

Talbott
Vandiver

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

April 4, 1996

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *IS*
DIVISION OF LEGAL SERVICES (PIERSON) *RP TR*

RE: DOCKET NO. 960359-TC - PRO TELECOM, INC. - INITIATION OF
SHOW CAUSE PROCEEDINGS AGAINST PRO TELECOM, INC. FOR
VIOLATION OF RULES 25-24.515, F.A.C., PAY TELEPHONE
SERVICE, AND 25-4.043, F.A.C., RESPONSE TO COMMISSION
STAFF INQUIRIES.

AGENDA: APRIL 16, 1996 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\960359.RCM

CASE BACKGROUND

- Pro Telecom, Inc. is a provider of pay telephone service and was certified by this Commission July 14, 1987. According to local exchange company records, Pro Telecom owns and operates approximately 426 pay telephones in Florida, of which approximately 157 are located in the Tallahassee area. Pro Telecom reported gross operating revenues of \$63,797.83 on its latest Regulatory Assessment Fee Return for the period ending June 30, 1995. As a provider of pay telephone service in Florida, Pro Telecom is subject to the rules and regulations of the Florida Public Service Commission (Commission) and has previously paid a \$100 fine for its failure to file an annual report and respond to staff inquiries (Docket No. 910334-TC, Order No. 24521-B).
- From 1994 through February, 1996, staff performed routine service evaluations on pay telephones operated by Pro Telecom and found numerous violations of the Commission's service standards.

DOCUMENT NUMBER-DATE

03867 APR-4 96

FPSC-RECORDS/REPORTING

DOCKET NO. 960359-TC

DATE: April 4, 1996

- Prior to staff opening a show cause docket, Pro Telecom contacted staff and expressed concern about the apparent violations and requested a meeting regarding corrective measures it had begun implementing.

- Staff met with Pro Telecom and its attorneys twice to discuss the violations and corrective measures. Although it disputes several violations, Pro Telecom submitted its proposed settlement offer of \$2,000 and agreed to take the necessary corrective action (Attachment 1). Therefore, staff believes the following recommendation is appropriate.

DOCKET NO. 960359-TC
DATE: April 4, 1996

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Pro Telecom, Inc. to resolve the apparent violations of Rule 25-24.515, Florida Administrative Code, Service Standards, and Rule 25-4.043, F.A.C., Response Requirement?

RECOMMENDATION: Yes.

STAFF ANALYSIS: In recognition of its apparent violation of numerous service standards, Pro Telecom submitted the following settlement offer:

- Bring all of its pay telephones into compliance with Rule 25-24.515 (13), Florida Administrative Code, Wheelchair Accessibility, within 90 days of the date the Commission approves this offer of settlement;
- Bring all of its pay telephones into compliance with Rule 25-24.515 (7), F.A.C., IntraLATA Routing, within 90 days of the date the Commission approves this offer of settlement;
- Temporarily delay installing new pay telephones until all existing pay telephones are in compliance;
- Provide a written response to all staff notices within 15 days of the date of the Commission inquiry;
- Pay \$2,000 to the Commission, which will be forwarded to the Office of the State Treasurer for deposit in the General Revenue Fund.

Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable. Staff intends to conduct follow-up inspections of Pro Telecom's pay telephones after the 90 days. Continued violation of the Commission's service standards may result in staff opening another docket to recommend additional action.

DOCKET NO. 960359-TC
DATE: April 4, 1996

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed with the approval of Issue 1 and remittance of the \$2,000 fine.

STAFF ANALYSIS: If the Commission accepts staff's recommendation in Issue 1 and upon remittance of the \$2,000 fine by Pro Telecom, Inc., this docket may be closed.

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March 8, 1998

Mr. Robert Pierson
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Protecom, Inc.

Dear Mr. Pierson:

I am writing on behalf of Protecom, Inc. This letter will confirm my conversation with Staff earlier today, during which we discussed further Protecom, Inc.'s response to certain notices of violations, and Staff's position regarding them. As we have stated, Protecom, Inc. respectfully disagrees with Staff concerning aspects of the matters that have been the subjects of meetings and correspondence between Staff and Protecom recently. Other items are directly attributable to delays in deployment of equipment occasioned by the lingering impact of Hurricane Opal on Protecom's operations in Panama City, a factor that we ask Staff and Commissioners to take into account. However, in recognition that certain items of non-compliance with Commission rules occurred, and in the interest of settlement, Protecom confirms its offer to settle these matters by payment of a fine in the amount of \$2000. Protecom would also commit to correcting all known items of non-compliance with handicap access criteria, and to complete its deployment (now under way) of software and hardware needed to comply with the requirement that IntraLATA

Mr. Robert Pierson
March 6, 1998
Page 2

calls be directed to the LEC without utilizing the "splashback" methodology, within 90 days of the date the Commission approves this offer of settlement.

Yours truly,



Joseph A. McGlothlin

JAM/jei

cc: Mr. Michael Jett
Mr. Richard W. Moore
Mr. Alan Taylor
Mr. Rick Moses