GEN. COUNSEL & JAGC

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building 101 East Gaines Street Tallahassee, Florida 32399-0850

MEMORANDUM

August 29, 1991

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES [ADAMS]

DIVISION OF COMMUNICATIONS [AUSTIN]

RE : DOCKETS NOS. - 910184-TC, 910185-TC, 910200-TC, 910258-

TC, 910262-TC, 910263-TC, 910279-TC, 910280-TC, 910344-TC, 910362-TC, 910424-TC - INITIATION OF SHOW CAUSE PROCEEDINGS FOR VIOLATION OF RULE 25-24.520, ANNUAL

REPORT REQUIREMENT

AGENDA: 09/10/91 - CONTROVERSIAL - PARTIES MAY PARTICIPATE

CASE BACKGROUND

Rule 25-24.520, Florida Administrative Code, requires certificated PATS providers to file an Annual Report by January 31 of the following year. Following the decision by the Commission on the April 30, 1991 agenda to initiate show cause proceedings against those companies who failed to file an Annual Report for 1990, Commission Orders were issued requiring companies to show cause why they should not be fined \$250 or, in the alternative, face cancellation of their certificates. The companies referenced in the above dockets filed responses to their respective show cause orders.

DOCUMENT NUMBER-DATE
08678 AUG 29 1991
FPSC-RECORDS/REPORTING

August 29, 1991

DISCUSSION OF ISSUES

ISSUE 1: Should Atlantic Business Communications, Inc. be required to pay a \$250 fine proposed in Order No. 24469, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

PECONMENDATION: Yes, Atlantic Business Communications, Inc. should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

has been a certificated PATS provider since June 14, 1989. On May 22, 1991, Atlantic filed a response to Show Cause Order No. 24469 (Attachment A). Atlantic's response included a late-filed Annual Report.

Atlantic styled itself an independent telephone interconnect company. In its response, Atlantic asserted that it was not currently selling or servicing pay telephone equipment at this time but wished to retain its certificate. Staff has assumed that by asserting that it was not servicing pay telephone equipment, the company was stating that it was not currently providing PATS service.

Atlantic did not provide any specific explanation for its failure to file an Annual Report. Atlantic's response contains no legal or factual arguments sufficient to overcome the findings made in Order No. 24469. The Annual Report requirement is predicated on possession of the certificate, not on provision of the service. Atlantic's response is essentially a default and a waiver of any right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24469, or in the alternative, permit Atlantic to voluntarily cancel its certificate. If Atlantic pays the fine within 30 days, Staff recommends this docket be closed. In the event Atlantic fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends Atlantic's Certificate No. 2318 be canceled and this docket closed.

ISSUE 2: Should Aunt Lucille's be required to pay a \$250 fine proposed in Order No. 24469, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, Aunt Lucille's should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STATE ANALYSIS: Aunt Lucille's has been a certificated PATS provider since March 2, 1989. On May 10, 1991, Aunt Lucille's filed a response to Show Cause Order No. 24469 (Attachment B). Aunt Lucille's response consists solely of a Regulatory Assessment Fee Return (RAF Return) and the front page of Order No. 24469. Across the bottom of the front page of Order No. 24469 were the words, "Is this not what you are referring to?"

Aunt Lucille's response does not appear to make any legal or factual assertion that would justify not imposing the fine proposed in Order No. 24469. At best, Aunt Lucille's response demonstrates the PATS provider's confusion between the RAF Return and the Annual Report. The Commission has often ruled such confusion is not adequate to set aside a fine for violation of Rule 25-24.520.

Staff recommends that the Commission impose the fine proposed in Order No. 24469, or in the alternative, permit Aunt Lucille's to voluntarily cancel its certificate. If Aunt Lucille's pays the fine within 30 days, Staff recommends this docket be closed. In the event Aunt Lucille's fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends Aunt Lucille's Certificate No. 2243 be canceled and this docket closed.

ISSUE 3: Should City Vending, Inc. be required to pay a \$250 fine proposed in Order No. 24493, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, City Vending, Inc. should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STAFF ANALYSIS: City Vending, Inc. (City Vending) has been a certificated PATS provider since August 8, 1989. On May 30, 1991, City Vending filed a response to Order No. 24493 (Attachment C). City Vending's response is little more than an admission of fault and a request that the company not be fined because of ignorance regarding the filing requirement and the company's lack of experience with Commission requirements.

The Commission has repeatedly ruled that PATS providers are placed on constructive notice of all rules regulating PATS by completion of the application. City Vending's response is a default and waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24493, or in the alternative, permit City Vending to voluntarily cancel its certificate. If City Vending pays the fine within 30 days, Staff recommends this docket be closed. In the event City Vending fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends City Vending's Certificate No. 2342 be canceled and this docket closed.

