

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED -FPSC  
JUN 29 AM 11:08  
RECORDS AND REPORTING

**DATE:** JUNE 29, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Aji*  
DIVISION OF LEGAL SERVICES (STERN; K. PEÑA; B. KEATING) *AK* *MKS*

**RE:** DOCKET NO. 991471-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST J AND L COMMUNICATIONS FOR VIOLATION OF RULES 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES, AND 25-24.515(9)(A), (12), AND (18), F.A.C., PAY TELEPHONE SERVICE.

DOCKET NO. 000004-TC - REQUEST FOR CANCELLATION OF PAY TELEPHONE CERTIFICATE NO. 3353 HELD BY J AND L COMMUNICATIONS, AND APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY ALACRITY COMMUNICATIONS, INC.

**AGENDA:** JUNE 29, 2000 - REGULAR AGENDA - ISSUE 2 - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\991471.RCM

### CASE BACKGROUND

- **06/11/93** - J and L Communications was granted PATS Certificate No. 3353.
- **12/03/99** - Order No. PSC-99-2343-SC-TC was issued, in which the company was ordered to show cause why it should not be fined \$3,000 for violation of pay telephone service rules and \$10,000 for not responding to staff inquiries about the alleged rule violations. The alleged service violations were:  
1) failure to identify the proper name of the certificate

DOCUMENT NUMBER-DATE

07915 JUN 29 8

FPSC-RECORDS/REPORTING

holder on the pay phone; 2) failure to route 0- calls to a LEC or ALEC; and, 3) failure to comply with standards for wheelchair accessibility.

- **12/30/99** - The Commission received a response to the Show Cause Order from the company.
- **01/03/00** - Docket No. 000004-TC was opened to process the company's request for cancellation of PATS Certificate No. 3353 and an application for a PATS certificate in the name of Alacrity Communications, Inc.
- **02/14/00** - Staff wrote the company and requested specific information by February 29, 2000.
- **02/22/00** - The Commission received a letter from the company partially responding to staff's request for information.
- **03/22/00** - The Commission received a second letter from the company providing additional information.
- **03/29/00** - The Commission received a third letter from the company providing additional information.
- **05/05/00** - The Commission received a settlement proposal from J and L Communications.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement proposed by J and L Communications to resolve Show Cause Order No. PSC-99-2343-SC-TC?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal to pay \$2,800.00 in six installments. The first installment of \$466.67 should be received by the Commission within ten business days from the date of the Commission Order. The next four installments of \$466.67 each and the last installment of \$466.65 should be received by the Commission by the last working day of each month following receipt of the first installment. Any contribution should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, or if staff's recommendation on Issue 2 is approved the company's certificate should be canceled administratively. (Isler)

**STAFF ANALYSIS:** Both before and after the issuance of the Order No. PSC-99-2343-SC-TC on December 3, 1999, staff had many communications with Ms. Sherry Carter on behalf of J and L Communications. It now appears that the company is in compliance with Commission rules concerning the issues raised in the Show Cause Order. The company has provided the Commission with proof that Alacrity Communications, Inc., the name the company asked for in Docket No. 000004-TC, is registered as a corporation with the Florida Department of State. Also, the company has agreed to respond to all Commission inquiries within the required 15 days, changed the placards on all pay stations in Florida that provides the information required in Rule 25-24.515(9)(a), F.A.C., assured staff that the pay telephone in question is now handicapped accessible, and advised that all 0- calls are being routed to BellSouth Telecommunications, Inc. In addition, the company proposed to pay \$2,800 in six installments to resolve this docket.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. The first installment of \$466.67 should be received by the Commission within ten business days from the date of the Commission Order. The next four installments of \$466.67 each and the last installment of \$466.65 should be received by the Commission by the last working day of each month following receipt of the first installment. Any contribution should identify the docket number

DOCKET NOS. 991471-TC, 000004-TC  
DATE: JUNE 29, 2000

and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, or if staff's recommendation on Issue 2 is approved the company's certificate should be canceled administratively.

**ISSUE 2:** Should the Commission cancel Pay Telephone Certificate No. 3353 in the name of J and L Communications and approve the application for a new certificate in the name of Alacrity Communications, Inc?

