

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

DOCKET NO. 140223-TC
ORDER NO. PSC-15-0048-SC-TC
ISSUED: January 14, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

ORDER TO SHOW CAUSE

BY THE COMMISSION:

BACKGROUND AND FACTUAL ALLEGATIONS

By Order PSC-97-0271-FOF-TC, issued March 11, 1997, this Commission granted Florida Public Telephone Company (Company) Payphone Certificate Number 5108, authorizing the Company to provide pay telephone service in the State of Florida. The Order specified that pay telephone providers are required to comply with all applicable provisions of Chapter 364, Florida Statutes (F.S.), and Chapters 25-24 and 25-4, Florida Administrative Code (F.A.C.).

This matter addresses two complaints received by this Commission involving payphones operated by Florida Public Telephone Company and its apparent violations of Section 364.335(2) and 364.3375(2), F.S., as well as, Rules 25-4.0051 and 25-22.032(6)(b), F.A.C.

We have jurisdiction pursuant to Chapter 364, F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032, F.A.C.

Factual Allegations

Section 364.3375(2), F.S., requires that each pay telephone station shall:

- Receive and permit coin-free access to the universal emergency telephone number “911” where operable or to a local exchange company toll operator;
- Receive and provide coin-free or coin-return access to local directory assistance and the telephone number of the person responsible for repair service; and
- Be eligible to subscribe to flat-rate, single-line business local exchange services.¹

Rule 25-4.0051, F.A.C., (Current Certificate Holder Information) requires each certificated company to file updated information for the following items with the Office of Commission Clerk within 10 days after any changes to the following:

- 1) The address of the certificate holder’s main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or
- 2) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.²

In addition, Section 364.335(2), F.S., provides that certificated companies are required to ensure continued compliance with applicable business formation, registration, and taxation provisions of law.³

Finally, Rule 25-22.032(6)(b), F.A.C., (Customer Complaints), requires a company to provide the Commission with a written response to a customer complaint, within 15 working days after the complaint is sent to the company by Commission staff.⁴

In 2014, the Company paid its 2013 Regulatory Assessment Fees and indicated on its Regulatory Assessment Fee Return that it had 42 payphones in operation at the end of 2013.⁵

¹ See, Section 364.3375(2), F.S.

² See, Rule 25-4.0051, F.A.C.

³ See, Section 364.335(2), F.S.

⁴ See, Rule 25-22.032(6)(b), F.A.C.

⁵ See, Attachment A – Copy of Florida Public Telephone Company’s 2013 Pay Telephone Service Provider Regulatory Assessment Fee Return, received February 5, 2014.

Complaint No. 1139237T

On February 18, 2014, our Office of Consumer Assistance & Outreach received a complaint that the payphone at 10696 Biscayne Boulevard, Jacksonville, Florida was out of order. The complainant stated that neither the payphone number nor the repair number was working. Our Office of Consumer Assistance & Outreach attempted to contact Florida Public Telephone Company via telephone and facsimile, however, both lines were out of service. On February 19, 2014, our Office of Consumer Assistance & Outreach mailed a copy of the complaint to the Company. No response was received.

On March 21, 2014, our Office of Consumer Assistance & Outreach forwarded the complaint to our Office of Telecommunications for further action. Our Office of Telecommunications attempted to call the payphone number and received a recording that the payphones were disconnected. On June 25, 2014, our Office of Telecommunications sent a certified letter to Florida Public Telephone Company notifying it of the payphone complaint and that our staff had attempted to contact the Company numerous times regarding the payphone located at 10696 Biscayne Boulevard, with no success. Our staff requested Florida Public Telephone Company submit a plan, within 15 days of the date of the letter, outlining when the payphone would be operational. In addition, our staff advised the Company that failure to comply with staff's request may result in cancellation of its payphone certificate and penalties of up to \$25,000 per day, pursuant to Section 364.285, F.S. On July 25, 2014, the certified letter was returned by the United States Postal Service as "unclaimed, unable to forward."⁶

