



Public Service Commission

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DATE: OCTOBER 22, 1998

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

FROM: DIVISION OF COMMUNICATIONS (MCCOY) *DMW TD*
DIVISION OF LEGAL SERVICES (PEÑA) *KMP MCB*

RE: DOCKET NO. 980830-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY TELEPHONE COMPANY OF SOUTH FLORIDA.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980830.RCM

CASE BACKGROUND

On July 8, 1998, Telephone Company of South Florida, filed an application to provide pay telephone services (PATS) in Florida. Telephone Company of South Florida has not previously been granted a PATS Certificate.

On July 18, 1998 staff received a Return to Sender reply from the United States Post Office stamped "Attempted-Not Known" after sending an information request to Telephone Company of South Florida by regular mail to the address listed in the Pay Telephone Application. Staff then numeric paged the contact number listed in the Pay Telephone Application and after numerous attempts, received a call back from an employee of Telephone Company of South Florida. Staff obtained another mailing address and sent a Certified Letter to that address on August 27, 1998 requesting additional information. The Telephone Company of South Florida has not responded to staff's request for further information due on or before September 12, 1998, although the President of Telephone Company of South Florida signed the Certified Mail Return Receipt on September 9, 1998.

DOCUMENT NUMBER-DATE

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In light of these facts, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission deny Telephone Company of South Florida's application for a certificate to provide pay telephone service in Florida?

RECOMMENDATION: Yes. (McCoy)

STAFF ANALYSIS: Rule 25-4.043, Florida Administrative Code, states in part:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Rule 25-24.511, Florida Administrative Code, states in part:

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest. [emphasis added]

Due to Telephone Company of South Florida's failure to respond to staff's repeated requests for information, staff believes that approving Telephone Company of South Florida's application is not in the public interest.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final and this docket may be closed.
(K. Peña)

STAFF ANALYSIS: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final and this docket may be closed.