



Public Service Commission

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RECORDS AND REPORTING

DATE: DECEMBER 9, 1999

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *BHH*
DIVISION OF LEGAL SERVICES (KEATING/PEÑA) *VMP JK*

RE: DOCKET NO. 991374-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY JASZ COMMUNICATIONS INC.

AGENDA: 12/21/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991374TC.RCM

CASE BACKGROUND

On September 10, 1999, Leon W. Wells (Mr. Wells), filed an application as a corporation in the name JASZ Communications Inc. to provide pay telephone services (PATS) in Florida. Question 13 of the PATS application states:

"Has the applicant or subsidiary, partner, officer, director, or any stockholder ever been granted or denied a pay telephone certificate in the State of Florida? (This includes active and canceled pay telephone certificates.) If yes, provide explanation and list the certificate holder and certificate number."

Initially, Mr. Wells did not answer accurately question 13. Therefore, we thought it appropriate to bring this matter to the attention of the Commission.

DOCUMENT NUMBER-DATE

15068 DEC-99

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve JASZ Communications Inc.'s application for a certificate to provide pay telephone service in Florida?

RECOMMENDATION: Yes, the Commission should approve JASZ Communications Inc.'s application for a certificate to provide pay telephone service in Florida. (Hawkins)

STAFF ANALYSIS: On September 10, 1999, Mr. Wells filed an application for a certificate to provide pay telephone service. As mentioned in the Case Background, Question 13 of the PATS application states:

"Has the applicant or subsidiary, partner, officer, director, or any stockholder ever been granted or denied a pay telephone certificate in the State of Florida? (This includes active and canceled pay telephone certificates.) If yes, provide explanation and list the certificate holder and certificate number."

Mr. Wells mentioned his involvement with PATS Certificate No. 1684 granted to John H. Carpenter in Docket No. 870851-TC which was involuntarily canceled in Docket No. 960994-TC for not remitting Regulatory Assessment Fees. The company was fined \$250 per Order PSC-96-1420-FOF-TC issued November 21, 1996. After the company failed to respond to the Commission's Order, Certificate No. 1684 was canceled. Mr. Wells was an officer in this company and performed research and development.

However, Mr. Wells failed to mention that he had previously applied for, and been granted PATS Certificate No. 2162, Florida Public Communications(FPC) in Docket No. 881125-TC. Staff contacted FPC by telephone to inquire about Mr. Wells' involvement with the company. Staff discovered that Mr. Wells was the co-owner and general manager of FPC in the early 1990's, but he sold his interest in the company in 1992.

Also, staff found that Mr. Wells had previously applied for, and was denied a PATS Certificate for Vocalmotion, Inc. (VI) per Order No. PSC-92-0815-FOF-TC issued August 13, 1992. Mr. Wells served as President of VI. The company asserted a need to limit access to interexchange carriers and failed to demonstrate a public benefit for such a waiver. Accordingly, the Commission denied VI's application.

Staff contacted Mr. Wells regarding his affiliation with FPC and VI, and he explained that it had been several years since he was involved with these companies and that it was not his intention

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to mislead the Commission by not divulging this information. On December 7, 1999, Mr. Wells filed an amended application to include his involvement with FPC and VI.

Staff does not believe Mr. Wells intended to mislead the Commission. Staff is aware that Mr. Wells specializes in technological innovation and, in the past, has relied on others to handle business operations. He has filed an amended application stating his involvement with FPC and VI. Therefore, staff is recommending that JASZ Communication Inc.'s application for a certificate to provide pay telephone service in the state of Florida be approved.

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 upon issuance of a Consummating Order and this docket may be closed. **(Keating/Peña)**

STAFF ANALYSIS: 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 upon issuance of a Consummating Order and this docket may be closed.