Complaint No. 1142992T

On March 27, 2014, our Office of Consumer Assistance & Outreach received a complaint from the City of Jacksonville stating the payphone operated by Florida Public Telephone Company, located at 1245 West 8th Street in Jacksonville, Florida, was not working and should be removed. The complaint stated that the payphone was located in a known drug area, has not been working for a very long time, and the Jacksonville Sheriff's Office would like the payphone removed due to illegal activity in the area. On March 28, 2014, our staff with the Office of Consumer Assistance & Outreach sent a copy of the complaint to the Company, via certified mail. On April 4, 2014, a Certified, Return Receipt postcard was received, signed by David Swearingen, the registered owner of Florida Public Telephone Company, evidencing receipt of the complaint by Florida Public Telephone Company.⁷

After receiving no response from the Company to the complaint, our Office of Consumer Assistance & Outreach attempted to call and fax the Company regarding the complaint, however, the Company's fax number was "out of order" and the telephone number was "disconnected." On May 1, 2014, our Office of Consumer Assistance & Outreach sent another copy of the

⁶ See, Attachment B – Copy of Commission staff's June 25, 2014, certified letter to Florida Public Telephone Company, returned by the U.S. Postal Service on July 25, 2014.

⁷ See, Attachment C – Copy of Certified Return Receipt signed by David Swearingen on March 31, 2014.

complaint to the Company via certified mail. On May 9, 2014, a signed Certified, Return Receipt postcard was received, evidencing receipt of the complaint by Florida Public Telephone Company.⁸

Upon receiving no response from the Company, our Office of Consumer Assistance & Outreach forwarded the complaint to our Office of Telecommunications for further action. On July 3, 2014, our Office of Telecommunications, again, sent a certified letter to Florida Public Telephone Company notifying it of the payphone complaint and that our staff had attempted to contact the Company numerous times regarding the payphone located at 1245 West 8th, with no success. Our staff requested Florida Public Telephone Company submit a plan, within 15 days of the date of the letter, outlining when the payphone would be operational. In addition, our staff advised the Company that failure to comply with our staff's request may result in cancellation of its payphone certificate and penalties of up to \$25,000 per day pursuant to Section 364.285, F.S. On August 9, 2014, the certified letter was returned by the United States Postal Service as "unclaimed, unable to forward."⁹

Finally, our staff's review of the Florida Secretary of State Corporation database revealed that Florida Public Telephone Company does not have a current Florida Corporate Registration, as required by Section 364.335, F.S.¹⁰

DECISION

Show Cause Standard

Certificated companies are charged with the knowledge of this Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833). In making similar decisions, we have repeatedly held that certificated companies are charged with the knowledge of our Rules and Statutes, and the intent of Section 364.285(1) is to penalize those who affirmatively act in opposition to those orders, rules, or statutes.¹¹

⁸ See, Attachment D – Copy of Certified Return Receipt signed on May 3, 2014.

⁹ See, Attachment E – Copy of Commission staff's July 3, 2014, certified letter to Florida Public Telephone Company, returned by the U.S. Postal Service on August 9, 2014.

¹⁰ See, Attachment F – Screenshot of Florida Secretary of State Corporation online database, evidencing Florida Public Telephone Company's Expired Corporate Registration.

¹¹ See, Order No. PSC-11-0250-FOF-WU, issued June 13, 2011, in Docket No. 100104-WU, In re: Application for increase in water rates in Franklin County by Water Management Services, Inc.; Order No. PSC-07-0275-SC-SU, issued April 2, 2007, in Docket No. 060406-SU, In re: Application for staff-assisted rate case in Polk County by Crooked Lake Park Sewerage Company; and Order No. PSC-05-0104-SC-SU, issued January 26, 2005 in Docket Nos. 020439-SU and 020331-SU; In re: Application for staff-assisted rate case in Lee County by Sanibel Bayous Utility Corporation; In re: Investigation into alleged improper billing by Sanibel Bayous Utility Corporation in Lee County in violation of Section 367.091(4), Florida Statutes. See also, Florida State Racing Commission v. Ponce de Leon Trotting Association, 151 So.2d 633, 634 (Fla. 1963), and Commercial Ventures, Inc. v. Beard, 595 So.2d 47, 48 (Fla. 1992) (utilities are subject to the rules published in the Florida Administrative Code).

