

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 990818-TC
ORDER NO. PSC-99-1760-AS-TC
ISSUED: September 8, 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:

Florida Pay Phone Systems, Inc. (Florida Pay Phone) is a provider of pay telephone service, pursuant to certificate number 3778 granted by Order No. PSC-94-0663-FOF-TC, issued on June 1, 1994. As a result of three violations of Section 25-24.515, Florida Administrative Code, discovered by our staff during two successive evaluations of Florida Pay Phone pay telephone stations, show cause proceedings were initiated.

On July 22, 1999, Florida Pay Phone submitted an offer of settlement, which is attached hereto as Attachment A, and incorporated herein. In its settlement offer, Florida Pay Phone agreed to do the following:

- (1) Immediately correct all violations cited in the staff evaluation reports.
- (2) Pay a fine in the amount of \$300.

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- (3) In the event of future notification of violations, contact Commission staff regarding any they do not fully understand.

We support the settlement offer proposed by Florida Pay Phone. The company has satisfactorily addressed the issues in this docket. We believe the settlement offer is fair and reasonable, and we hereby accept it. Payment shall be submitted to the Commission within ten business days from the date of this order. We will then forward the funds to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

If Florida Pay Phone fails to make all payments in accordance with the terms of the settlement offer, the company's certificate shall be canceled, with an effective date five days after the scheduled settlement payment was due, and the unpaid monetary settlement will be forwarded to the Comptroller's office for collection.

Based on the forgoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement by Florida Pay Phone Systems, Inc., which is appended as Attachment A to this Order and, by reference, is incorporated herein, is hereby approved. It is further

ORDERED that Florida Pay Phone Systems, Inc. shall remit \$300, in accordance with the terms of this order. The payment 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 of the total amount assessed in the agreement, this docket shall be closed administratively. It is further

ORDERED that if Florida Pay Phone Systems, Inc. fails to make the payment within ten business days from the date of this order, in accordance with the terms of its settlement offer, Certificate No. 3778 shall be canceled administratively, effective 5 days after that date, and the unpaid monetary settlement will be forwarded to the Comptroller's office for collection, and this docket will be closed.

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By ORDER of the Florida Public Service Commission this 8th
day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

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.



FLORIDA PAY PHONE SYSTEMS, INC.

July 23 1999

Ms. Elaine Johnson
Florida Public Service Commission
2500 Shumard Oaks Blvd.
Tallahassee FL 32399-0830

RE: Docket Number 990818-TC

Dear Ms. Johnson:

Pursuant to our conversation yesterday we wish to offer a settlement of \$300 for the above referenced docket.

As we discussed the case back ground states that * March 22 1999 - Staff received service violation correction form from Florida Pay Phone Systems Inc. signifying that all apparent violations were corrected. When my actual response was. The pay phones with violation 9 when we tested gave free access to repair/service.

I am not saying the violations were incorrect but there was no "willful intent" not to fix the problem which we could not duplicate.

I do appreciate the help time and direction you afforded me yesterday by phone and we agree to conduct an investigation of our pay phones in order to make sure we are in compliance. In the event we receive any future notifications of violations we agree to contact the appropriate staff should we not fully understand the violations described. Thank you.

Sincerely,

Howard Mink
Florida Pay Phone Systems Inc.