

SWAFFORD *[Signature]*

CLARK *[Signature]*

FLORIDA PUBLIC SERVICE COMMISSION
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399

M E M O R A N D U M

July 8, 1991

TO : DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES (ADAMS) *[Signature]*
DIVISION OF COMMUNICATIONS (AUSTIN) *[Signature]*

RE : DOCKET NOS. 910189-TC, 910228-TC, 910339-TC,
910360-TC, 910361-TC, 910417-TC, 910433-TC, 910434-TC,
910436-TC, 910438-TC, 910454-TC - INITIATION OF
SHOW CAUSE PROCEEDINGS FOR VIOLATION OF RULE 25-
24.520 ANNUAL REPORT AND RULE 25-4.043 F.A.C.
RESPONSE REQUIREMENT

AGENDA : PLACE ON JULY 30, 1991 - CONTROVERSIAL - PARTIES
MAY PARTICIPATE

PANEL : FULL COMMISSION

ISSUE 1: Should the pay telephone service (PATS) providers associated with the above-referenced dockets be required to pay a \$250 fine or, in the alternative, have their certificates to provide pay telephone service canceled for failure to file their 1990 annual reports in a timely manner as required by rule 25-24.520, Florida Administrative Code?

RECOMMENDATION: Yes, these companies should pay the \$250 fine imposed for violation of Rule 25-24.520 F.A.C., or, in the alternative, face cancellation of their PATS certificates.

DOCUMENT NUMBER-DATE

07293 JUL 18 1991

FPSC-RECORDS/REPORTING

RECOMMENDATION

Docket Nos. 910189-TC - 910438-TC

July 8, 1991

STAFF ANALYSIS: Rule 25-24.520, F.A.C., requires certificated PATS providers to file an annual report by January 31st of the following year. Orders requiring each of the PATS providers to show cause why they should not be fined \$250 or, in the alternative, face cancellation of their certificates were issued in May 1991. The companies being considered here filed annual reports after the deadline for filing their 1990 reports and after the commencement of these show cause proceedings. Apparently these late filings were in response to the respective show cause orders (Attachment).

Staff believes that a late filed report without anything more, is inadequate both as compliance with Rule 25-24.520, F.A.C., and as a response to a show cause order. Staff recommends that the Commission adopt the position that timely filing is an essential element of the annual report requirement. Staff also maintains that a late filed annual report does not contain specific arguments of either fact or law and therefore fails to rise to the standards required for an adequate response to a show cause order. Essentially, such filing fails as a response and constitutes a default and a waiver of all rights to a formal hearing.

Staff recommends the Commission levy the fine proposed in the show cause orders or permit these PATS providers to voluntarily cancel their certificates. In the event these PATS providers fail to respond to this order, staff recommends that these certificates be canceled and the dockets be administratively closed.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If Issue 1 is approved, this docket should remain open.

STAFF ANALYSIS: Provided that Issue 1 is approved, these dockets should remain open 30 days pending payment of the fine after which the dockets should be closed or if the fined in unpaid the respective PATS certificates canceled and the dockets administratively closed by staff.

RECOMMENDATION

Docket Nos. 910189-TC - 910438-TC
July 8, 1991

ATTACHMENT

DOCKET NO.	COMPANY NAME	SHOW CAUSE ORDER	CERTIFICATE NO.
910189-TC	BARBARA E. BOYD	24469	2339
910228-TC	FIRST AMERICAN PAY PHONE COMPANY	24494	2068
910339-TC	ROLOFF & ROLOFF, INC.	24517	2228
910360-TC	SUNTEL PAY PHONE SYSTEMS, INC.	24515	2246
910361-TC	SUNTEL PUBLIC COMMUNICATIONS	24515	2189
910417-TC	MARJORIE D. MILLET	24523	2525
910433-TC	ELLIOT KELS	24467	2562
910434-TC	AMERICAN INMATE COMMUNICATIONS, INC.	24467	2554
910436-TC	COMMERCIAL TELEPHONE'S, INC.	24524	2568
910438-TC	JONI'S COURTTREE COUNTRY STORE	24524	2536
910454-TC	DAMMAM INTERNATIONAL CORPORATION	24524	1931

Commissioners:
THOMAS M. BEARD, CHAIRMAN
MICHAEL WILSON
BETTY EASLEY
J. TERRY DEASON

State of Florida



STEVE TRIBBLE, Director
Division of Records and Reporting
(904) 488-8371

Public Service Commission

JULY 19, 1991

TO: All Interested Persons
FROM: Steve Tribble, Director of Records and Reporting
RE: Notice of Commission Conference

Attached is an excerpt of the Agenda for the Commission's regular conference, which is scheduled to begin at 9:30 a.m. on July 30, 1991 in Room 106 of the Fletcher Building, 101 East Gaines Street, Tallahassee. The attached excerpt summarizes the issues to be decided in a docket in which you have expressed an interest. As a party of record or interested person in this docket, you may wish to obtain a copy of the Commission staff's recommendation. To do so, call the Records Section of this office at (904) 488-8371.

Also, as a party of record or interested person, you may wish to attend the conference and address the Commission regarding the docket. If this is your intent, you will need to sign the appearance register, which is located on a table at the back of the hearing room near the double doors. (If you fail to sign the register, you may miss the opportunity to speak before the Commissioners vote on the docket.) The Chairman will then announce each item as it is taken up and ask for your comments at the appropriate time. Any comments you wish to make should be limited to approximately five minutes.

If you have any questions regarding this information, please feel free to call me.

ST:ds
Attachment