The procedure followed by this Commission in dockets such as this, is to consider our staff's recommendation and determine whether or not the facts warrant requiring the company to respond. If we approve our staff's recommendation, we issue an Order to Show Cause. A show cause order is considered an administrative complaint by this Commission against the company. If a show cause order is issued, the company is required to file a written response. The response must contain specific allegations of disputed fact. If there are no disputed factual issues, the company's response should so indicate. The response must be filed within 21 days of service of the show cause order on the respondent company.

The company has two options if a show cause order is issued. The company may respond and request a hearing pursuant to Sections 120.569 and 120.57, F.S. If the company requests a hearing, a hearing will be scheduled to take place before the Commission, after which a final determination will be made. Alternatively, the company may respond to the show cause order by remitting the penalty. If the company pays the penalty and resolves the complaint, this show cause matter will be considered resolved, and the docket closed.

In the event the company fails to timely respond to the show cause order, the company is deemed to have admitted the factual allegations contained in the show cause order. The company's failure to timely respond is also a waiver of its right to a hearing. Additionally, a final order will be issued imposing the sanctions set out in the show cause order.

Pursuant to Section 364.285, F.S., this Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.¹² Each day a violation continues is treated as a separate offense. Each penalty is a lien upon the real and personal property of the company and is enforceable by this Commission as a statutory lien.¹³

Willfulness is a question of fact.¹⁴ Therefore, part of the determination we must make in evaluating whether to penalize a company is whether the company willfully violated the rule, statute, or order. Section 364.285, F.S., does not define what it is to "willfully violate" a rule or order. In Commission Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In Re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., we stated that "willful implies an intent to do an act, and this is distinct from an intent to violate a statute or rule." The plain meaning of "willful" typically applied by the Courts in the absence of a statutory definition, is an act or omission that is done "voluntarily and intentionally" with specific intent and "purpose to violate or disregard the requirements of the law." Fugate v. Fla. Elections Comm'n, 924 So. at 76.

¹² See, Section 364.285(1), F.S.

¹³ Id.

¹⁴ Fugate v. Fla. Elections Comm'n, 924 So. 2d 74, 75 (Fla. 1st DCA 2006), citing, Metro. Dade County v. State Dep't of Env'tl. Prot., 714 So. 2d 512, 517 (Fla. 3d DCA 1998).

Ruling

We find that the facts outlined above demonstrate that Florida Public Telephone Company knowingly failed to comply with the provisions of Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C., and, as a result, the Company's acts were "willful" in the sense intended by Section 364.285, F.S., and Fugate. Therefore, we order Florida Public Telephone Company to show cause, in writing within 21 days, why it should not be penalized \$2,000¹⁵ or its Certificate No. 5108 cancelled for violating Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C.

ORDER TO SHOW CAUSE, RESPONSE, AND CLOSING THE DOCKET

This show cause order is an administrative complaint by the Florida Public Service Commission, as petitioner, against Florida Public Telephone Company, as respondent. Florida Public Telephone Company shall respond to this Order within 21 days of service on the Utility, and the response shall reference Docket No. 140223-TC, In re: Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

Florida Public Telephone Company has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative. A request for hearing must comply with Rule 28-106.2015, F.A.C.

Any response to this Order must contain specific allegations of fact and law and shall identify those material facts that are in dispute. If there are no material facts in dispute, the response must so indicate. Should Florida Public Telephone Company file a timely, written response that raises material questions of fact and request a hearing pursuant to Sections 120.569 and 120.57, F.S., a further proceeding shall be scheduled before a final determination of this matter is made.

