

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against PhoneTel Technologies, Inc. for violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 990241-TC
ORDER NO. PSC-99-1607-AS-TC
ISSUED: August 16, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

PhoneTel Technologies, Inc. (PhoneTel) is a certificated provider of pay telephone service in the state of Florida. PhoneTel's 1998 regulatory assessment fee return reported gross intrastate revenues of \$4,145,481 and 4,139 pay telephones in operation. From February 18, 1999, through February 25, 1999, routine service evaluations were performed on pay telephones operated by PhoneTel. Based on the number of apparent violations found, on March 2, 1999, this docket was opened to investigate whether PhoneTel should be required to show cause why it should not be fined or have its certificate canceled. Between March 9, 1999 and March 19, 1999, PhoneTel advised the Commission that all apparent violations were corrected. Subsequently, between April 26, 1999 and April 28, 1999, Commission staff reevaluated the pay telephone stations and again found the same apparent violations.

On March 22, 1999, PhoneTel met with Commission staff to discuss the apparent pay telephone service violations. As a result of the meeting, PhoneTel began to submit monthly quality assurance reports and has undertaken the retraining of all technicians on the new pay telephone service standards. On July 8, 1999, PhoneTel submitted its offer to settle. (Attached hereto and incorporated herein by reference as Attachment A). In its settlement offer, PhoneTel agreed to do the following:

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

- PhoneTel will voluntarily pay \$1,200 to the General Revenue Fund.
- PhoneTel will conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules.
- PhoneTel will retrain all staff and new hires in order to ensure the pay telephone service standards are fully understood.
- PhoneTel will continue to submit monthly reports outlining the "self-audit" results for that period for a period of not less than six months.

We find that PhoneTel's settlement offer satisfactorily addresses each of our concerns. PhoneTel's offer to conduct a thorough inspection of all its pay telephones as well as training all employees to ensure compliance with Commission rules is acceptable and appropriate. By initiating this action PhoneTel has created a proactive approach to compliance rather than a reactive response to Commission inquiries. We find it appropriate to approve PhoneTel's filing of monthly reports for a period of not less than six months. This will enable the company and Commission staff to avert any future problems.

Therefore, we find the terms of the settlement agreement to be fair and reasonable. Accordingly, the offer of settlement submitted by PhoneTel Technologies, Inc. on July 9, 1999, is approved.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement (Attached hereto and incorporated herein by reference as Attachment A) dated July 9, 1999, by PhoneTel Technologies, Inc. is hereby approved. It is further

ORDERED that this docket shall remain open pending the remittance of the \$1,200 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the settlement offer, the monetary settlement will be forwarded to the Comptrollers's office for collection, and this docket will be closed.

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By ORDER of the Florida Public Service Commission this 16th
day of August, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CBW

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.

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ATTACHMENT A



09 July 1999

VIA FAX 850.413.6547

Ms. Kelly Biegalski
State of Florida
PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Docket No. 990241-TC

Dear Ms. Biegalski:

After meeting with the Commission Staff and conducting a thorough investigation into the facts and circumstances in the matters that caused this docket to be opened, PhoneTel Technologies, Inc. (the Company) would at this time respectfully request the Commission's consideration and review of the following facts.

Upon notification of the above referenced docket, PhoneTel Technologies, Inc. requested a meeting with Staff. As a result of that meeting the Company developed a "self-audit" process. This process consists not only of a phone specific audit but retraining of staff and mandatory training for all new hires consistent and in compliance with the rules and regulations set forth by the Commission, to mention but a few of issues addressed in this policy.

A monthly progress report is submitted to the Commission outlining the audit results for each calendar period. We welcome the assistance of the Staff regarding their input into these matters and rely on their definition when there is any question with regard to interpretation of a specific violation.

(cont'd)

North Point Tower, 1001 Lakeside Avenue, 7th Floor, Cleveland, Ohio 44114
phone 216. 241. 2555 • 800. 333. 9920 fax 216. 241. 2574

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In addition, as a result of our meeting with Staff, PhoneTel Technologies, Inc.'s management made the decision that it would be in the best interest of compliance and an indication of the Company's commitment to our service standards in the State of Florida to deliver directory assistance as a free service from our payphones. In implementing the new free service, we experienced computer programming issues that were isolated and corrected.

In the spirit of compromise and in consideration of Staff's substantial effort in working with PhoneTel Technologies, Inc. in our continuing privilege of providing pay telephone service in the State of Florida, the Company proposes to make a settlement payment in the amount of \$1,200.00 (ONE THOUSAND TWO HUNDRED DOLLARS) to the General Revenue Fund.

Respectfully submitted,

PHONETEL TECHNOLOGIES, INC.


Lin Harvey
Director - Regulatory Affairs

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 5 Date 8, 17, 99 Copies Per Original 19
 Requested By B. L. [Signature]

Item Presented _____
 Agenda For (Date) _____ Order No. 99-1607 In Docket No. 990241
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

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M E M O R A N D U M

August 16, 1999

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW* *CB*

RE: DOCKET NO. 990241-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST PHONETEL TECHNOLOGIES, INC. FOR VIOLATION OF RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE.

RECORDS AND REPORTING

AUG 16 AM 11:09

RECEIVED FPSC

1607-AS

Attached is an ORDER APPROVING OFFER OF SETTLEMENT, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 5)

ATTACHMENT(S) NOT ON-LINE

CBW/anc
Attachment
cc: Division of Communications
I: 990241or.cbw

1 mailed - RAR