, 1998, Johanns Torres (Mr. Torres) filed an application to provide pay telephone services (PATS) in Florida. Mr. Torres had previously been granted a pay telephone certificate on September 15, 1995 and the Commission canceled this certificate for non-payment of Regulatory Assessment Fees on January 16, 1997.

Staff explained to Mr. Torres that in order for the Commission to grant another PATS certificate, he would need to comply with Order PSC-96-1402-FOF-TC issued November 20, 1996 on his involuntarily canceled PATS certificate no. 4258. Order PSC-96-1402-FOF-TC states in pertinent part:

"...each pay telephone provider listed in the body of this Order [shall] pay all past due regulatory assessment fees and pay a \$250 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes and Rule 25-4.0161(2), Florida Administrative Code."

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FPSC-RECORDS/REPORTING

Mr. Torres stated that he was unaware that he had been previously granted a PATS certificate because he had moved before receiving the Commission's original order granting him PATS certificate no. 4258. Mr. Torres understands his obligations to the Commission and has paid all past due regulatory assessment fees on canceled PATS certificate no. 4258 and remitted to the Commission the ordered fine amount of \$250. Mr. Torres understands that he will be obligated to pay regulatory assessment fees on a PATS certificate in a timely manner and submit address changes to the Commission should he move again in the future.

Accordingly, staff believes the following recommendation is appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant a Certificate of Public Convenience and Necessity to provide pay telephone service to Mr. Torres?

RECOMMENDATION: Yes. The Commission should grant Mr. Torres a Certificate of Public Convenience and Necessity to operate as a pay telephone service provider within the State of Florida. Mr. Torres should be granted Certificate No. 6074. (McCoy)

STAFF ANALYSIS: Rule 25-24.511, Florida Administrative Code, December 1998, provides in the pertinent part:

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily canceled unless the applicant shows that granting of the new certificate is in the public interest.

Upon staff's review of Mr. Torres's application along with the remittance of all past regulatory assessment fees and fines, it appears that Mr. Torres has fulfilled his obligations under Order PSC-96-1402-FOF-TC issued November 20, 1996. Staff believes that granting Mr. Torres a pay telephone certificate is in the public interest.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action. (Peña)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed.