



# 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-

RECORDS AND REPORTING

JUL 15 AM 10:30

RECEIVED-FPSC

**DATE:** JULY 15, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BRIAN)

**FROM:** DIVISION OF LEGAL SERVICES (D.CLEMONS) *DMC*  
DIVISION OF COMMUNICATIONS (T.E. JOHNSON) *TEJ*

**RE:** DOCKET NO. 990755-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST THE FONE CONNECTION OF TAMPA BAY, INC. FOR APPARENT 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\990755.RCM

### CASE BACKGROUND

- March 30, 1999 -The Fone Connection of Tampa Bay, Inc.'s 1998 regulatory assessment fee return reported gross intrastate revenues of \$1,275,399 and 1350 pay telephones in operation.
- February 17, 1999 - Staff performed routine service evaluations of pay telephone stations and found apparent violations as presented in Attachment A (Page 4).
- March 8, 1999 - Staff received a Service Violation Correction Form from The Fone Connection of Tampa Bay, Inc. signifying that all apparent violations were corrected.
- April 21, 1999 - Staff reevaluated the pay telephone stations and again found the same violations as presented in Attachment A.
- June 14, 1999 - Staff opened this docket to investigate whether The Fone Connection of Tampa Bay, Inc. should be

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required to show cause why it should not be fined or have its certificate canceled.

- July 6, 1999 - The Fone Connection of Tampa Bay, Inc. submitted an offer to settle this case. (Attachment B, Page 5)

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by The Fone Connection of Tampa Bay, Inc. (Fone Connection) 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. (T.E. JOHNSON)

**STAFF ANALYSIS:** Staff performed service evaluations of pay telephone stations on February 17, 1999. Through written correspondence, staff notified Fone Connection of the apparent violations.

Staff performed a reevaluation of the same pay telephone stations on April 21, 1999. Although Fone Connection reported that all violations had been corrected, the table provided as Attachment A (page 4) depicts the apparent rule violations that were repeats of violations observed during the initial evaluations.

Based on the showings of the reevaluations that the pay telephone stations exhibited the same apparent violations, staff opened this docket to investigate whether Fone Connection 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 June 30, 1999, Fone Connection contacted staff to discuss the method for settlement of this case. On July 6, 1999, Fone Connection submitted its offer to settle provided as Attachment B, (Page 5). In its settlement offer, Fone Connection agreed to do the following:

- Fone Connection will voluntarily pay \$200 to the General Revenue Fund.
- Fone Connection will monitor its pay telephones and conduct monthly quality control checks.
- Fone Connection contracted with a different operator services company.

Staff supports Fone Connection's monitoring of its pay telephones through monthly quality control checks. By performing monthly quality control checks, Fone Connection demonstrates its willingness to meet the objectives of the Commission's rules.

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. (D.CLEMONS)

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 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	Rule 25-24.515(8), Florida Administrative Code
	Direct Coin Free Number For Repairs/Refunds Does Not Work Properly
407-894-8277	X
407-894-8300	X

# CONNECTION

OF TAMPA BAY, INC.

July 6, 1999

Ms. Elaine Johnson  
Regulatory Analyst  
Public Service Commission  
Capital Circle Office Center  
2540 Shumand Oak Blvd.  
Tallahassee, FL 32399-0850

Ref: (407) 894-8277  
(407) 894-8300

Dear Ms. Johnson:

We are in receipt of documentation detailing the Case Assignment and Scheduling Record for Docket No. 990755-TC. When we called for the details we were told that this involved a violation of the 211-operator service at two (2) of our pay phones.


We aggressively monitor our phones and do quality control checks every month. During the first quarter of 1999 we found that the operator service we were using, Opticom, had a failure rate of 15%. One day a call would go through fine, an hour later it would have trouble. This was totally unacceptable to us. We researched, compared and made the decision to switch our phones to the Teltrust Communications operator service. They offer many more services for our customers and have excellent reporting features. The conversion of all of our phones took place by the end of April 1999.

When we found that the violation was due to 211 failure, frankly we were quite upset. We had gone to a great deal of trouble and expense to solve what we had found to be a problem with the Opticom service. The Inspector told us the violation had taken place in March and was checked a second time in early to mid April. This solved our confusion. At that time it probably was a problem with the Opticom service. We recently verified that the 211 service is operating perfectly. We will continue to check monthly and do everything within our power to anticipate any problems.

We are offering a voluntary settlement amount of \$200.00. We appreciate that while we thought the problem was solved after our first notification of a 211 problem, it obviously was an intermittent solution. For this we apologize.

Please let us know if this settlement is agreeable to you. Also, let us know the details on where to send the \$200.00 and any reference numbers needed to be included on the check. Feel free to call me with any comments or suggestions.

Most Sincerely,

  
Allan D. Mezrah  
Vice President

(813) 254-8386 • fax (813) 254-1882 • 1 (800) 517-9763  
2011 Cleveland Street, Suite A • Tampa, Florida 33606

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ADMINISTRATION  
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**CMU**