

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECORDED AND REPORTING
 JUL 16 AM 10:30
 RECEIVED FPSC

DATE: JULY 15, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (CALDWELL)
DIVISION OF COMMUNICATIONS (BIEGALSKI) *CB, JCB, DC, WJ*

RE: DOCKET NO. 990782-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST TEL CALL COMMUNICATION INC. FOR VIOLATION OF RULE 25-24.515, FLORIDA ADMINISTRATIVE CODE, PAY TELEPHONE SERVICE

AGENDA: 07/27/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990782.RCM

CASE BACKGROUND

- March 29, 1999 - Tel Call Communication Inc.'s (Tel Call) 1998 regulatory assessment fee return reported gross intrastate revenues of \$6,896 and 112 pay telephones in operation.
- February 16, 1999 - Staff performed a routine service evaluation on a pay telephone operated by Tel Call and found apparent violations as presented in Attachment A.
- April 3, 1999 - Staff received a Service Violation Correction Form from Tel Call signifying that all apparent violations were corrected.
- April 21, 1999 - Staff reevaluated the pay telephone station and again found the apparent violations as presented in Attachment A.

DOCUMENT NUMBER-DATE

08396 JUL 15 99

FPSC-RECORDS/REPORTING

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- June 17, 1999 - Staff opened this docket to investigate whether Tel Call should be required to show cause why it should not be fined or have its certificate canceled.
- July 2, 1999 - Tel Call submitted an offer to settle this case. (Attachment B, Page 6)

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Tel Call Communication Inc. to resolve the apparent violations of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Biegalski)

STAFF ANALYSIS: Staff performed a service evaluation on a pay telephone station operated by Tel Call on February 16, 1999. Through written correspondence, staff notified Tel Call of the apparent violations.

Staff performed a reevaluation of the same pay telephone station on April 21, 1999. Although Tel Call reported that all violations had been corrected, the table provided as Attachment A (page 5) depicts the apparent rule violations discovered in the first inspection that were still present in the reevaluation.

Based on the showings of the reevaluations that the pay telephone stations exhibited the same apparent violations, staff opened this docket to investigate whether Tel Call should be required to show cause why it should not be fined \$200 or have its certificate canceled, pursuant to Section 364.285, Florida Statutes.

On July 2, 1999, Tel Call contacted staff to discuss the method for settlement of this case and request a deferral of its item from the July 6, 1999, Agenda Conference. On July 2, 1999, Tel Call submitted its offer to settle provided as Attachment B,

(Page 6). In its settlement offer, Tel Call agreed to do the following:

- Tel Call will voluntarily pay \$200 to the General Revenue Fund.
- Tel Call will conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules.
- Tel Call will ensure problems are clearly understood and fixed before reporting to the Commission that they are fixed.

Staff supports Tel Call's offer to conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules. By initiating this action Tel Call has created a proactive approach to compliance rather than a reactive response to staff's inquiries. In addition, staff believes that the company's clear understanding of the violations will prevent it from inadvertently responding that a violation has been corrected.

Moreover, the company has been forthright in its assertion that the cited violations were valid and has been very cooperative in resolving all issues. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable, and we support the voluntary contribution to the General Revenue Fund.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. With the approval of Issue 1, this docket should remain open pending the remittance of the \$200 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket will be closed. (Caldwell)

STAFF ANALYSIS: This docket should remain open pending the remittance of the \$200 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the

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company fails to pay in accordance with the terms of its settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket closed.

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ATTACHMENT A

Pay Telephone Station Number	25-24.515(9) (a)	
	Correct Address of Location Not Listed	Legible/Correct Telephone Number Not Posted
407-293-9675	X	X




7/2/1999
State Of Florida
2440 Shumard Oak Boulevard
Public Service Commission
Tallahassee, Florida 32399-0850

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Attn. Kelly Biegalski:

I would like to make a settlement offer of \$200 and I will inspect all pay phones to ensure they comply with the rules, and also when notified of a violation by the Public Service Commission. I will ensure problems are clearly understood and fixed before reporting that they are fixed.

Archibald Johnson


Vice President.