

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 990819-TC
ORDER NO. PSC-99-1761-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:

Orlando Payphones, Inc., (Orlando Payphones) is a provider of pay telephone service, pursuant to certificate number 5845 granted by Order No. PSC-98-0662-FOF-TC, issued on May 14, 1998. As a result of a violation of Section 25-24.515, Florida Administrative Code, discovered by our staff during two successive evaluations of Orlando Payphones pay telephone stations, show cause proceedings were initiated.

On July 20, 1999, Orlando Payphones submitted an offer of settlement, which is attached hereto as Attachment A, and incorporated herein. In its settlement offer, Orlando Payphones agreed to do the following:

- (1) Immediately correct all violations cited in the staff evaluation reports.
- (2) Pay a fine in the amount of \$100.
- (3) In the event of future notification of violations, contact Commission staff regarding any they do not fully understand.

DOCUMENT NUMBER-DATE
10747 SEP-89
FPSC-RECORDS/REPORTING

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We support the settlement offer proposed by Orlando Payphones. 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 Orlando Payphones 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 Orlando Payphones, Inc., which is appended as Attachment A to this Order and, by reference, is incorporated herein, is hereby approved. It is further

ORDERED that Orlando Payphones, Inc. shall remit \$100, 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 Orlando Payphones, 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. 5845 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)

CLF

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

ORLANDO PAYPHONES, INC

July 20, 1999

Attention: Elaine Johnson

Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED

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CMU

Dear Ms. Johnson:

We received a letter dated March 8, 1999 regarding violations on payphone telephone number (407) 996-9577. You had noted four violations that we immediately corrected and notified you of the corrections on March 18, 1999. You revisited this payphone on April 19, 1999 and advised that the automatic coin return was not functioning with dimes.

We feel that our company is not guilty and our certificate should not be cancelled. Our company takes pride in checking all of our payphones weekly. We should not be held accountable for bent coins and customer abuse.

We have agreed to pay this fine for economical reasons. The trip to Tallahassee and the hiring of an attorney to represent us would be very costly to a small company like ours. We are submitting a settlement offer to staff in the amount of \$100.00 for Docket no. 990819-tc.

When we receive a letter we will call your office if we are unclear about a violation. We will conduct another investigation to assure all our payphones are in compliance with your rules.

Please advise of the disposition of this Docket no. 990819-tc.

Very Truly Yours,

Joyce Davis Bornack
Joyce Davis Bornack

Cc: Angela B. Green

MAIL ROOM
99 JUL 23 AM 9 12
RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION