



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECORDS AND REPORTING

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**DATE:** AUGUST 19, 1999

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

**FROM:** DIVISION OF LEGAL SERVICES (FORDHAM) *C.F.F. - CB*  
DIVISION OF COMMUNICATIONS (BIEGALSKI) *UB*

**RE:** DOCKET NO. 990736-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST HASAN AKHTAR FOR VIOLATION OF RULE 25-24.515, FLORIDA ADMINISTRATIVE CODE, PAY TELEPHONE SERVICE

**AGENDA:** 08/31/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\990736.RCM

### CASE BACKGROUND

- February 23, 1999 - Staff performed a routine service evaluation on a pay telephone operated by Mr. Akhtar.
- March 29, 1999 - Staff received a Service Violation Correction Form from Mr. Akhtar signifying that all apparent violations were corrected.
- April 30, 1999 - Staff reevaluated the pay telephone station and continuing rule violations were identified.
- July 20, 1999 - Order No. PSC-99-1394-SC-TC, in Docket No. 990736-TC, was issued ordering Mr. Akhtar to show cause in writing why he should not be fined \$200 or have certificate no. 3251 canceled for apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service.

DOCUMENT NUMBER-DATE

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- August 9, 1999 - Mr. Akhtar submitted his offer of settlement. (Attachment A, Page 4)

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Hasan Akhtar 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 Mr. Akhtar on February 16, 1999. Through written correspondence, staff notified Mr. Akhtar of the apparent violations. Staff performed a reevaluation of the same pay telephone station on April 16, 1999.

Based on the showings of the reevaluation that the pay telephone station exhibited the same apparent violations, Order No. PSC-99-1394-SC-TC was issued on July 20, 1999, ordering Mr. Akhtar to show cause in writing why it should not be fined \$200 or have certificate no. 3251 canceled for apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service. In response to the order, Mr. Akhtar submitted his offer of settlement on August 9, 1999. In his settlement offer, Mr. Akhtar agreed to do the following:

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

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

Moreover, Mr. Akhtar has been forthright in his 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 \$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. **(Fordham)**

**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.

HASAN AKHTAR

4032 NW 9th AVE.  
FORT LAUDERDALE  
FLORIDA 33309

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Phone (954)561-8293

Fax (954)564-8282

August 09, 1999

Public Service Commission  
Division of Records & Reporting  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Subject: Docket NO. 990736-TC

1. I agree to pay \$200.00 as a settlement for the violations in the above Docket
2. I will check all my pay phones at all locations to make sure that they are in compliance with the rules & regulations of the Commission.
3. In future I will check with the Florida Public Service Commission to clarify any rules violations which require more explanation before responding that they have been corrected

Sincerely



Hasan Akhtar