

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|                                    |   |                      |
|------------------------------------|---|----------------------|
| In re: Initiation of show cause    | ) | DOCKET NO. 910350-TC |
| proceedings against FLORIDA PUBLIC | ) | ORDER NO. 24872      |
| COMMUNICATIONS for violation of    | ) | ISSUED: 7/31/91      |
| Commission rules.                  | ) |                      |
|                                    | ) |                      |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 MICHAEL McK. WILSON

FINAL ORDER APPROVING SETTLEMENT OFFER

BY THE COMMISSION:

On April 30, 1991, Order No. 24452 was issued requiring Florida Public Communications (Florida Public or the Company) to show cause why its Certificate No. 2162 should not be canceled for failure to comply with the rules regulating pay telephones. Specifically, Order No. 24452 alleged that Florida Public had violated Rules 25-24.515(5), Florida Administrative Code, requiring a legible notice on each pay telephone and Rule 25-4.043, Florida Administrative Code, requiring certificated telecommunications providers to respond to staff inquiries within ten days.

Florida Public filed a timely response and a settlement proposal to Order No. 24452. In its response, Florida Public alleged:

1. That Florida Public maintains legible signs at each of its telephones, but said signs are subject to vandalism as well as weather damage. Furthermore, the telephones are inspected on a weekly basis, and the signs are replaced as needed.
2. That Florida Public failed to respond to Commission staff inquiries because of internal misunderstandings. The Company has since initiated internal restructuring to avoid future non-compliance.

Florida Public's proposed settlement agreement provided:

1. That the Company be required to pay a \$250 fine in lieu of cancellation of its certificate.

DOCUMENT NUMBER-DATE

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FSC-RECORDS/REPORTING

ORDER NO. 24872  
DOCKET NO. 910350-TC  
PAGE 2

- 2. If the Commission does not find the settlement proposal acceptable, the Company expressly reserved its right to a formal hearing pursuant to Sections 120.57 and 120.66, Florida Statutes.

Florida Public's proposal is consistent with our philosophy regarding penalties. We have held in the past that the penalties are imposed in order to insure compliance with regulatory rules. Florida Public's offer appears to be adequate to insure compliance. Furthermore, the Company appears to have instituted sufficient procedural and managerial safeguards to insure future compliance.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Public Communications shall pay a \$250 fine pursuant to the Company's above-referenced offer of settlement. It is further

ORDERED that this docket shall remain open 30 days, pending receipt of Florida Public Communications' payment, and then the docket shall be closed. It is further

ORDERED that if Florida Public Communications fails to pay the aforementioned fine, the Company's Certificate No. 2162 shall be canceled and this docket closed.

By ORDER of the Florida Public Service Commission, this 31st day of JULY, 1991.

  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

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ORDER NO. 24872  
DOCKET NO. 910350-TC  
PAGE 3

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.