

State of Florida



Public Service Commission

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

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RECORDS AND REPORTING
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RECEIVED-FPSC

DATE: 10/22/98

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (YAMBOR) *JAY*
DIVISION OF LEGAL SERVICES (BEDELL) *MB* *by mad*

RE: DOCKET NO. 980707-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 5002 ISSUED TO PENN BOYS LEGEND TELECOM, INC. FOR VIOLATION OF RULE 25-4.043, FLORIDA ADMINISTRATIVE CODE, RESPONSE TO COMMISSION STAFF INQUIRIES AND RULE 25-24.520, FLORIDA ADMINISTRATIVE CODE, REPORTING REQUIREMENTS

AGENDA: 11/03/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980707TC.RCM

CASE BACKGROUND

Penn Boys Legend Telecom, Inc. (PBLTI) obtained Florida Public Service Commission Pay Telephone certificate number 5002 on December 25, 1996.

On March 20, 1998, the Commission received a complaint against PBLTI alleging the company did not have a working telephone number or valid address. Upon investigation, Commission staff was unable to locate a working telephone number or valid address.

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FPSC-RECORDS/REPORTING

On July 10, 1998 the Commission issued Proposed Agency Action Order No. PSC-98-0904-FOF-TC and on July 24, 1998 the Commission received a protest and a Petition for a Formal hearing from PBLTI's attorney.

Although PBLTI had been dissolved as a Florida corporation since September 26, 1997, its corporate status was reinstated on September 24, 1998. Additionally, PBLTI's regulatory assessment fees are current and it has updated its current telephone and address.

PBLTI negotiated a settlement offer with staff and proposed to settle the case. Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by PBLTI to resolve the apparent violations of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries and Rule 25-24.520, Florida Administrative Code, reporting Requirements?

RECOMMENDATION: Yes. (Yambor)

STAFF ANALYSIS: On August 21, 1998, PBLTI offered to settle the alleged violations described in Proposed Agency Action Order No. PSC-98-0904-FOF-TC issued on 7/10/98. PBLTI expressed a willingness to cooperate, understands the importance of the regulatory process and offers the following:

PBLTI has settled the initial customer complaint and has been reinstated as a Florida Corporation.

PBLTI has reestablished a working telephone and current address for Commission correspondence.

PBLTI will make a contribution in the amount of \$2,500 to the General Revenue Fund of the State of Florida in 12 equal monthly payments, with no admission of liability or wrongdoing.

Considering PBLTI's willingness to cooperate and resolve the alleged violations staff supports PBLTI's settlement proposal.

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Also, staff has been notified by the original customer who brought the complaint that his complaint has been rectified and staff has confirmed that PBLTI is now in compliance with Rules 25-24.043 & 25-24.520, Florida Administrative Code.

Therefore, staff believes the terms of the settlement agreement, as summarized in this recommendation, are fair and reasonable and supports the voluntary contribution to the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, in the amount of \$2,500.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. With the approval of Issue 1, this docket should remain open pending the remittance of the \$2,500 voluntary contribution within a 12 month period. The first payment must be paid within five business days after the order approving the settlement is issued. Thereafter, all payments will be due the first of each month. Upon full remittance of the \$2,500 settlement, this docket should be closed. The \$2,500 settlement should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Bedell)

STAFF ANALYSIS: If the Commission approves the staff recommendation in Issue 1, this docket should remain open pending the remittance of the \$2,500 voluntary contribution within a 12 month period. The first payment must be paid within five business days after the order approving the settlement is issued. Thereafter, all payments will be due the first of each month. Upon full remittance of the \$2,500 settlement, this docket should be closed. The \$2,500 settlement should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.