ISSUE 4: Should Jaime M. Cortes be required to pay a \$250 fine proposed in Order No. 24495, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECONNENDATION: Yes, Jaime M. Cortes should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

certificated PATS provider since January 26, 1989. On April 1, 1991, Mr. Cortes filed an Annual Report, together with a Regulatory Assessment Fee Return. This report was filed two months late and after initiation of the show cause process. On May 15, 1991, Mr. Cortes filed a response to Order No. 24495 (Attachment D). In his response Mr. Cortes asserted that he was simply late in filing and had assumed that by cashing his check for his Regulatory Assessment Fee, the Commission had accepted his corrective efforts as sufficient.

The Commission has ruled in the past that timeliness is an essential element of the Annual Report Requirement. Furthermore, acceptance of the Regulatory Assessment Fee can in no way relieve a certificated entity from liability for the late filing of the Annual Report. Mr. Cortes' response is inadequate on its face and constitutes a default and waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24495, or in the alternative, permit Mr. Cortes to voluntarily cancel his certificate. If Mr. Cortes pays the fine within 30 days, Staff recommends this docket be closed. In the event Mr. Cortes fails to either pay the fine or voluntarily cancel his certificate within 30 days, Staff recommends Mr. Cortes' Certificate No. 2226 be canceled and this docket closed.

ISSUE 5: Should J.C. Cash, Inc. be required to pay a \$250 fine proposed in Order No. 24495, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, J.C. Cash, Inc. should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STATT ANALYSIS: J.C. Cash, Inc. (Cash) has been a certificated PATS provider since February 2, 1989. On June 3, 1991, Cash filed a response to Show Cause Order No. 24495 (Attachment E). In its response, Cash alleged that its telephones were not currently functioning and that it had notified both the Commission and the Division of Consumer Affairs at least three times of this fact. Cash stated that it believed that it was not a PATS provider if its telephones were not functioning. Cash also stated that while it did not file the Annual Report, it did not notify the Commission of the reason for not filing and proposed that its license be temporarily revoked. Finally, Cash proposed that the fine be abated or reduced until it could repair its phones.

Cash has failed to set forth any legal or factual argument sufficient to set aside or abate the proposed fine. The Commission certificates PATS providers, not instruments, and the report requirement is predicated on possession of the certificate, not on provision of the service. Furthermore, the rules regulating PATS providers do not provide for temporary revocation for the convenience of the certificated entity. Cash's response constitutes an admission of the facts alleged, a default, and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24495, or in the alternative, permit Cash to voluntarily cancel its certificate. If Cash pays the fine within 30 days, Staff recommends this docket be closed. In the event Cash fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends Cash's Certificate No. 2238 be canceled and this docket closed.

ISSUE 6: Should Joseph A. Martinez be required to pay a \$250 fine proposed in Order No. 24495, or in the alternative, have its

certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, Joseph A. Martinez should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STATE AMALYSIS: Joseph A. Martinez (Mr. Martinez) has been a certificated PATS provider since August 8, 1989. On June 4, 1991 Mr. Martinez filed a response to Show Cause Order No. 24495 (Attachment F). In his response, Mr. Martinez alleges that he did not file the Annual Report because he had not provided service and he was unaware of the requirement. Mr. Martinez also alleges that he did not file the report because he did not "...receive this letter until May 27". Staff suspects the letter Mr. Martinez is referring to is the Show Cause Order.

Mr. Martinez's response is inadequate on its face. Mr. Martinez makes no legal or factual argument sufficient to justify setting aside the proposed fine. The Annual Report requirement is predicated on possession of a PATS certificate and not on provision of the service. The requirement is not contingent upon provision of service. The Commission has also repeatedly ruled that the certificate application process is constructive notice of the Annual Report Requirement. By completing the application, Mr. Martinez was placed on notice of the requirement. Mr. Martinez's response constitutes a default and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24495, or in the alternative, permit Mr. Martinez to voluntarily cancel his certificate. If Mr. Martinez pays the fine within 30 days, Staff recommends this docket be closed. In the event Mr. Martinez fails to either pay the fine or voluntarily cancel his certificate within 30 days, Staff recommends Mr. Martinez's Certificate No. 2337 be canceled and this docket closed.

ISSUE 7: Should Lyndon C. Scherr be required to pay a \$250 fine proposed in Order No. 24510, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, Lyndon C. Scherr should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STATE ANALYSIS: Lyndon C. Scherr (Mr. Scherr) has been a certificated PATS provider since October 20, 1987. On May 28, 1991, Mr. Scherr filed a response to Show Cause Order No. 24510 (Attachment G). In his response, Mr. Scherr stated that he failed to file the Annual Report on time because he was out of state and he had failed to mail it on time. Mr. Scherr also stated that he felt the fine was excessive.

