

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of a show) DOCKET NO. 930937-TC
cause proceeding against PHONE) ORDER NO. PSC-94-0007-AS-TC
PLUS, INC. (TE-350) -) ISSUED: January 5, 1994
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER ACCEPTING OFFER OF SETTLEMENT

BY THE COMMISSION:

On November 5, 1993, the Commission issued Order No. PSC-93-1629-FOF-TC requiring Phone Plus, Inc. (Phone Plus or the Company) to show cause why a penalty should not be imposed for violation of handicapped accessibility requirements for pay telephone stations. On October 27, 1993, after discussion with members of our staff regarding the alleged violations and appropriate corrective actions, Phone Plus submitted an offer of settlement seeking to resolve the issues raised in the Order. A copy of the settlement offer is attached to this Order as Attachment A.

Phone Plus proposes an inspection and compliance program to include the following as outlined in the settlement offer:

1. Phone Plus will complete inspections of each pay telephone it operates within the State of Florida by November 27, 1993.
2. Any pay telephone that is not presently in compliance with the Commission's handicapped accessibility requirements will be identified by telephone number, address, date of inspection, name of inspector, and repairs or improvements necessary to achieve compliance.
3. Phone Plus will complete all necessary repairs and improvements to achieve compliance with Rule 25-24.515(14) within six (6) months from the date of inspection.

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4. Phone Plus will provide the date of such repairs or improvements made to achieve compliance with the Commission's handicapped accessibility requirements.
5. Phone Plus will provide the Commission Staff with a monthly progress report.
6. Phone Plus will ensure that all pay telephones it services properly identify the name, address, and telephone number of the owner of the pay telephone, if different than Phone Plus, and Phone Plus's name, address and telephone number as the party responsible for repairs and refunds no later than December 27, 1993.
7. Phone Plus will provide the appropriate local exchange company with the name, address and telephone number of the owner of each pay telephone serviced by Phone Plus if such owner is not Phone Plus no later than December 27, 1993.
8. Phone Plus will pay a fine in the amount of \$2,000 within 30 days from the date the Order accepting the settlement agreement is issued.

We have reviewed the Offer of Settlement and it appears to be a reasonable resolution to this proceeding. Accordingly, we find it appropriate to approve the offer of settlement. However, we also find it appropriate to caution Phone Plus that should it fail to perform the actions specified in the settlement offer or if future service evaluations reveal violations of our rules, further enforcement action may be in order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Offer of Settlement submitted by Phone Plus, Inc. in response to Order No. PSC-93-1629-FOF-TC is approved as set forth in the body of this Order. It is further

ORDERED that if the Company pays the \$2,000 fine within 30 days from the date of the issuance of this Order, this docket may be closed. It is further

ORDERED that if the Company fails to pay the fine within 30 days, the Company's certificate will be cancelled without further Commission action and this docket should then be closed.

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By ORDER of the Florida Public Service Commission, this 5th
day of January, 1994.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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

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Tallahassee

REPLY TO:

October 27, 1993

John Adams, Esq.
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
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Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 930937-TC

Dear Mr. Adams:

This letter will confirm that Phone Plus, Inc. ("PPI") and the Commission Staff have reached an agreement in settlement of the above-referenced matter. We understand that in accordance with our discussions, the Commission Staff will recommend approval of the following terms and conditions in full and complete settlement of this matter:

1. PPI will institute an inspection and compliance program to insure that the prospect of any future violation of handicapped accessibility requirements is remote. Under this program, PPI will commit to the following:
 - a. PPI will complete inspections of each pay telephone it operates within the State of Florida by November 27, 1993.
 - b. Any pay telephone that is not presently in compliance with the Commission's handicapped accessibility requirements will be identified by telephone number, the address of the pay telephone including the city, the date of inspection and the name of inspector, the repairs or improvements necessary to achieve compliance.
 - c. PPI will complete all necessary repairs and improvements to achieve compliance with the Commission's handicapped accessibility requirements for all of its pay telephones within six (6) months from the date of inspection.

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- d. PPI will provide the date of such repairs or improvements made to achieve compliance with the Commission's handicapped accessibility requirements.
2. PPI will provide the Commission Staff with a monthly progress report.
3. As part of its inspection and compliance program, PPI will ensure that all pay telephones it services properly identify the name, address and telephone number of the owner of the pay telephone, if different than PPI, and PPI's name, address and telephone number as the party responsible for repairs and refunds. These actions shall be completed by December 27, 1993.
4. PPI also will be responsible for providing the local exchange companies with the name, address and telephone number of the owner of each pay telephone serviced by PPI if such owner is not PPI. That information also will be provided by December 27, 1993.
5. PPI will pay a fine in the amount of \$2,000.00.

We are hopeful that the above proposed settlement agreement of PPI and the Commission Staff will be considered at the November 23, 1993 Agenda Conference.

Sincerely,


Kenneth A. Hoffmann

KAH/rl

cc: Mr. Art Westergren
Mr. Joseph P. Cresse