

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Initiation of Show Cause Proceedings against Broward Business Service, Inc. d/b/a Festival Telephone Services, Inc. and d/b/a Communication Service Centers for apparent violation of Section 364.183(1), FS, Access to Company Records

DOCKET NO.: 010129-TX
ORDER NO.: PSC-01-0655-SC-TX
ISSUED: March 16, 2001

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RECORDS AND REPORTING

RESPONSE TO ORDER TO SHOW CAUSE

Broward Business Services, Inc. (BBS) responds to the above referenced order as follows:

BBS is a telecommunications business operating since 1974. We provide live telephone answering service, and live inbound/outbound telephone customer service and order taking. As an adjunct activity, we provide ALEC service for the vendors in a flea market in Broward County. To my knowledge we have complied with all previous information requests from PSC.

On or about February 20, 2001, we were informed that your staff was recommending that PSC issue an order to show cause for failing to reply to a certified letter apparently received by us on July 12, 2000. The notice of recommended action was routed to my office. I checked around the company, and nobody had any recollection of receiving any such information request.

Ordinarily, PSC communications were routed to a former employee in our finance department, Melanie Mirsky. Mirsky was no longer working at CSC when we received the notice of recommended action, and her successor was also unaware of your information request. In any case, I contacted PSC by telephone on February 20, 2001 and spoke to Kristen Craig. After I apologized for any inadvertence on our part, she explained to me that it was too late to submit the requested information. She also explained that mere oversight on our part was no excuse for non-compliance according to your previous rulings, but that it might be considered as a mitigating factor. I was further advised to wait until the PSC issued an order to show cause and then explain why we failed to comply.

Although we have no doubt that you did indeed send the letter by certified mail, we have never been able to ascertain who if anyone received that document. It was apparently mailed to no one individual at BBS in particular, judging from past correspondence, which may explain why nobody recalls having received it. We have no reason to challenge the integrity or efficiency of your staff—who in fact have been quite responsive to our requests for guidance—and so we will stand by their determination that

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they did indeed mail the information request. However, is it possible that the request could have been omitted from the envelope, say if it were part of a mass mailing with multiple enclosures? Again, you would know this better than we, and we will not challenge your conclusion.

Assuming we did receive your staff's request for information, then our failure to respond to the PSC was inadvertent. It certainly was not willful or based upon any refusal to comply. I am confident that if you check your files you will see that BBS has acted in substantial compliance at all other times.

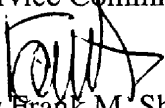
We have since been informed that our flea market telephone service may not require us to be designated as an ALEC, since we may fall under the hotel/hospital exemption. Obviously, since we are registered as an ALEC, we would expect to be held to ALEC standards, and we do not raise this as an excuse. However, since we are voluntarily subjecting ourselves to unnecessary regulation, I have addressed this possibility with your staff and have been given direction to explore the exemption in lieu of ALEC certification for the future.

In the meantime, we apologize for any inconvenience caused by any oversight on our part. We would like to settle this matter. To that end, we have examined your docket list to find comparable cases. In case 000482-TC In re Maria E. Delgado dba Global Communication, Delgado offered a \$100 settlement payment on account of her failure to respond to two letters asking for explanations for two apparent pay phone violations, for a total of four violations. In recommending that the offer be rejected, your staff suggested a payment of \$1,000, noting that the PSC has accepted \$2500 settlements in the past. Unlike Ms. Delgado, we have not been charged with any violations—other than the failure to respond to a single letter. If Ms. Delgado's settlement works out to \$250 per violation, than we would propose a payment of \$250—assuming we did not contest the claim that we have committed a single violation.

If you have any further questions or comments, we will be pleased to respond. I am willing to furnish you an affidavit pertaining to my own investigation, along with affidavits from any other persons you deem necessary.

Certificate of Service

I hereby certify that a copy of this response was sent by fax on April 9, 2001 to the Public Service Commission at 850-413-7118 with a hard copy to follow by overnight delivery.


By Frank M. Shooster
General counsel
Fla. Bar No. 358045