

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Telaleasing Enterprises, Inc. for violation of Rule 25-24.485, F.A.C., Tariffs, Rules Incorporated.

DOCKET NO. 980553-TI  
ORDER NO. PSC-98-1436-AS-TI  
ISSUED: October 26, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

On November 5, 1997, Commission staff made a series of test calls using a Davel Prepaid Phone Card issued by Telaleasing Enterprises, Inc. (TEI), and then requested the call record. An apparent discrepancy in the rates being charged and the rates stated in the filed tariff was discovered. TEI stated that the discrepancy occurred due to an administrative programming error.

By letter dated March 18, 1998, TEI disclosed the following information:

1. The rates changed on July 1, 1997, with an application of a \$0.57 per call surcharge.
2. From January 1, 1997, to July 1, 1997, a total of 9,590 cards were in circulation. From July 1, 1997, to February 28, 1998, an additional 17,704 were activated.
3. The total amount of additional revenue derived from the application of the \$0.57 per call surcharge from July 1, 1997, to February 28, 1998 was \$28,610.

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4. A total of 6 complaints were received concerning the additional surcharge.

On June 15, 1998, TEI offered as settlement a \$28,610 contribution plus a \$1,000 fine payable to the State of Florida General Revenue Fund. TEI's offer is attached and incorporated herein as Attachment A.

TEI would not be able to identify the individual prepaid phone card users affected by the unauthorized surcharge. Normally, no customer information is obtained when selling prepaid phone cards. Therefore, we believe that payment to the State of Florida General Revenue Fund of the revenues collected in excess of the tariff is appropriate. Accordingly, we approve TEI's settlement proposal of a \$28,610 payment plus a \$1,000 fine.

TEI shall have five business days from the issuance of the Commission's order to submit the settlement amount to this Commission. The collected monies shall be forwarded to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285(i), Florida Statutes. If TEI fails to pay the settlement amount, the Commission shall require TEI to show cause why its certificate should not be canceled for failure to comply with the Commission's rules and this Order.

Based on the foregoing, it is

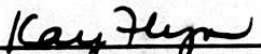
ORDERED by the Florida Public Service Commission that the June 15, 1998, offer of settlement by Telaleasing Enterprises, Inc., is hereby approved. It is further

ORDERED that Telaleasing Enterprises, Inc. shall remit to the Commission for forwarding to the State of Florida General Revenue Fund, a voluntary contribution of \$28,610 plus \$1,000 fine, within five business days of this Order becoming final. It is further

ORDERED that upon remittance of the full settlement amount, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 26th  
day of October, 1998.

  
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KAY FLYNN, Chief  
Bureau of Records

( S E A L )

CB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.

**DAVEL COMMUNICATIONS GROUP, INC.**

*Telaleasing Enterprises, Inc.*

*DavelTel, Inc.*

1429 Massaro  
Tampa, FL 33619  
813-623-3545 (v)  
813-626-9619 (f)

*Legal Department*

June 15, 1998

*By Telefax to 850-413-6250*  
Florida Public Service Commission  
Kathy Bedell  
Capital Circle Office Center  
Tallahassee, FL 32399-0850

**Re: Telaleasing Enterprises, Inc. - Debit Card Surcharge Inquiry**

**Dear Ms. Bedell:**

In accordance with our telephone conversation of earlier today and our prior correspondence of March 18, 1998, Telaleasing Enterprises, Inc. hereby offers to settle the overcharges discussed in our correspondence of March 18, 1998 by way of payment of \$\$28,610.00 in respect of such overcharges plus a fine of \$1,000.00 without further proceeding.

Thank you for your consideration of this offer. Please advise.

Sincerely,

  
Theodore C. Rammelkamp, Jr.  
General Counsel