

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910881-TC
proceedings against FREDERIC P. WADE,)	
INC. for violation of service standards)	ORDER NO. 25370
and Rule 25-4.043, F.A.C., Response)	
Requirement.)	ISSUED: 11/21/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

FINAL ORDER

BY THE COMMISSION:

Frederic P. Wade, Inc. (Wade) has been a certificated pay phone service provider (PATS) since May 28, 1986. Wade currently operates approximately 130 payphones in Florida. As a certificated PATS provider, Wade is subject to our jurisdiction.

On May 3, 1991, service evaluations were made on pay telephones operated by Wade and a notice to respond in 15 days requesting corrective action and a written response was sent to Wade on June 6, 1991. A response was not received. Staff sent a certified letter requesting a response within 15 days to Wade on June 20, 1991; however, a response has not been received and the certified letter was returned as undeliverable.

After receiving notice of this docket, Wade made inquiries regarding the evidence provided. Examination of the returned certificated letter indicated that the letter had been sent to Wade's previous address. Furthermore, while a forwarding instruction was stamped on the envelope, the record of attempted delivery was not. Based on conversations with postal authorities, it appears that delivery was not attempted at the correct address.

Wade has also indicated that the violations cited have been corrected. The action taken to correct these service deficiencies also eliminates the substantive violations.

Because of a scrivener's error, it appears that Wade failed to receive Staff's communication. Furthermore, Wade appears to have

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corrected the underlying violations as would have been appropriate if the communication had been received.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that no further action should be taken in this matter and the docket shall be closed.

By ORDER of the Florida Public Service Commission, this 21st
day of NOVEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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:

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer

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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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.