

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 990779-TC
ORDER NO. PSC-99-1621-AS-TC
ISSUED: August 18, 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:

Southern Telecom, Inc. (Southern or company) currently holds Certificate of Public Convenience and Necessity No. 2805, issued by this Commission on September 25, 1991, authorizing the provision of pay telephone service. On January 2, 1999, Southern filed a 1998 regulatory assessment fee return, reporting gross intrastate revenues of \$11,680 and 154 pay telephones in operation. On February 18, 1999, our staff performed routine service evaluations on several pay telephones operated by Southern. Through written correspondence, we notified Southern of apparent violations. On March 28, 1999, we received a Service Violation Correction Form from Southern signifying that all apparent violations were corrected. On April 19, 1999, our staff reevaluated the pay telephone station. Although Southern reported that all violations had been corrected, we found apparent rule violations that were the same as the ones observed during the initial evaluation.

This docket was opened on June 17, 1998. On July 1, 1999, Southern contacted us to discuss the method for settlement of this case and to request a deferral of this item from the July 6, 1999, Agenda Conference. Southern was able to provide us with information relating to two apparent violations concerning incorrect addresses on two pay telephone stations. When we contacted 911 to verify the apparent violations, it was determined that the addresses on the pay telephone stations were correct.

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Therefore, we revised our assessment and notified the company of the revision.

By letter dated July 8, 1999, Southern submitted its offer to settle, provided as Attachment A and incorporated herein by reference. In its offer, Southern agreed to do the following:

- Southern will voluntarily pay \$100 to the General Revenue Fund.
- Southern will conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules.
- Southern will respond to all future evaluations in a timely manner.

We accept Southern's offer to conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules. By initiating this action Southern has created a proactive approach to compliance rather than a reactive response to our inquiries. Moreover, the company has been cooperative in resolving all apparent violations. We believe the settlement offer to be fair and reasonable, and accordingly, do hereby accept it.

The \$100 contribution shall be received by the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. The Commission will forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

If Southern fails to pay the \$100 voluntary contribution in accordance with the terms of the offer of settlement, the unpaid monetary settlement shall be forwarded to the Comptroller's office for collection, and this docket shall be closed.

Based on the foregoing, it is

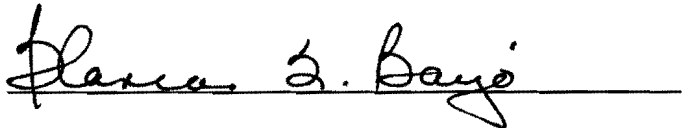
ORDERED by the Florida Public Service Commission that the offer of settlement by Southern Telecom, Inc., which is appended as Attachment A and incorporated herein by reference, is hereby approved. It is further

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ORDERED that Southern Telecom, Inc. shall remit the \$100 voluntary contribution to the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. This voluntary contribution shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. Upon remittance, this docket shall be closed administratively. It is further

ORDERED that if Southern Telecom, Inc. fails to pay in accordance with the terms of the offer of settlement, the unpaid monetary settlement shall be forwarded to the Comptroller's office for collection, and this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 18th day of August, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DMC

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.

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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

Southern Telecom Inc.
10427 S.W. 49 Pl. Cooper City, FL 33328

July 8, 1999

P.S.C
Kelly Biegalski
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Subject: Settlement offer:

We are requesting your acceptance of our settlement offer of \$100. For items number TE444.9903 payphone numbers (954)971-2622 and (954)971-2886.

A thorough inspection of all our phones is in progress to ensure compliance with current regulations. And future evaluations will be responded to timely.

Sincerely,


James Lauer (President)