

State of Florida

Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850



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

RECEIVED-FPSC
AUG-5 AM 10:13
RECORDS AND REPORTING

DATE: AUGUST 5, 1999

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

FROM: DIVISION OF LEGAL SERVICES (D.CALDWELL)
DIVISION OF COMMUNICATIONS (T.E. JOHNSON) *ref CB*

RE: DOCKET NO. 990757-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ROSANN MULLER D/B/A LANDMARK COMMUNICATIONS TECHNOLOGIES FOR APPARENT VIOLATION OF RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE

AGENDA: 08/17/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990757.RCM

CASE BACKGROUND

- February 12, 1999 - Landmark Communications Technologies' 1998 regulatory assessment fee return reported gross intrastate revenues of \$343,024 and 183 pay phones in operation.
- February 18, 1999 - Staff performed routine service evaluations on pay telephone stations operated by Landmark Communications Technologies and found the apparent violation as presented in Attachment A (Page 5).
- March 3, 1999 - Staff received a Service Violation Correction Form from Landmark Communications Technologies signifying that all apparent violations were corrected.

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- April 21 and 22, 1999 - Staff reevaluated the pay telephone stations and found the same apparent violations as presented in Attachment A.
- June 14, 1999 - Staff opened this docket to investigate whether Landmark Communications Technologies should be required to show cause why it should not be fined or have its certificate canceled.
- July 20, 1999 - Landmark Communications Technologies 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 Landmark Communications Technologies (Landmark) 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 18, 1999. Through written correspondence, staff notified Landmark of the apparent violations.

Staff performed a reevaluation of the same pay telephone stations on April 21 and 22, 1999. Although Landmark reported that all violations had been corrected, the table provided as Attachment A (page 5) depicts the apparent rule violations that were a repeat 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 Landmark should be required to show cause why it should not be fined \$600 or have its certificate canceled, pursuant to Section 364.285, Florida Statutes.

On July 20, 1999, Landmark contacted staff to discuss the method for settlement of this case and request a deferral of its item from the July 27, 1999, Agenda Conference. On July 20, 1999, Landmark submitted its offer to settle provided as Attachment B. In its settlement offer, Landmark agreed to do the following:

- Landmark will voluntarily pay \$600 to the General Revenue Fund.
- Landmark will conduct an investigation of all their pay telephones to ensure compliance with Commission rules.
- In the future, Landmark will contact staff, if the company should not fully understand any violations received.

Staff supports Landmark's conducting an investigation of their pay telephones. By conducting an investigation, Landmark 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.

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 \$600 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.CALDWELL)

STAFF ANALYSIS: This docket should remain open pending the remittance of the \$600 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

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offer, the monetary settlement will be forwarded to the
Comptroller's office for collection, and this docket closed.

Pay Telephone Station Number	Rule 25-24.515(9)(a), Florida Administrative Code	
	Legible and Correct Telephone Number Was Not Displayed	Correct Address of Pay Phone Location Was Not Displayed
954-728-9108	X	X
954-728-9511	X	X
954-760-9952	X	X

LANDMARK PAYTELEPHONES

July 20, 1999

Ms. Elaine Johnson
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Fla. 32399-0850

Re: Docket# 990757-TC

Dear Ms. Johnson,

We wish to submit an offer of settlement, pursuant to the above captioned docket in the amount of \$600. We agree to conduct an investigation of our payphones in order to make sure we are in compliance. In the event we receive any future notifications of violations, we agree to contact the appropriate staff should we not fully understand the violations described. Thank you.

Sincerely,



Ken Muller
General Manager

sent via facsimile 850-413-6537
and regular mail