

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Telaleasing Enterprises, Inc. for violation of Rules 25-24.515, F.A.C., Pay Telephone Service, and 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 981798-TC

In re: Initiation of show cause proceedings against Peoples Telephone Company, Inc. for violation of Rule 25-24.515, F.A.C., Pay Telephone Service, and Rule 25-4.0161, F.A.C. Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 990109-TC

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

DOCKET NO. 990200-TC
ORDER NO. PSC-99-1134-AS-TC
ISSUED: June 7, 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 SETTLEMENT

BY THE COMMISSION:

I. BACKGROUND

DOCUMENT NUMBER-DATE

06939 JUN-7 99

FPSC-RECORDS/REPORTING

From January 1, 1998, through December 31, 1998, Telaleasing Enterprises, Inc. (Telaleasing) operated approximately 7,240 pay telephones in Florida and reported gross intrastate revenues of \$6,875,715.08 on its Regulatory Assessment Fee Return. From January 17, 1997, through October 19, 1998, our staff performed 478 evaluations on pay telephones operated by Telaleasing, and found 569 apparent violations of our payphone service standards rules.

From January 1, 1998, through December 31, 1998, Peoples Telephone Company, Inc. (Peoples) operated approximately 8,825 pay telephones in Florida and reported gross intrastate revenues of \$17,747,338.24 on its Regulatory Assessment Fee Return. From January 1, 1997, through December 31, 1998, our staff performed 1,327 evaluations on pay telephones operated by Peoples, and found a total of 2,423 apparent violations of our payphone service standards rules.

From January 1, 1998, through December 31, 1998, Communications Central, Inc. (CCI) operated approximately 3,169 pay telephones in Florida and reported gross intrastate revenues of \$513,050 on its Regulatory Assessment Fee Return. From January 1, 1997, through December 31, 1998, staff performed 373 evaluations on pay telephones operated by CCI, and found a total of 346 apparent violations of our payphone service standards rules.

We opened these dockets to investigate whether the companies cited above should be required to show cause why they should not be fined or have their certificates canceled, pursuant to Section 364.285, Florida Statutes, for apparent violations of our payphone service standards rules. Prior to the show cause proceedings, Davel Communications Group, Inc. (Davel), the parent company for Telaleasing, Peoples, and CCI, submitted an offer to settle all three cases. See Attachment A. This Order addresses Davel's settlement proposal.

II. DAVEL'S SETTLEMENT PROPOSAL

On March 4, 1999, Davel met with our staff regarding Telaleasing, Peoples, and CCI to address the companies' apparent

violations. Our staff continued settlement discussions with Davel until an offer to settle was submitted on April 19, 1999 (Attachment A).

In its settlement offer, Davel, on behalf of Telaleasing, Peoples, and CCI, agreed to the following in lieu of continuing the show cause proceedings. Davel will voluntarily check all of its pay telephones in Florida to ensure compliance with Rule 25-24.515, Florida Administrative Code, Pay Telephone Rules. Davel will correct all non-handicapped accessibility compliance deficiencies by April 30, 1999, and all handicapped accessibility compliance deficiencies will be corrected by July 1, 1999.

Within 90 days of the issuance of this Commission's order approving this settlement proposal and every thirty days thereafter, Davel will provide monthly status reports to our staff on the progress made in correcting deficiencies. These reports shall provide detailed information on the specific deficiencies per telephone number and the dates the deficiencies were addressed or repaired. Davel representatives will meet monthly with our staff to discuss these reports and ensure satisfactory performance. In addition, Davel will implement a training program with Davel's field technicians and managers, meeting with our staff to ensure ongoing compliance education and accurate interpretation.

Davel has added additional field personnel to conduct ongoing regulatory compliance audits for Davel's Florida pay telephone base. In the same vein, Davel will implement a statewide installation checklist for all newly placed pay telephones in Florida to assure "start-up" regulatory compliance. A copy of the installation checklist will be submitted to this Commission.

Davel will work with our staff to coordinate 911 testing and address verification through the Local Exchange Carrier and 911 Agencies on all current and new pay telephone installations. Davel will work with our staff to formulate service standards and compliance requirements for pay telephones located in "high maintenance/vandalism areas."

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Davel will issue an executive directive to all Florida field personnel reiterating Davel's policy of "zero tolerance" for incoming call blocking in the State, absent specific prior Commission approval. A copy of the directive will be submitted to this Commission.

Davel will work with the our staff to identify and develop viable solutions and standards for adequate lighting at pay telephones throughout the State.

Davel will pay a stipulated penalty amount of \$75,000 (\$25,000 per company), payable in three (3) monthly installments, the first installment to be paid within fifteen (15) days of the issuance of this Order.

Within 90 days of the issuance of this order, Davel will consolidate its Florida pay telephone certificates and operation into one entity and petition the Commission to cancel the additional certificates in order to facilitate improved management of its pay telephone base and regulatory tracking by the Commission.

In the event that Davel Communications Group, Inc. dissolves, reorganizes, or operates as another corporate entity or under a different corporate name, or in any way changes its current corporate structure, Davel Communications Group, Inc. will notify the Commission of such a change in writing within five (5) days after such occurrence.

Finally, Davel has addressed the issue of Peoples' and Telaleasing's delinquent regulatory assessment fees. All regulatory assessment fees, penalties, and interest due for Peoples and Telaleasing have been paid.