Mr. Scherr has failed to make any defense sufficient to possibly setting aside the proposed fine. The amount proposed is well within the Commission's authority. Furthermore, in view of the number of late filed reports, the amount is appropriate. Mr. Scherr's response constitutes an admission of the facts alleged, a default, and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24510, or in the alternative, permit Mr. Scherr to voluntarily cancel its certificate. If Mr. Scherr pays the fine within 30 days, Staff recommends this docket be closed. In the event Mr. Scherr fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends Mr. Scherr's Certificate No. 1697 be canceled and this docket closed.

August 29, 1991

ISSUE 8: Should L.A.W. Development, d/b/a Tarks Restaurant be required to pay a \$250 fine proposed in Order No. 24510, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, L.A.W. Development, d/b/a Tarks Restaurant should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STATF ANALYSIS: L.A.W. Development, d/b/a Tarks Restaurant (Tarks) has been a certificated PATS provider since January 1, 1987. On May 28, 1991, Tarks filed a response to Show Cause Order No. 24510 (Attachment H). In its response, Tarks alleges that it had contacted the "wrong office" requesting the Annual Report form and had missed the filing date.

Tarks' response fails to make out any defense to the allegations set forth in Order No. 24510. The Commission has ruled that the Annual Report forms are merely sent out as a convenience and a courtesy, and the filing requirement is not contingent upon receipt of the form. Tarks' response constitutes an admission of the allegations set forth in Order No. 24510, a default and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24510, or in the alternative, permit Tarks to voluntarily cancel its certificate. If Tarks pays the fine within 30 days, Staff recommends this docket be closed. In the event Tarks fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends Tarks' Certificate No. 1379 be canceled and this docket closed.

August 29, 1991

ISSUE 9: Should Sayona Corporation d/b/a Sans Souci Apartment/Motel be required to pay a \$250 fine proposed in Order No. 24517, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMEDATION: Yes, Sayona Corporation d/b/a Sans Souci Apartment/Motel should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

APARTYSIS: Sayona Corporation d/b/a Sans Souci Apartment/Motel (Sayona or the Company) has been a certificated PATS provider since August 16, 1988. On June 10, 1991, Sayona filed a response to Show Cause Order No. 24517 (Attachment I). Sayona's response is an allegation that the Company failed to file the report because it did not receive a form or reminder to file the report.

Sayona's response fails to make out any defense sufficient to set aside the proposed fine. The Commission has repeatedly ruled that forms are provided to certificated PATS providers as a convenience and a courtesy. The Annual Report filing requirement is not contingent upon receipt of a form. Sayona's response constitutes a default and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24517, or in the alternative, permit Sayona to voluntarily cancel its certificate. If Sayona pays the fine within 30 days, Staff recommends this docket be closed. In the event Sayona fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends Sayona's Certificate No. 2107 be canceled and this docket closed.

August 29, 1991

ISSUE 10: Should Ted Odder be required to pay a \$250 fine proposed in Order No. 24515, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECOMMENDATION: Yes, Ted Odder should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STAFF ANALYSIS: Ted Odder (Mr. Odder) has been a certificated PATS provider since February 28, 1986. On May 28, 1991, Mr. Odder filed a response to Order No. 24515 (Attachment J). Mr. Odder argues that in the past he has come to rely on the Annual Report form he annually received from the Commission's staff. He further argues that because he did not receive the form for 1990, he simply forgot to file the report.

Mr. Odder's response fails to make out a response sufficient to set aside the proposed fine. The Commission has repeatedly ruled that forms are provided to certificated PATS providers as a convenience and a courtesy. The Annual Report filing requirement is not contingent upon receipt of a form. Mr. Odder's response constitutes a default and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24515, or in the alternative, permit Mr. Odder to voluntarily cancel his certificate. If Mr. Odder pays the fine within 30 days, Staff recommends this docket be closed. In the event Mr. Odder fails to either pay the fine or voluntarily cancel his certificate within 30 days, Staff recommends Mr. Odder's Certificate No. 613 be canceled and this docket closed.

ISSUE 11: Should M & J Donuts #3, Inc. be required to pay a \$250 fine proposed in Order No. 24467, or in the alternative, have its certificate to provide pay telephone service canceled for failure to file its 1990 Annual Report as required by Rule 25-24.520?

RECONNENDATION: Yes, M & J Donuts #3, Inc. should be required to pay the \$250 fine for violation of Rule 25-24.520, Florida Administrative Code, or, in the alternative, face cancellation of its PATS certificate.

STAFF ANALYSIS: M & J Donuts #3, Inc. (M & J or the Company) has been a certificated PATS provider since June 14, 1990. On May 17, 1991, M & J filed a response to Order No. 24467 (Attachment K). M & J argues that it paid the Regulatory Assessment Fee, that it was not currently providing PATS service, and that it had been told by someone in Tallahassee that it was only required to pay a \$25 fee.

