

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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NOV 18 AM 9:51
RECORDS AND REPORTING

DATE: NOVEMBER 18, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (K. PEÑA; B. KEATING) *B/L*

RE: CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE FOR VIOLATION OF RULE 25-24.520, F.A.C., REPORTING REQUIREMENTS

DOCKET NO. 991355-TC - DANIEL W. WHITNEY D/B/A UNIQUE PAYTELEPHONE COMPANY
DOCKET NO. 991356-TC - LARRY W. BOYD D/B/A L & M COMMUNICATION
DOCKET NO. 991357-TC - MANUEL LORES, JR. D/B/A ALLIED PAYPHONE SERVICES
DOCKET NO. 991410-TC - ISAAC COHEN

AGENDA: 11/30/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991355.RCM

CASE BACKGROUND

Each of the certificated pay telephone providers listed on page 4 had correspondence that was returned by the United States Postal Service (USPS).

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

14190 NOV 18 99

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel the pay telephone certificates issued to the companies listed on page 4 for apparent violation of Rule 25-24.520, Florida Administrative Code, Reporting Requirements?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel each company's respective certificate as listed on page 4 if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the pay telephone certificate numbers listed on page 4 should be canceled administratively. (Isler)

STAFF ANALYSIS: Pursuant to Rule 25-24.520, Florida Administrative Code, Reporting Requirements, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. Mail sent to each company listed on page 4 was returned to the Commission by the USPS. Staff attempted to reach each company by telephone without success and was unable to obtain another number from Directory Assistance. It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information, nor have the companies requested cancellation of their certificate in compliance with Rule 25-24.514, Florida Administrative Code.

Accordingly, staff recommends that the Commission assess a \$500 fine or cancel each company's respective certificate as listed on page 4 if the information required by Rule 25-24.520, F.A.C., Reporting Requirements, and fine are not received by the Commission within five business days after the issuance of the Consummating Order. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine and required information are not received, the pay telephone certificate numbers listed on page 4 should be canceled administratively.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, these dockets should be closed upon receipt of the fines and required information or cancellation of the certificate, 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 order. A protest in one docket should not prevent the action in a separate docket from becoming final. (K. Peña; B. Keating)

STAFF ANALYSIS: Whether staff's recommendation on Issues 1 and 2 are 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, these dockets should be closed upon receipt of the fines and required information or cancellation of the certificate. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>CERT. NO.</u>	<u>Reason for Return</u>
991355-TC	Daniel W. Whitney d/b/a Unique Paytelephone Company	5107	Unable to Forward
991356-TC	Larry W. Boyd d/b/a L&M Communication	6007	No such address
991357-TC	Manuel Lores, Jr. d/b/a Allied Payphone Services	6020	Attempted Not Known
991410-TC	Isaac Cohen	4102	Forwarding Order Expired