**RECOMMENDATION:** Yes. J and L Communications' Certificate No. 3353 should be canceled and the application for Pay Telephone Certificate No. 7518 in the name of Alacrity Communications, Inc. should be granted. Certificate No. 3353 will be canceled on the effective date of Certificate No. 7518 to avoid interruption of service. Certificate No. 7518, in the name of Alacrity Communications, Inc., will become effective when an order consummating the cancellation of the old certificate and the granting of the new certificate is issued. In addition, both J and L Communications and Alacrity Communications, Inc. will be mailed a Regulatory Assessment Fee return for the year 2000. Neither the cancellation of J and L Communications' certificate nor the failure to receive the Regulatory Assessment Fee notice for the year 2000 shall relieve either company from its obligation to pay the fees for the year 2000. In addition, if the settlement proposed in Issue 1 is not paid as outlined, then the certificate effective at the time of the default should be canceled administratively. (Isler)

**STAFF ANALYSIS:** During a routine service evaluation of a pay telephone owned and operated by J and L Communications, the Commission found that the pay phone was identified as being owned and operated by Alacrity Communications, Inc. As a result of the Commission's show cause action in Docket No. 991471-TC, on January 3, 2000, the company requested voluntary cancellation of Certificate No. 3353 in the name of J and L Communications and applied for a new pay telephone certificate in the name of Alacrity Communications, Inc. The cancellation and certificate application are assigned Docket No. 000004-TC. Staff could not process these requests because the rule violations from Docket No. 991471-TC had not been entirely resolved and because the company had not registered the name of Alacrity Communications, Inc. with the Florida Department of State, Division of Corporations. The company has since come into compliance with the rules and properly registered the new name. It therefore appears to be in the public interest to grant Pay Telephone Certificate No. 7518 to Alacrity Communications, Inc.

Accordingly, J and L Communications' Certificate No. 3353 should be canceled and the application for Pay Telephone Certificate No. 7518 in the name of Alacrity Communications, Inc.

DOCKET NOS. 991471-TC, 000004-TC  
DATE: JUNE 29, 2000

should be granted. In addition, both J and L Communications and Alacrity Communications, Inc. will be mailed a Regulatory Assessment Fee return for the year 2000. Neither the cancellation of J and L Communications' certificate nor the failure to receive the Regulatory Assessment Fee notice for the year 2000 shall relieve either company from its obligation to pay the fees for the year 2000 and if the settlement proposed in Issue 1 is not paid as outlined, then the company's certificate, whether in the name of J and L Communications or Alacrity Communications, Inc., should be canceled administratively.

The company will retain the name J and L Communications until the protest period for the issuance of the new certificate expires and a consummating order is issued.

DOCKET NOS. 991471-TC, 000004-TC  
DATE: JUNE 29, 2000

**ISSUE 3:** Should Dockets Nos. 991471-TC and 000004-TC be closed?

**RECOMMENDATION:** Yes. If the Commission approves staff's recommendation on Issue 1, Docket No. 991471-TC should be closed upon receipt of the final installment of the \$2,800 contribution or cancellation of the certificate. If the Commission approves staff's recommendation on Issue 2, the proposed agency action will become final upon issuance of a consummating order, and Docket No. 000004-TC 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 order on Issue 2. If the Commission denies staff's recommendation on Issue 1 Docket No. 991471-TC should remain open to resolve the show cause issues. If the Commission denies staff's recommendation on Issue 2, Docket No. 000004-TC should be closed upon issuance of a consummating order. (Stern; K. Peña; B. Keating)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation on Issue 1, Docket No. 991471-TC should be closed upon receipt of the final installment of the \$2,800 contribution or cancellation of the certificate.

Furthermore, if the Commission approves staff's recommendation on Issue 2, Docket No. 000004-TC 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 order on Issue 2. If the Commission denies staff's recommendation on Issue 1 Docket No. 991471-TC should remain open to resolve the show cause issues. If the Commission denies staff's recommendation on Issue 2, Docket No. 000004-TC should be closed upon issuance of a consummating order.