M & J's response is deficient on its face. The response fails to make out any factual or legal argument sufficient to set aside the proposed fine. The Annual Report requirement is separate and distinct from the Regulatory Assessment Fee requirement. Furthermore, the Annual Report requirement is predicated upon possession of the certificate and not contingent upon provision of PATS. M & J's response constitutes a default and a waiver of the right to a hearing.

Staff recommends that the Commission impose the fine proposed in Order No. 24467, or in the alternative, permit M & J to voluntarily cancel its certificate. If M & J pays the fine within 30 days, Staff recommends this docket be closed. In the event M & J fails to either pay the fine or voluntarily cancel its certificate within 30 days, Staff recommends M & J's Certificate No. 2513 be canceled and this docket closed.

910184a.ttl

ATTACHMENT A Page 1 of 4 Pages

August 29, 1991





May 21, 1991

Director of Records and Reporting Florida Public Service Commission 101 East Gaines Street Tallahassee, Florida 32399-0850

910184-TC

To Whom it may Concern:

Please find enclosed a copy of the only annual report that has been sent to me. Atlantic Business Communications, Inc. is an independent telephone interconnect company. We have not sold nor have we serviced any pay telephone equipment in the past. We would like to remain a member of the PSC but we are not selling/servicing pay telephone equipment at this time. Please let me know how I can clear up this problem. You may contact me anytime at 1-800-749-0399 or (813) 622-7283.

Sincerely.

Daniel C. Botbol Vice President

Enclosures

DB/sdp



DOCUMENT NUMPFR-DATE 05189 MAY 22 1991

0.013

ATTACHMENT A Page 2 of 4 Pages

August 29, 1991

State of Florida

Commissioners:
MICHAEL McK. WILSON, CHAIRMAN
'HOMAS M. BEARD
BETTY EASLEY
GERALD L. (JERRY) GUNTER
JOHN T. HERNDON



DIVISION OF COMMUNICATIONS DIRECTOR, WALTER D'HAESELEER (904) 488-1280

Public Service Commission

December 21, 1989

Dear PATS Provider:

As a certificated pay telephone service (PATS) provider, you are required to meet certain reporting requirements as specified by Rule 25-24.520.

Attached is the format for your Annual Pay Telephone Service Report. This information must be provided to the Division of Communications by January 31, 1990.

You are also required to provide your local exchange company (LEC) with a listing of your PATS locations and telephone numbers by January 31, 1990. Please mail an additional copy of this information with your Annual Pay Telephone Service Report to the Divison of Communications as well.

Please call me at (904) 488-1280, if you have questions.

Sincerely,

Pamela Austin

Regulatory Analyst

Bureau of Service Evaluation

uncla Austin,

PA/emd

Attachment: Format for Annual PATS Report

cc: All Florida Local Exchange Companies

0816c(1)

0 014

ATTACHMENT a Page 3 of 4 Pages

August 29, 1991

ANNUAL PAY TELEPHONE SERVICE REPORT

	1. Certificate Number 23/8
	2. Certificate Holder Communications, km. Sans-B Breckenridge Persons
	Tampa, FL 33610 Address
3.	Name Daniel C- Botbol
4.	Number of Instruments in place December 31, 1989
5.	Currently providing service Yes No
6.	If the answer to question number 5 is no what was the last date that service was provided
7.	If the answer to question 5 is no what are your plans for providing service in the future. Implementing direct Sales free

Return to: Florida Public Service Commission
Division of Communications
101 East Gaines Street
Tallahassee, Florida 32399-0866

ATTACHMENT A Page 4 of 4 Pages

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE

STATUS: Actual Return Estimated Return PERIOD CONFRED 16		TEUBU ATLANTIC BU	Public Service Commiss dions For Filing On Back of Form) Commissions USINESS GONFORM EKENRIDGE PARKWAY 33G10-4258	ica, i	FOR PSC USE ONLY 0603002 003001 P 0603002 004010
		Complete	e Below If Address Has Chang	ed	
	Utility	Name	Address	City / State	Zip Code
		No		TELL PHUND THISTYEN	E ROLLING
NO.		ACCOUNT CLA		YC	AMOUNT
1.	Gross Opera	ating Revenue		s	-()-
2.	Gross Intras	state Revenue			-0-
3.	Regulatory	Assessment Fee D	uc*	\$	
•	(1/8 0	f 1% of Line	2)		7.5
4.	LESS: APP	PROVED Prior-Pe	riod Overpayment	\$	(-0)
5.	NET REGU	LATORY ASSES	SMENT FEE DUE	S	$-\wp$
6.	Penalty For	Late Payment			-0-
7.	Interest For	Late Payment			
8.	TOTAL AN	MOUNT DUE		\$	-(,'-
8. AS P	TOTAL AN	MOUNT DUE	DA STATUTES, THE MINIM URNED REGARDLESS OF TI		\$25.60 # ENUES REPORTED

0 016

I, the undersigned own and belief	or I afficer of the above-named utility, have read the for the above is a true and correct placement of class reven	egoing. Under penalties of perjury, I de was derived from intrastate business for	clare that, to the best of my knowledge the period indicated.
Utility Official	to about in a your and copy of playing of play recon	7-3-90	VICE PIESIDE
	DANIECTBOTBOL	Telephone Number (5/3)	62547243
	(Name - Picase Print)		
		F.E.I. No.	

