

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 920657-TC
cause proceedings against) ORDER NO. PSC-92-0916-FOF-TC
SOUTHERN STAR COMMUNICATIONS,) ISSUED: 09/02/92
INC. for violation of Rule)
25-24.515, F.A.C., Pay Telephone)
Service Standards, and Rule)
25-4.043, F.A.C., Response to)
Commission Staff Inquiries.)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER TO SHOW CAUSE
WHY A FINE SHOULD NOT BE IMPOSED

BY THE COMMISSION:

Southern Star Communications, Inc. (Southern Star or company) has been a certificated pay telephone service (PATS) provider since May 22, 1991. As a certificated PATS provider, Southern Star is subject to our jurisdiction pursuant to Chapter 364, Florida Statutes.

On February 4, 1992 four of Southern Star's pay telephones were inspected. Numerous violations of the pay telephone service standards prescribed in Rule 29-24.515 Florida Administrative Code were noted. On February 12, 1992 Southern Star was notified of the violation and was requested to respond in writing. On February 28, 1992 Southern Star responded to the notice of the violations and indicated, somewhat cryptically, that the violations had been corrected.

On April 7, 1992 two of the four pay telephones originally inspected were reinspected and found to still be in violation of Rules 25-24.515(4) free access to local directory assistance and repair number, 25-24.515(5) notice of responsible PATS provider, 25-24.515(6) access to all locally available interexchange carriers and 25-24.515(11) directories available. Our staff notified the company of the continued violations and requested a written response on April 29, 1992. No response was forthcoming, consequently staff notified the company again by certified mail.

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No response was received and the certified letter was returned marked "unclaimed."

On June 3, 1992 staff inspected two of the pay telephones in question a third time and found the violations still present. On June 4, 1992. a final certified letter was sent to a recently updated address. This letter was also returned marked "unclaimed."

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Star Communications, Inc. shall show cause why it should not be fined up to \$5,000 for violation of the Pay Telephone service standard cited in the body of this Order as well as violation of Rule 25-4.043 Florida Administrative Code, Response to Commission Staff Inquiries. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below and shall set forth specific arguments of fact and law. It is further

ORDERED that if Southern Star Communications, Inc. fails to respond, the non-response shall be deemed a default, no fine shall be imposed, Certificate No. 2728 shall be cancelled and this docket closed. It is further

ORDERED that if Southern Star Communications, Inc. elects to pay the \$5,000 fine, this docket shall be closed. It is further

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

By ORDER of the Florida Public Service Commission this 2nd day of September, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Flynn
Chief, Bureau of Records

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 September 22, 1992.

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.

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 wastewater 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.