

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910217-TC
proceedings against EASYPHONE PARTNERSHIP))	
for violation of Commission Rule)	ORDER NO. 24699
25-24.520, 1990 Annual Report, and Rule)	
25-4.043, Response Requirement.)	ISSUED: 6/24/91
)	

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE WHY A FINE
 SHOULD NOT BE IMPOSED FOR VIOLATION
 OF RULES REGULATING CERTIFICATED
 TELECOMMUNICATIONS COMPANIES

BY THE COMMISSION:

Easyphone Partnership (Easyphone or the Company) was certificated as a pay telephone service provider on October 4, 1988. The Company operates a phone center at Camp Blanding using coinless telephones and a call accounting system to provide only operator handled calls such as credit card, collect or third party calls or payment of the call upon departure from the telephone center. Easyphone's method of operation is unique in that its phones are not connected on PATS access lines, nor do the telephones accept coins.

On April 9, 1991, our staff conducted a service evaluation at Camp Blanding. This evaluation was conducted in response to complaints regarding pay telephone service at Camp Blanding. Based on this evaluation and other information we have before us, it appears that Easyphone has violated the following Rules and Orders:

- (A) Rule 25-24.520 - Annual Report Requirement - Easyphone has failed to file an annual report for 1990.
- (B) Rule 25-4.043 - Response Requirement - Easyphone has failed to respond to staff inquiries regarding filing of 1990 annual report.
- (C) Rule 25-24.515(6) - Equal Access to Long Distance Carriers - Cannot access AT&T on a 10288+0 basis or using any other method from Easyphone's payphones.

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- (D) Orders Nos. 20610 and 21614 - Reservation of all 0-and intraLATA calls for the local exchange company (LEC) - Service evaluations performed on Easyphone revealed that all traffic was relayed to ITI.
- (E) Order No. 14529 - Permits PATS service through a PBX only under specific terms and conditions - Easyphone does not meet the conditions of partitioning, one instrument per access line and provides service to off-premise extensions.

Based upon the apparent severity and variety of the violations by Easyphone, and pursuant to Section 364.285, we find it appropriate that Easyphone show cause in writing why it should not be fined \$3,800 or have its certificate revoked for the violations alleged above.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Easyphone Partnership shall show cause why it should not be fined \$3,800 for violation of Rules 25-24.520, 25-4.043, 25-24.515(6), Florida Administrative Code; and Orders Nos. 20610, 21614 and 14529. It is further

ORDERED that failure to affirmatively request a hearing or failure to respond in writing shall constitute a waiver of the right to a formal hearing. It is further

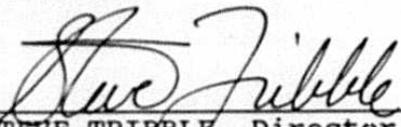
ORDERED that any response to this Order be in writing, and shall set forth specific arguments of fact and law. It is further

ORDERED that any response to this Order shall be timely filed pursuant to the requirements set forth below. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process.

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By ORDER of the Florida Public Service Commission, this 24th
day of JUNE, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 15, 1991.

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 pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

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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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting, 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.