ATTACHMENT B
Page 1 of 2 Pages

August 29, 1991

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings Against
the following Companies for Violation of)
Commission Rule 25-24.520, F.A.C., 1990
Annual Report Requirements for Pay
Telephone Service Companies.

ASOUS SUPERMARKETS, INC.
ATLANTIC BUSINESS COMMUNICATIONS, INC.
AUNT LUCILLE'S

B & H FOODS
DOCKET NO. 910185-TC
B & I COFFEE SHOP, INC.
DOCKET NO. 910187-TC
DOCKET NO. 910187-TC

B & H FOODS
B & I COFFEE SHOP, INC.
BAILET'S GROCERY
BARBARA E. BOYD
BATO, INC.
ROLYAT, INC. D/B/A BETTY'S RESTAURANT
BROWARD DISCOUNT FURNITURE, INC.

DOCKET NO. 910187-TC
DOCKET NO. 910188-TC
DOCKET NO. 910189-TC
DOCKET NO. 910190-TC
DOCKET NO. 910194-TC
DOCKET NO. 910195-TC

ORDER NO. 24469 ISSUED: 5/2/91

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL McK. WILSON

ORDER INITIATING SHOW CAUSE PROCEEDINGS

DEMAND FOR RESPONSE WHY A FINE SHOULD NOT BE IMPOSED OR IN THE ALTERNATIVE, WHY CERTIFICATE SHOULD NOT BE CANCELLED FOR FAILURE TO FILE ANNUAL REPORTS

BY THE COMMISSION:

Rule 25-24.520, Florida Administrative Code, requires the filing of annual reports with the Commission, due January 31st. As certificated Pay Telephone Service (PATS) providers, the companies listed in the caption of this Order are subject to the jurisdiction of this Commission and have failed to file the required reports in a timely manner. The subject companies and their respective certificate numbers are as follows:

Is this not what you are received to.

DOCUMENT NUMBER-DATE

04302 HAY -2 1991

0 017

August 29, 1991

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE Jun 30, 1991

Pay Telephone Service Provider Regulatory Assessment Fee Return

STATUS: X Actual Return	Florida Public Service Commission (Instructions For Filing On Back of Form)	FOR PSC USE ONLY \$0603002
PERIOD COVERED: July 1 TO Dec 31	TEO13 AUNT LUCILLE'S & TOAD	\$P 0603002
	ORLANDO, FL 32818-1353	\$1

Complete Below If Address Has Changed

	Utility Name	Address	City / State		Zip Code
LINE NO.	ACCOUNT	CLASSIFICATION ,	_		AMOUNT .
1.	Gross Operating Revenue			s	4
2.	Gross Intrastate Revenue	ē.	<u>C</u>	\$	<u>uo</u>
3.	LESS: Amounts Paid For Companies From 10-	Services To Other Telephone 01-50 thru 12-31-90	44.757	s(<u>-</u> -	127.26)
4.	TOTAL REVENUES For Assessment Fee Calculation	Regulatory		s	
5.	Regulatory Assessment Fe	e Duc		\$	<u>.:</u>
6.	LESS: APPROVED Prior	-Period Overpayment		S()
7.	NET REGULATORY AS	SESSMENT FEE DUE		s	
8.	Penalty for Late Payment			s	
9.	Interest for Late Payment	*		s	š
10.	TOTAL AMOUNT DUE amount of revenues collect AMOUNT DUE Is \$25.	ted, the MINIMUM		s	25

*Each amount paid by a pay telephone company to a telecommunications company providing local service for use of the local network shall be deducted from intrastate revenue for purposes of determining the amount of the regulatory fee assessed the pay telephone company.

l, the undersigned owner I afficer of the above-named utility, have read the forezoing. Under penalties of perjury, I declare that, to the best of my bnowledge and belief, the above is a true and correct statement of gross revenues derived from intrestate business for the period indicated.

Composition Comment

(Dose)

Telephone Number (40) 272- Luna

FELNO. F426114-721.11.0X-T

DOCUMENT NUMBER-DATE

Page 1 of 2 Pages Plo200-TC

August 29, 1991

City Vending Inc. 801 NE 199th St 3108 No Mia Fl. 33179



Mr./Steve Tribble
Division Of Records and Reporting
101 East Gains St.
Tallahassee, Fl. 32399-0870

Dear Mr. Tribble:

City Vending at this time has Not operated and does not expect to operate pay telephones in the near future. We were not aware that any Public service Commission Code had been violated.

