

FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 910875-TC
proceedings against EQUAL ACCESS) ORDER NO. PSC-92-0494-AS-TC
CORPORATION for violation of the) ISSUED: 06/11/92
interLATA rate cap and Rule 25-)
4.043, F.A.C., Response Require-)
ment.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
LUIS J. LAUREDO

ORDER RESOLVING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Equal Access Corporation (Equal Access) has been a certificated pay telephone (PATS) provider since February 28, 1990. As a certificated PATS provider, Equal Access is subject to our jurisdiction.

On May 16, 1992, a complaint was filed with the Division of Communications against Equal Access for overbilling and billing of calls that were not accepted by the customer. The calls in question were made from pay telephones operated by Equal Access from within a correctional facility.

On October 14, 1991, we issued Order No. 25212 requiring Equal Access to show cause why it should not be fined for violation of the interLATA rate cap. Equal Access filed a response to Order No. 25212 on November 14, 1991. Subsequently, after considerable discussion, a settlement proposal was filed by the company on May 5, 1992.

Essentially, Equal Access's settlement offer proposed the following:

- 1) Within thirty days after the date of the Order approving this settlement proposal, Equal Access shall initiate all steps necessary, within its power, to commence credits through local exchange company billing to end-users. The credits shall be the difference between the rates charged and the AT&T time of day rates for the period March 1, 1992 to October 31, 1991, for all calls made from Equal Access phones in Florida. One hundred eighty days after commencement, the credit program should be completed.

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- 2) These credits shall be made by providing adjustments to the end-users through Integretel and/or Zero Plus Dialing, Inc. and the applicable local exchange carriers.
- 3) In the event that one hundred eighty days after the commencement of the credit program, adjustments cannot be made due to the inability to locate end-users, duplication or some other legitimate circumstance, the respective credits need not be made for the respective end-users. Equal Access shall submit a report within one hundred eighty days after commencement of the credit program which shall set forth the efforts made by Equal Access to locate the end-users and the name of end-users who could not be located.
- 4) Equal Access will pay \$2,000 within 30 days of the date of the final order.

In large measure, we find Equal Access's offer fair and appropriate. The offer substantively addresses the issues raised by Equal Access's billing practices and moves toward making the end-users whole. We are concerned; however, with the possibility of Equal Access wrongfully benefitting from the overbilling. Accordingly, we find it appropriate to retain jurisdiction over any unrefunded monies. Equal Access acknowledged this concern and acquiesced to this modification at the Agenda Conference.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposal by Equal Access Corporation described in the body of the order is hereby approved as modified herein. It is further

ORDERED that this Commission shall retain jurisdiction over any unrefunded monies. It is further

ORDERED that this docket shall remain open pending the results of the refund, the report regarding refunds and the disposition of any unrefunded monies.

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By ORDER of the Florida Public Service Commission, this, 11th
day of June, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.