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State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECEIVED-FPSC
99 JUN 17 AM 10:14
RECORDS AND REPORTING

DATE: JUNE 17, 1999

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

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW CB*
DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB*

RE: DOCKET NO. 990245-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST CAL LANDAU ENTERPRISES FOR VIOLATION OF RULE 25-24.515, FLORIDA ADMINISTRATIVE CODE, PAY TELEPHONE SERVICE

AGENDA: 6/29/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990245.RCM

CASE BACKGROUND

- January 26, 1999 - Cal Landau Enterprises' (Cal Landau) 1998 regulatory assessment fee return reported gross intrastate revenues of \$65,210 and 41 pay telephones in operation.
- February 16, 1999 through February 24, 1999 - Staff performed routine service evaluations on pay telephones operated by Cal Landau.
- March 22, 1999 - Staff received Service Violation Correction Forms from Cal Landau signifying that all apparent violations were corrected.
- April 19, 1999 through April 27, 1999 - Staff reevaluated the pay telephone stations and no continuing violations were identified.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should Cal Landau Enterprises be ordered to show cause why a fine of \$1,900 should not be imposed or certificate number 2198 should not be canceled for apparent violations of Rules 25-24.515, Florida Administrative Code, Pay Telephone Service?

RECOMMENDATION: No. (Biegalski)

STAFF ANALYSIS: Staff performed service evaluations of pay telephone stations operated by Cal Landau from February 16, 1999 through February 24, 1999. Through written correspondence, staff notified Cal Landau of the apparent violations.

Staff performed a reevaluation of the same pay telephone stations from April 19, 1999 through April 27, 1999. Staff found that all apparent violations had been corrected and no new violations existed. Based on the fact that the apparent rule violations were corrected prior to the reevaluation, staff does not believe that a show cause action is necessary.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: 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 this docket may be closed. (Watts)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then any person whose substantial interests are affected will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, this docket should be closed.