

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 910379-TC
proceedings against AZTEL INDUSTRIES for	)	
violation of Rule 25-24.515, F.A.C.,	)	ORDER NO. 24571
Pay Telephone Service Standards.	)	
<hr/>		ISSUED: 5/22/91

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING STIPULATED SETTLEMENT

BY THE COMMISSION:

Aztel Industries, Inc. (Aztel or the Company) has been a certificated pay telephone provider since August 5, 1986. On June 21, 1990, a random service evaluation was conducted on one of its pay phones which was found to be in apparent violation of Rule 25-24.515(6) regarding accessing long distance carriers. A letter was sent notifying the Company of the apparent violation. The response from Aztel was received on July 23, 1990, stating that the pay phone had full access to all available IXC carriers. On February 5, 1991, a follow-up evaluation was conducted by staff and found that the pay phone was still in apparent violation because access to all locally available interexchange companies was not available. A docket was opened to require Aztel to show cause why a fine should not be levied for the alleged violations.

Upon learning of the show cause docket, Aztel filed a proposed offer of settlement. The terms of this response are below:

1. Without admitting to any of the facts alleged in Staff's proposed show cause recommendation dated March 21, 1991, or to any violation of Commission regulations or Florida law, Aztel will pay a sum of \$1,000 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. Staff withdraws the portion of its recommendation regarding the proposed \$1,000 fine for the alleged violation of Rule 25-24.515(6) regarding access to all locally available IXCs.

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3. Staff withdraws the portion of its recommendation regarding the proposed \$1,000 fine for the alleged misrepresentation of the service repair of a previous similar violation of Rule 25-24.515(6).
4. Aztel has verified that its pay phone is in full compliance with Rule 25-24.515(6) regarding access to all locally available interexchange carriers.
5. Aztel has also verified that all of its pay phones operated in the State of Florida are in compliance with Rule 25-24.515(6) which requires that each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.
6. This docket will be closed upon approval of this settlement by the Commission.
7. Acceptance of this settlement offer should constitute a final disposition of the show cause recommendation.

We find acceptance of these terms appropriate and in the public interest.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the stipulated settlement offered by Aztel Industries, Inc., as outlined in the body of this Order, is hereby approved. It is further

ORDERED that this docket shall be closed upon payment of the \$1,000 fine by Aztel Industries, Inc. It is further

ORDERED that if Aztel Industries, Inc. fails to pay the \$1,000 fine within 30 days of the date of this Order, its Certificate No. 2605 shall be canceled and this docket closed.

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By ORDER of the Florida Public Service Commission, this 22nd  
day of MAY, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
JKA

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.