A failure to file a timely, written response to this Order shall constitute an admission of the facts herein alleged and a waiver of the right to a hearing on this issue. In the event that Florida Public Telephone Company fails to file a timely written response to this Order, the penalties will be deemed assessed, Florida Public Telephone Company's Certificate No. 5108 will be cancelled, and a Final Order will be issued.

¹⁵ Penalty assessed is \$500 per violation, which is consistent with amounts imposed by this Commission for similar violations.

Should Florida Public Telephone Company respond to this Order by remitting the penalty, resolving the complaints, updating its contact information with the Commission Clerk, and updating its Corporate Registration with the Florida Secretary of State, this show cause matter will be considered resolved, and the docket closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Public Telephone Company show cause, in writing, within 21 days why it should not be penalized \$2,000 or its Certificate No. 5108 cancelled for violating Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C. Florida Public Telephone Company's response shall reference Docket No. 140223-TC, In re: Initiation of show cause proceedings against Florida Public Telephone Company for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints. It is further,

ORDERED that Florida Public Telephone Company's response to this Order to Show Cause shall contain specific allegations of fact and law and shall identify those material facts that are in dispute. If there are no material facts in dispute, the response must so indicate. It is further,

ORDERED that, should Florida Public Telephone Company file a timely, written response that raises material questions of fact and make a request for a hearing pursuant to Sections 120.569 and 120.57, F.S., a further proceeding shall be scheduled before a final determination of this matter is made. It is further,


ORDERED that, a failure to file a timely, written response to this Order to Show Cause shall constitute an admission of the facts herein alleged and a waiver of the right to a hearing on this matter. It is further,

ORDERED that, in the event that Florida Public Telephone Company fails to file a timely response to this Order to Show Cause, the penalties will be deemed assessed, its Certificate No. 5108 will be cancelled, and a Final Order will be issued. It is further,

ORDERED that, in the event Florida Public Telephone Company responds to this Order to Show Cause by remitting the \$2,000 penalty, resolving the complaints, updating its contact information with the Commission Clerk, and updating its Corporate Registration with the Florida Secretary of State, this show cause matter will be considered resolved, and this docket closed administratively. It is further,

ORDERED that, any penalty amount collected by this Commission from Florida Public Telephone Company in connection with this matter, shall be deposited in the Florida General Revenue Fund, pursuant to Section 364.285(1), F.S.

By ORDER of the Florida Public Service Commission this 14th day of January, 2015.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KFC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 4, 2015.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 1/30/2014
 Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS:
 Actual Return
 Estimated Return
 Amended Return

PERIOD COVERED:
 1/1/2013 TO 12/31/2013

Florida Public Service Commission
 (See Filing Instructions on Back of Form)

TG007-13-T-0-R
 Florida Public Telephone Company
 220 East Sixth Street
 Jacksonville FL 32206-4506

DATE DEPOSIT
 FEB 05 2014 3 9 8

Please Complete Below If Official Mailing Address Has Changed

SEC
 THOB

Total \$ 200.00

FOR PSC USE ONLY

Check # 2487

\$ 100.00 06-03-001
 003001

\$ _____ E

\$ _____ P 06-03-001
 004011

\$ _____ I

Postmark Date 1-30-14
 Initials of Preparer RR

 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	AMOUNT
1.	Gross Operating Revenue (Florida)	\$ <u>24,415.34</u>
2.	Gross Intrastate Revenue	<u>18,256.11</u>
3.	Less: Amounts Paid to Other Telecommunications Companies ⁽¹⁾ (see "2. Fees" on back)	(<u>9,622.00</u>)
4.	TOTAL REVENUES for Regulatory Assessment Fee Calculation (Line 2 less Line 3)	\$ <u>8,634.11</u>
5.	REGULATORY ASSESSMENT FEE DUE - (Multiply Line 4 by 0.0016. If more than \$100, enter amount. If less, enter \$100.) ⁽²⁾	<u>100.00</u>
6.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____
7.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____
8.	Extension Payment Fee (see "4. Extension" on back)	_____
9.	TOTAL AMOUNT DUE (Add lines 5 through 8)	\$ <u>100.00</u>
10.	Number of pay telephones in operation at close of period covered by this Return	<u>42</u>

(1) These amounts must be intrastate only and must be verifiable (see "2. Fees" on back).
 (2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$100 shall be imposed as provided in Section 364.336, Florida Statutes.

