

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 891291-TC
 proceedings against PEOPLES TELEPHONE)
 COMPANY for violation of Rule 25-24.515,) ORDER NO. 22981
 F.A.C., Pay Telephone Service Standards)
 _____) ISSUED: 5-25-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 BETTY EASLEY
 GERALD L. GUNTER

ORDER ACCEPTING OFFER OF SETTLEMENT AND
 TERMINATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Peoples Telephone Company, Inc. (Peoples or the Company) has been a certificated pay telephone service (PATS) provider in Florida, since March 14, 1985. In January of 1990, our staff prepared a draft recommendation that it planned to file in early 1990, wherein our staff alleged that Peoples had violated certain rules and orders of this Commission.

Subsequently, Peoples submitted a settlement offer in this matter. The terms of this settlement offer are:

1. Peoples will, not later than April 15, 1990, either file for location-specific waivers or will petition to amend or clarify Rule 25-24.515(13), Florida Administrative Code, to comport with Peoples' interpretation regarding accessibility to pay telephones by handicapped persons.
2. Peoples has programmed all its payphones to meet the Commission requirement that all 0- and 0+ intraLATA traffic is reserved for the LECs.

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3. Peoples will by March 31, 1990, reprogram its payphones to send all 1+ intraLATA traffic to the LECs.
4. Peoples' payphones are currently programmed to be in compliance with Rule 25.24-515(6), Florida Administrative Code, which requires that each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.
5. Without admitting to any of the facts alleged in staff's proposed show cause recommendation dated January 18, 1990, or to any violation of Commission regulations or Florida law, Peoples will pay the sum of \$7,500 to the Commission in consideration for and settlement of any and all alleged violations to date arising out of the same facts and circumstances as in the proposed show cause recommendation in this docket.
6. Staff will withdraw its recommendation regarding payment to the local exchange companies for revenues denied due to Peoples' carrying 1+ intraLATA/market area calls.
7. Staff will withdraw its recommendation regarding a moratorium on Peoples leasing additional pay telephone service access lines for a period of 90 days.
8. It is not necessary to put Peoples on notice that future violations shall be cause for additional fines and/or loss of certificate as Peoples takes seriously its responsibility to comply with Commission rules and regulations.
9. Acceptance of this settlement offer should constitute a final disposition of the show cause recommendations.

Peoples has described in its settlement offer the corrective action it is taking to address the violations alleged in our staff's draft recommendation. We believe that Peoples' corrective action is satisfactory and will bring the Company into compliance with applicable rules and/or orders that were the subject of the draft recommendation.

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Upon consideration of the facts and circumstances of this particular case, we find it appropriate and reasonable to accept Peoples' settlement offer. Accordingly, Peoples shall submit its \$7,500 payment within thirty (30) days of the issuance date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement submitted by Peoples Telephone Company, Inc. is hereby accepted as specified in the body of this Order. It is further

ORDERED that Peoples Telephone Company, Inc. shall submit its payment of \$7,500 to this Commission within thirty (30) days of the issuance date of this Order. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 25th day of May, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 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.