We have requested the forms, and will submit them to your office.

City Vending would like to keep there option open in regards to

pay telephones.

We request that, in light of this being our first year as a certificate holder, that no fine be assested and our certificate not be revoked.

Jay:Bolno
City Vending
ACK Docket # 910200

AFA ____
APP ____
CAF ___
CMU ___
CTR ___
EAG ___
LEG __
LIN ___
OPC ___

RCH .

WAS __

OTH _

DOCUMENT IN MEER - PATE

01905472 MAY 30 EE

DOCKETS NOS. 910184-TC, 910185-TC, 910200-TC, 910258-TC, 910262-TC, 910263-TC, 910279-TC, 910280-TC,

910344-TC, 910362-TC, 910424-TC

ATTACHMENT C Page 2 of 2 Pages

August 29, 1991

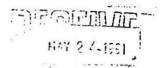
ANNUAL PAY TELEPHONE SERVICE REPORT

•	
	1. Certificate Number
	2. Certificate Holder
	NameCity Vending Inc.
•	Address 801 Ne 199th ST #108 North Mia Beach Fl. 33179
3.	Individual Responsible for contact
	Name Jay Bolno
4.	Number of instruments in place December 31, 198, 1991 None
5.	Currently providing service Yes No *
6.	If the answer to question number 5 is no what was the last date that
	service was provided We Have Not provided pay phone service
7.	If the answer to question 5 is no what are your plans for providing service in the future. At this time we have no future plans.
	All expandation hAs been put on hold.

Return to: Florida Public Service Commission Division of Communications 101 East Gaines Street Tallahassee, Florida 32399-0866

ATTACHMENT D

August 29, 1991



ORDER NO. 24495

DOCKETS NOS. 910251-TC, 910252-TC, 910253-TC, 910254-TC, 910255-TC, 910256-TC, 910258-TC, 910262-TC, 910263-TC, 910264-TC

PAGE 2

7.7			*We thought we had
		9	then when nue but
Name		Certificate No.	Oyersight, TILL D LATE
HILLSBORO CLUB, INC.		639	(3)24/91). Since our
HORIZON SOUTH RECREATION		1660	theck cleared your
I-10 CORPORATION		1513	
J & J CRAWFORD		1537	bank 4/2/91 WE
JACK KANFER		2057	assumed everything
JACKSON'S GAME ROOM &	14		WAS OKAY. J
RESTAURANT		2116	7'
JAIME M. CORTES		2226 🛠	
J. C. CASH, INC.		2238	
JOSEPH A. MARTINEZ		2337	
J. P.'S AUTO SERVICE	*	2082	

Pursuant to Section 364.285, Florida Statutes, this Commission is authorized to levy a fine of up to \$25,000 for each violation of a statute, rule or order subject to the Commission's jurisdiction or to revoke a certificate of public convenience and necessity. Accordingly, we find it appropriate to require each PATS company listed above to show cause in writing why it should not be fined \$250, or in the alternative, have its certificate revoked for failure to file its 1990 annual report as required by Rule 25-24.520. All responses to this Order to Show Cause shall be filed in conformance with Rules 25-22.036(7)(a) and 25-22.037(1), Florida Administrative Code. Each Company's response shall contain specific statements as to fact and law.

If any PATS company fails to respond to this show cause in the form and within the time limits prescribed, the facts alleged in this Order shall be deemed true and shall constitute an admission of guilt of the violation of Rule 25-24.520 and a waiver of the right to a hearing. If no response is received from a company, we find it appropriate that no fine be imposed and that the company's certificate is hereby cancelled.

Any company desiring to avoid the potential of either a fine or revocation of its certificate as a result of this show cause order may request voluntary cancellation of its certificate. If a company requests cancellation of its certificate, this show cause order is withdrawn as to that party. A request for cancellation pursuant to this Order shall be filed within the time limits set forth herein. A request for cancellation of a certificate must include (a) a statement of intent and date to pay Regulatory

DOCUMENT NUMBER-DATE

05236 MAY 23 021

SC-RECORDS/REPORTING

JAIME M CORTES
PO. BOX 55-1535
UPA LOCKA FL 37055

ATTACHMENT E Page 1 of 2 Pages

August 29, 1991



1. LOA PUBLIC SERVICE COMMISSION

Show Cluse Proceeding Against: J.C. CASH, INC. 50 Hialeah Drive : Hialeah, Florida 33010 DOCKET NO. 910262-TC

ORDER NO. 24495 (ISSUED 5/7/91)

FLORIDA BAR NO. 694339

ANSWER TO ORDER INITIATING SHOW CAUSE PROCEEDINGS AND REQUEST FOR ABATEMENT OF FINE

COMES NOW the Respondent, J.C. CASH, INC., by and through its undersigned counsel, and hereby files its Answer to the Order Initiating Show Cause Proceeding and its request for the abatement of a fine, and further states:

- 1. That on or about October, 1990 a representative of the Respondent notified the Public Service Commission as well as the Division of Consumer Affairs, for approximately the third time that the pay telephone(s) in question were no longer operative, or earning money and attempts to repair or replace said phone(s) were fruitless.
- 2. That the Respondent was under the impression that if the phone was not working, or in disrepair then the telephone did not qualify as a "pay telephone," pursuant to the relevant code or statute.
- 3. That the Respondent proposed to the Public Service Commission that their pay telephone license be temporarily revoked until such time that operating and maintaining a pay telephone was feasible. That the Respondent felt that their license was in

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ATTACHMENT E Page 2 of 2 Pages

August 29, 1991

"dormant" status and therefore did not have to file the required report.

- 4. While the Respondent may have failed to file an annual report with the Commission, under Rule 25.24.520 of the Florida Administrative Code, the Respondent did send a reply notice stating the reasons, as outlined above, for its' failure to file. The Respondent collected no money or received no profits from the telephones as a result of their being in disrepair.
- 5. The Respondent therefor requests relief from the Commission's proposed action, in the form of either a complete abatement from the fine, or a reduced fine. The Respondent's main objective is their ability to apply for a license to operate a pay telephone in the future in the event such opportunity arises.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed/delivered to Steve Tribble, Director of Records and Reporting, Florida Public Service Commission, 101

East Gaines Street, Tallahassee, Florida 32399-0850 this

day of May, 1991.

Respectfully submitted by:

Scott A. Ferbis, Esq.

LAW OFFICES OF SCOTT A. FERRIS, P.A.

Attorney for Respondent

10720 Caribbean Blvd., Suite 230

Miami, Florida 33189

(305) 255-2220

ATTACHMENT F

910262-TC, 910263-TC, 910279-TC, 910280-TC, 910344-TC, 910362-TC, 910424-TC
August 29, 1991

910263-TC

Recordi

I was not AWARE that I was
REQUIRED to file A REPORT DY Rule 25. 24. 520.

Since Receiving my Certificale I have
not being able to start my telephone
business. Their hasn't being Anything to
REPORT. The REASON I'm late Respecting,

Until MAY 27 I SEPARATED FROM MY WIFE LAST SARUARY AND All MY MAIL has being late getting to me

CAPE CADAUSRAL, 71. 32920.

I REMEMBER LAST YEAR I PAID AN ANDURL SEE. I feel I shouldn't be fined because I did not know I was suppose to file a Report.

I would like to treep my certificate, And I would be willing to pay my Annual fee.

Sincerly,

Joseph Marting

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-SC-RECORDS/REPORTING

ATTACHMENT G Page 1 of 2 Pages

August 29, 1991

14

L.C. Scherr 1233 Bradwell Drive Orlando, Florida 32821-6529

20 May 1991

Director, Division of Records 101 E. Gaines Street Tallahassee, Florida 32399-0870

Dear Commission,

In early 1990 I knew that I would not be in Florida in December 1990 or January 1991 because of work: I therefore paid my Regulatory Assessment fee in the first half of the year. When I did return to Florida, I found that my Regulatory assessment fee paperwork for the second half of the year as well as my annual report was still on my desk. I made out both and had my wife mail them. Both were mailed in the same envelope to the fiscal dept. Therefore:

FACT: I have in the past been on time with my annual reports

FACT; All other reports are up to date and on time

FACT; I was late and if the Commission feels that a \$250 fine will cure the problem, I stand ready to pay the fine, however, I feel that it is a "mite stiff"

In Conclusion, I would like to also mention again that my address has changed to the above listing.

I have tried in vain since February 17,1991 to change ityour letter which was certified, and mailed May 10, arrived in Ft. Lauderdale on the 13 and to Orlando on the 15th and I finally recieved it on the 17th.

Respectfully,

Lyndon C. Scherr Certificate #1697

Enclosed: Copy of Annual Report

MAY 2 8 1551

DOCKETS NOS. 910184-TC, 910185-TC, 910200-TC, 910258-TC,

910262-TC, 910263-TC, 910279-TC, 910280-TC, 910344-TC, 910362-TC, 910424-TC

August 29, 1991

ATTACHMENT G

ANNUAL PAY TELEPHONE SERVICE REPORT

	/
1.	Certificate Number # 1697
2.	Certificate Holder
	Name LE XHERR.
	Address 12.33 BAHDWILL DR. DRLANDO 32821-65
3.	Individual Responsible for contact
	Name LYNDON C SCHERR
	Telephone Number (407) 438 - 5361
4.	Number of instruments in place December 31, 1990
5.	Currently providing service Yes No _X_
6.	If the answer to question number 5 is no what was the last date that service was provided? Haven't As yer
7.	If the answer to question 5 is no what are your plans for providing service in the future?
	IN PROCESS of VORCHASING A ROUTE - JUNE 91