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

David Swearingen _____ President _____ 1/30/14
 (Signature of Company Official) (Title) (Date)

David Swearingen Telephone Number (904) 887-3772 Fax Number (904) 240-1075
 (Preparer of Form - Please Print Name)

F.E.I. No. 323-40-3344

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF TELECOMMUNICATIONS
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

June 25, 2014

Mr. David Swearing
Florida Public Telephone Company
220 E 6th street
Jacksonville, FL 32206-4506

Certified No. 70060100000310986751

Re: Florida Public Telephone Company Payphone Number (904)751-4886, located at 10696 Biscayne Blvd., Jacksonville, FL 32218

Dear Mr. Swearingen:

Florida Public Service Commission (Commission) staff has attempted to contact you numerous times via telephone regarding the above payphone with no success. The Commission also sent you a letter dated May 28, 2014, requesting you inform the Commission within fifteen (15) days on what actions you will take to solve this matter. The Commission received no response. This payphone is out of order and the Commission has received multiple complaints about it. Section 364.3375(2), Florida Statutes, provides that each pay telephone station shall:

- (a) Receive and permit coin-free access to the universal emergency telephone number "911" where operable or to a local exchange company toll operator.
- (b) Receive and provide coin-free or coin-return access to local directory assistance and the telephone number of the person responsible for repair service.
- (c) Designate a party responsible for processing refunds to customers.
- (d) Be equipped with a legible sign, card, or plate of reasonable permanence which provides information determined by the commission, by rule, to adequately inform the end user.
- (e) Be eligible to subscribe to flat-rate, single-line business local exchange services.

Please provide the Commission with your plan within fifteen (15) days of the date of this letter on when this payphone will be operational. Failure to do so may result in cancellation of your payphone certificate or penalties of up to \$25,000 per day pursuant to Section 364.285, Florida Statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Casey".

Robert J. Casey
Public Utilities Supervisor

cc: Office of Telecommunications (Flores, Beard, Salak)

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

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



7006 0100 0003 1098 6751

LN 630/4

14 JUL 25 AM 7:30
OFFICE OF
TELECOMMUNICATIONS

**RETURN RECEIPT
REQUESTED**

Mr. David Swearing
Florida Public Telephone Company
220 E. 6th Street
Jacksonville, FL 32206-4506

7/2
7h



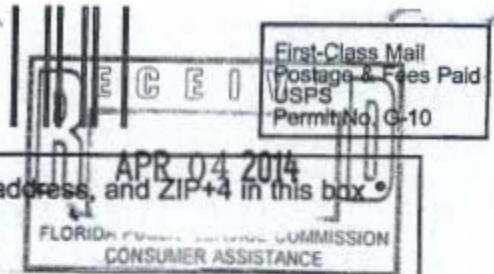
US POST
06/25
\$06
0807/19/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

322064506 0002

BC: 32399085099 *0838-03910-25-42

UNITED STATES POSTAL SERVICE

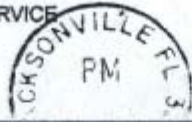


Florida Public Service Commission
 2540 Shumard Oak Blvd
 Tallahassee, 32399-0850
 SRC Marcos Bermudez-Frau
 Case Number 1142992T



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>X D Swearingen</i></p> <p>B. Received by (Printed Name) <i>D Swearingen</i></p> <p>C. Date of Delivery <i>3/31/11</i></p>
<p>Article Addressed to:</p> <p>Florida Public Service Telephone Company Attn: David Lynn Swearington 220 East Sixth Street Jacksonville, FL 32206-4506</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>1. Article Number (Transfer from service label)</p>	<p>7011 0110 0001 9796 7293</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

