

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 910147-TC
proceedings against U. S. COMMUNICATIONS)
for violation of Rule 25-24.515(b),) ORDER NO. 24451
F.A.C., Access to Carrier.)
_____) ISSUED: 4/30/91

The following Commissioner participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL MCK. WILSON

FINAL ORDER APPROVING TERMS OF SETTLEMENT OFFER

BY THE COMMISSION:

Show cause proceedings were initiated before this Commission was made aware that U. S. Communications (U. S. or the company) was being purchased by ABL Corporation. The new staff of U. S. is making an effort to verify compliance of their pay phones with the Commission's Rules and Orders and is applying for a PATS certificate under the new management. The company has since made an offer of settlement which we approve as set forth below.

The terms of the offer are as follows:

1. Without admitting to any of the facts alleged in staff's proposed show cause recommendation deferred from the March 5, 1991 agenda or to any violation of Commission regulations or Florida law, U. S. Communications will pay a sum of \$2,000 to the Florida Public Service Commission in consideration for and settlement of any and all alleged violations to date arising out of the same facts and circumstances as in the proposed show cause recommendation in this docket.
2. U. S. Communications will verify that all their pay telephones comply with all applicable Commission Rules and Order by June 1, 1991.
3. U. S. Communications will pay the overdue regulatory assessment fee for 1990 immediately.
4. U. S. Communications will file the overdue annual report immediately.

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5. Staff withdraws its recommendation that the Commission require U.S. Communications to show cause why it should not be fined \$1,000 for violation of Rule 25-24.515(6) regarding access to all locally available interexchange carriers.
6. Staff withdraws its recommendation that the Commission require U. S. Communications to show cause why it should not be fined \$1,000 for misrepresenting information to the Commission.

Upon consideration, we find it appropriate to approve the offer of settlement. We believe that under the facts of this case, the effect will be to encourage compliance with our rules.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the terms of the settlement proposal described in the body of this Order are approved. It is further

ORDERED that this docket shall remain open pending compliance with the settlement terms offered by U. S. Communications, and after compliance has been verified by our staff, this docket may be administratively closed.

By ORDER of the Florida Public Service Commission, this 30th
day of APRIL, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Flynn
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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.

MEMORANDUM

April 29, 1991

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (ADAMS) *JKA TH*
RE : DOCKET NO. 910147-T - INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST U. S. COMMUNICATIONS FOR VIOLATION OF
RULE 25-24.515(b), F.A.C., ACCESS TO CARRIERS.

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Attached is a FINAL ORDER APPROVING TERMS OF SETTLEMENT OFFER
in the above-referenced docket, which is ready to be issued.

JKA/ttl
Attachment
cc: Division of Communications

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