

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 910875-TC
proceedings against EQUAL ACCESS) ORDER NO. PSC-93-0740-AS-TC
CORPORATION for violation of the) ISSUED: May 13, 1993
interLATA rate cap and Rule 25-)
4.043, F.A.C., Response)
Requirement.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER APPROVING AMENDMENT OF SETTLEMENT PROPOSAL

BY THE COMMISSION:

Equal Access Corporation (Equal Access) has been a certificated pay telephone service (PATS) provider since March 1, 1990. As a certificated PATS provider, Equal Access is subject to our jurisdiction pursuant to Chapter 364, Florida Statutes.

On October 14, 1991, we issued Order No. 25212 initiating show cause proceedings against Equal Access for violation of the interLATA rate caps and violation of Rule 25-4.4043, Florida Administrative Code, Response Requirement.

On June 11, 1992, we issued Order No. PSC-92-0494-AS-TC (Order No. 0494) approving an offer of settlement. Pursuant to Order No. 0494, Equal Access was to "...initiate all steps necessary, within its power, to commence credits" to end users for the difference between rates charged and the applicable AT&T time of day rates for the period March 1, 1991 through October 31, 1991. The program was to be completed on or about January 11, 1993.

On January 8, 1993 Equal Access filed a Motion to Amend the Credit Procedure. In its Motion, Equal Access asserted that it had made good faith efforts to meet the terms of Order No. 0494. Equal Access further contended that the mechanism required to make the refunds is unworkable and the cost prohibitive. Instead the Company proposed to refund \$200,000.00 or double the amount of the overcharge, by means of a prospective rate reduction to take place over a twelve month period.

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In making this offer, the Company acknowledged that a refund direct to the end user is our normal preference. Such a refund results in compensation to ratepayers who were overcharged. The mechanism proposed by Equal Access will simply result in a reduction to the general body of end users. Accordingly, the additional amount of the reduction seems appropriate. In view of the specific facts in this situation, we find it appropriate to approve Equal Access's proposal.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that the Amendment to its credit procedure proposed by Equal Access Corporation, is approved as outlined in the body of this Order. It is further

ORDERED that Equal Access Corporation shall make regular reports regarding the refund program. It is further

ORDERED that the rate reduction shall commence 30 days from the date of this Order. It is further

ORDERED that this docket shall remain open to allow staff to monitor the progress of the refund program.

By ORDER of the Florida Public Service Commission this 13th day of May, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.