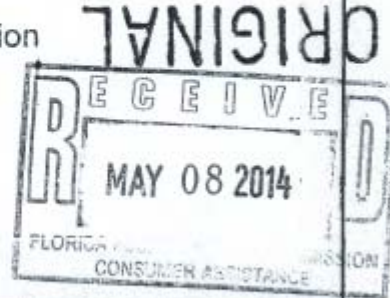
UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850
 Case number 1142992T



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Public Telephone Company
 Attn: David Lynn Swearingen
 220 East Sixth Street
 Jacksonville, FL 32206-4506

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
 X *David Lynn Swearingen*
- B. Received by (Printed Name) C. Date of Delivery
 5/3/14
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from) 7012 3460 0001 1362 3403

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF TELECOMMUNICATIONS
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

July 3, 2014

Mr. David Swearingen
Florida Public Telephone Company
220 E 6th street
Jacksonville, FL 32206-4506

Certified No.70041160000457517987

Re: Florida Public Telephone Company Payphone Number (904) 880-3411, located at 1245 West 8th Street, Jacksonville, FL 32209

Dear Mr. Swearingen:

Florida Public Service Commission (Commission) staff has attempted to contact you numerous times via telephone regarding the above payphone with no success. It appears your fax number is inoperable and your phone number on file has been disconnected. The Commission also sent you a certified letter on May 1, 2014, with a copy of the complaint. The Commission received no response. This payphone is out of order and the Commission has received multiple complaints about it. Section 364.3375(2), Florida Statutes, provides that each pay telephone station shall:

- (a) Receive and permit coin-free access to the universal emergency telephone number "911" where operable or to a local exchange company toll operator.
- (b) Receive and provide coin-free or coin-return access to local directory assistance and the telephone number of the person responsible for repair service.
- (c) Designate a party responsible for processing refunds to customers.
- (d) Be equipped with a legible sign, card, or plate of reasonable permanence which provides information determined by the commission, by rule, to adequately inform the end user.
- (e) Be eligible to subscribe to flat-rate, single-line business local exchange services.

Please provide the Commission with your plan within fifteen (15) days of the date of this letter on when this payphone will be operational or be removed. Failure to do so may result in cancellation of your payphone certificate or penalties of up to \$25,000 per day pursuant to Section 364.285, Florida Statutes.

Sincerely,

Handwritten signature of Robert J. Casey in black ink.

Robert J. Casey
Public Utilities Supervisor

cc: Office of Telecommunications (Salak)
Office of General Counsel (Teitzman)
Office of Consumer Assistance & Outreach (Hicks)

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

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

CERTIFIED MAIL



7004 1160 0004 5751 7987



netpost®

14 AUG 12 AM 7:35
OFFICE OF
TELECOMMUNICATIONS

W
7/5/14

Mr. David Swearingen
Florida Public Telephone Company
220 E. 6th street
Jacksonville NIXIE

7/17

US POSTA
07/02/2011
Mailed from 32

\$06.46

046182060

322 DE 1009 0008/09/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

3220634506 C002

BC: 32399085099 *0938-02552-02-47



FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS  

[Home](#) [Contact Us](#) [E-Filing Services](#) [Document Searches](#) [Forms](#) [Help](#)

[Previous on List](#) [Next on List](#) [Return to List](#)

No Filing History

Fictitious Name Detail

Fictitious Name

FLORIDA PUBLIC TELEPHONE COMPANY

Filing Information

Registration Number G06094900222
Status EXPIRED
Filed Date 04/04/2006
Expiration Date 12/31/2011
Current Owners 1
County DUVAL
Total Pages 1
Events Filed NONE
FEI/EIN Number NONE

Mailing Address

220 E. 6TH ST.
JACKSONVILLE, FL 32206

Owner Information

SWEARINGEN, DAVID LYNN
220 E. 6TH ST.
JACKSONVILLE, FL 32206
FEI/EIN Number: NONE
Document Number: NONE