Return to: Florida Public Service Commission Division of Communications 101 East Gaines Street Tallahassee, Florida 32399-0866

0257C.WPF

ATTACHMENT H Page 1 of 2 Pages

August 29, 1991



13750 BISCAYNE BOULEVARD NORTH MIAMI BEACH, FL 33181 944-8275

Dear Mr TRIBLE

MAY 14th 1991

In the Past Four Years we have never missed Filiage ANY reforts. This great we had run out of the Annual refort forms and were un-Aware of the Conse Quences or missing a Filiage Date. We find Called App arently the wrong office to Send ustilese forms and missed the One Date.

Please Accept our Sincele Oppolagies for our ERRIF.

Jours Very Thely

Lorry: A Weiser

WAN 3-D 1981

RECEIVED

MAY 28 1991

DIVISION OF COMMUNICATIONS

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ATTACHMENT H Page 2 of 2 Pages

August 29, 1991

ANNUAL

PAY TELEPHONE SERVICE REPORT

١.	Certificate Number1375
2.	Certificate Holder LAWIENCE A WEISER
	Address 13750 BIS CAYNE Blub., NMB, Fl. 3
3.	Individual Responsible for contact Larry Weiser
	Telephone Number 305 944 - 5680
4.	Number of instruments in place December 31, 1991/
5.	Currently providing service? Yes V No
6.	If the answer to question number 5 is <u>no</u> , what was the last date that service was provided?
7.	If the answer to question 5 is <u>no</u> , what are your plans for providing service in the future?
	111

Return to:

Florida Public Service Commission Division of Communications 101 East Gaines Street Tallahassee, Florida 32399-0866

PSC/CHU 39(·/)

0257C(105)

910344-TC, 910362-TC, 9104 gars Souci

IND REPORTING

ICE COMMISSION

17LATTOSEE , 1 LUMA 32399-0850

Dear MR TEIRBLE,

SANS SOUCH APT/MCTEL RE: SAYOUN GORPORATION DISIA DUCKET # 9163447C PAY PHONE CERTIFICATE # 2107

I have just arrived from my vaccation and found your certified mail. I have past the due date to respond to your letter. I called and tallered to MR Richard Mosses in your department on June 4,1991 as soon on lopened the mould also labeled to Ms. Pamela Austin and MR. Ihn Adams C. June 5th, 1991, explaining my situation

I have the pay phone for the past 3 years and we have always been filling the annual report on king but this year we did not receive the form is the mail so it Supped my mind. Ido not wish to pay the \$250.00 fine soif necessary, cancel the company's certificate.

I personally think his is a melicular procedure as you don't send a reminder just incase the first form you send is lost in maid or someone harguest gorgalten about it us we are all human beings so I hope you sendaserond reminder in near future! yours sincerely

'In the beart of Fort Lauderdale' World Famous Beach Area' NA Ante

August 29, 1991

Ted Odder 1345 Crystal Way Delray Beach FL 33444

Public Service Commission 101 East Gaines St. Tallahassee, Fl. 32399



MOTION TO DISMISS

DOCKET NO.910362-TC

Re: Commission Rule 25-24.-043 , Response Requirement

Now comes Ted Odder acting on his on behalf;

To The Honorable Commission;
I here by request that the above case be dismissed against myself and the docket closed.

Your petitioner and author of this motion has been in the business of supplying pay telephone communication since 1985 and has been in full compliance of all the Commissions rules in the past.

Your petitioner understands the needs of the Commission for this data and will comply with this rule in the future whether I receive the form or not.

Ted Odder

Date 5/22/8/

QOCUMENT WIMEER-DATE

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05338 MAY 28 1991

. SC-RECORDS/REPORTING

ATTACHMENT K Page 1 of 2 Pages

August 29, 1991

No J DONUTS ITT INC 18714 NW 67 H AVE

410424-70 5/14/91

Dear Mr. Tribble:

Enclosed is a copy of check NO 1388 paying the fee that was due. AT this time because of space we have NOT been able to INSTALLED the pay phone AT the Above LOEATION. I have called FALLAHASSE AND I WAS told to send only the \$25 fee AT this time. If we have to do mythyoug else please inform us. Thank you for your Cooperation.

Jorge SANTOS 305-621-6250



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ATTACHMENT K Page 2 of 2 Pages

August 29, 1991

1388 J DONUTS III INC. 18714 NW. 67TH AVE. MIAMI, FL 33015 Hic Serve Compuning CAPITAL BANK

110049-04-06-91 000760221 04-05-91

FOR DEPOSIT ONLY
PUBLIC SERVICE COMMISSION #6100000
FLORIDA STATE TREASURY 0151 transfer 15, 9,0 tel