

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against The Fone Connection of Tampa Bay, Inc. for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 990755-TC  
ORDER NO. PSC-99-1622-AS-TC  
ISSUED: August 18, 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 OFFER OF SETTLEMENT

BY THE COMMISSION:

The Fone Connection of Tampa Bay, Inc. (Fone Connection or company) currently holds Certificate of Public Convenience and Necessity No. 3076, issued by this Commission on July 23, 1992, authorizing the provision of pay telephone service. On March 30, 1999, Fone Connection filed a 1998 regulatory assessment fee return, reporting gross intrastate revenues of \$1,275,399 and 1350 pay telephones in operation. On February 17, 1999, our staff performed routine service evaluations on several pay telephones operated by Fone Connection. Through written correspondence, we notified Fone Connection of apparent violations. On March 8, 1999, we received a Service Violation Correction Form from Fone Connection signifying that all apparent violations were corrected. On April 21, 1999, our staff reevaluated the pay telephone stations. Although Fone Connection reported that all violations had been corrected, we found apparent rule violations that were the same as the ones observed during the initial evaluation.

This docket was opened on June 14, 1999. On June 30, 1999, Fone Connection contacted us to discuss the method for settlement of this case. By letter dated July 6, 1999, Fone Connection

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

submitted its offer to settle, provided as Attachment A and incorporated herein by reference. In its 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.

We accept Fone Connection's offer to monitor 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 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. We believe the settlement offer to be fair and reasonable, and accordingly, do hereby accept it.

The \$200 contribution shall be received by the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. The Commission will 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.

If Fone Connection fails to pay the \$200 voluntary contribution in accordance with the terms of the offer of settlement, the unpaid monetary settlement shall be forwarded to the Comptroller's office for collection, and this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement by The Fone Connection of Tampa Bay, Inc., which is appended as Attachment A and incorporated herein by reference, is hereby approved. It is further

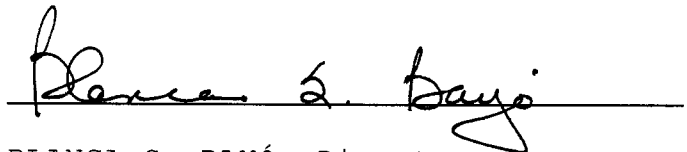
ORDERED that The Fone Connection of Tampa Bay, Inc. shall remit the \$200 voluntary contribution to the Commission within ten business days from the issuance date of this Order and shall

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identify the docket number and company name. This 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. Upon remittance, this docket shall be closed administratively. It is further

ORDERED that if The Fone Connection of Tampa Bay, Inc. fails to pay in accordance with the terms of the offer of settlement, the unpaid monetary settlement shall be forwarded to the Comptroller's office for collection, and this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 18th day of August, 1999.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

DMC

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,

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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.



ATTACHMENT A

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

Requisition for Photocopying and Mailing

Date 8, 19, 99  
 Number of Originals 5 Copies Per Original 19  
 Requested By Rubin

Item Presented  
 Agenda For (Date) \_\_\_\_\_ Order No. 991622 In Docket No. 99075  
 Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
 Other \_\_\_\_\_

Special Handling Instructions

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Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>		
	<u>Docket Mailing List - Mailed</u>		
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Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 215 Verified By Michael  
 Date and Time Completed 8/19 Job Checked For Correctness and Quality (Initial) e

Mail Room Verification

Date Mailed / Verified By /

MEMORANDUM

August 17, 1999

RECEIVED-FPSC

99 AUG 17 PM 3:54

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *DMC CB*  
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, F.A.C.,  
PAY TELEPHONE SERVICE.

*1622-AS*

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Attached is an ORDER APPROVING OFFER OF SETTLEMENT, with an attachment, to be issued in the above-referenced docket. (Number of pages in order - 5)

DMC/anc  
Attachment  
cc: Division of Communications  
I: 990755o.dmc

**ATTACHMENT(S) NOT ON-LINE**

*2 mailed  
KAR*