III. CONCLUSION

Through its settlement proposal, Davel Communications Group, Inc. has adequately addressed our concerns with regard to its apparent rule violations. Moreover, the company has been cooperative in resolving all issues. Upon consideration, we find

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that the terms of the settlement agreement as found in Attachment A to this Order are fair and reasonable, including the voluntary contribution to the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, in the amount of \$75,000, payable in three monthly installments. We believe that for administrative efficiency purposes the installment payments should begin on June 30, 1999, and continue on the same day of the month in July and August for the remaining payments. Accordingly, we hereby approve Davel's settlement proposal in lieu of continuing the show cause proceedings, against Peoples, Telaleasing, and CCI.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposal filed by Davel Communications Group, Inc. on behalf of Peoples Telephone Company, Inc., Telaleasing Enterprises, Inc., and Communications Central, Inc. in lieu of continuing the show cause proceedings against the companies is approved. It is further

ORDERED that these dockets shall remain open pending Davel Communications Group, Inc.'s remittance of its \$75,000 voluntary contribution. Davel Communications Group, Inc. shall remit payments of \$25,000 on June 30, 1999, July 30, 1999, and August 30, 1999. It is further

ORDERED that upon remittance of the final settlement payment, these dockets shall be closed. The \$75,000 voluntary contribution 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.

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By ORDER of the Florida Public Service Commission this 7th
day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

WPC

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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.



April 19, 1999

Mr. Richard A. Moses
Bureau Chief
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket Number 981798-TC, Initiation of Show Cause Proceedings against
Telaleasing Enterprises, Inc.
Docket Number 990109-TC, Initiation of Show Cause Proceedings against
Peoples Telephone Company, Inc.
Docket Number 990200-TC, Initiation of Show Cause Proceedings against
Communications Central, Inc.

Dear Rick:

This letter is in regards to the above docketed Show Cause Proceedings. After meeting with Commission Staff, Davel Communications Group, Inc. and its wholly owned subsidiaries, Telaleasing Enterprises, Inc. ("TEI"), Communications Central, Inc. ("CCI") and Peoples Telephone Company, Inc. ("PTC") submit the following revised proposal to resolve these dockets on a stipulated basis.

1. Davel will voluntarily check all of its pay telephones in the State of Florida to ensure compliance. (This statewide audit has now been completed. The audit included a complete compliance checklist, to ensure that all Davel pay telephones were meeting the Florida Public Service Commission regulations. Binders containing the results of this audit, including photographs of each site, have been compiled and are available for review by Commission Staff upon request.)
2. All compliance deficiencies susceptible to immediate correction on-site have, in fact, been corrected as part of Davel's internal statewide audit. For those items requiring additional work and scheduling of up-grades, Davel will rectify these items on the following timelines:
 - All non-handicapped accessibility compliance deficiencies will be corrected by April 30, 1999.
 - All handicapped accessibility compliance deficiencies will be corrected by July 1, 1999.
3. Within thirty (30) days of the issuance of the Commission's order approving this settlement proposal and every thirty (30) days thereafter, Davel will provide monthly status reports to the staff on the progress made in correcting the deficiencies. These reports shall provide detailed information on the specific

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- deficiencies per telephone number and the dates the deficiencies were addressed or repaired.
4. Davel representatives will meet monthly with Staff to discuss these reports and ensure satisfactory performance.
 5. Davel will implement a training program with Davel's field technicians and managers, meeting with Commission Staff to ensure ongoing compliance education and accurate rule interpretation.
 6. Davel has added additional field personnel to conduct ongoing regulatory compliance audits for Davel's Florida pay telephone base.
 8. Davel will implement a statewide installation checklist for all newly placed pay telephones in Florida to assure "start-up" regulatory compliance, a copy of which is attached. A copy of this will be submitted to the Commission by May 1, 1999.
 9. Davel will work with Commission Staff to coordinate 911 testing and address verification through the Local Exchange Carrier and 911 Agencies on all current and new pay telephone installations.
 10. Davel will work with Commission Staff to formulate service standards and compliance requirements for pay telephones located in "high maintenance/vandalism areas".
 11. Davel will issue an executive directive to all Florida field personnel reiterating Davel's policy of "zero tolerance" for incoming call blocking in the State, absent specific prior Commission approval. A copy of this will be submitted to the Commission on May 1, 1999.
 12. Davel will work with the Staff to identify and develop viable solutions and standards for adequate lighting at pay telephones throughout the State.
 13. Davel will pay a stipulated penalty amount of \$75,000 (\$25,000 per company), payable in three monthly installments, the first installment to be paid within fifteen (15) days of approval of this proposed resolution.
 14. Within ninety (90) days of the issuance of the Commission's order approving this settlement proposal, Davel will consolidate its Florida pay telephone operations into one entity and petition the Commission for cancellation of the additional certificates.

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15. In the event that Davel dissolves, reorganizes, or operates as another corporate entity or under a different corporate name, or in any way changes its current corporate structure, Davel shall notify the Commission of such a change in writing within five (5) days after such occurrence.

Davel sincerely appreciates the Commission Staff's consideration of the above proposal for recommendation to the Commission. We also respectfully request that the Staff continue to work with Davel during the implementation of the above outlined plan.

Thank you again for your assistance and cooperation in reaching a positive and amicable resolution of these matters. If you have further questions or concerns, I may be reached at (813) 628-8000 extension 203.

Sincerely,


Bruce Renard by DH

Senior Vice President of Regulatory & External Affairs

cc: **Florida Public Service Commission**
Walter D'Haeseleer - Director of the Communications Division
Toni J. McCoy - Regulatory Analyst
William P. Cox, Staff Attorney - Division of Legal Services

cc: **Davel Communications Group, Inc.**
Dana Hoyle - Director of Regulatory Affairs
Darcy Delaney - Regulatory Administrator
Charles Resnick - Senior Vice President of Field Operations
Everett Seymour - Regional Manager of Field Operations

cc: **Paul Bradshaw, Esquire**