

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against A. CoinPhone Services, Inc. for violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 990627-TC
ORDER NO. PSC-99-1770-AS-TC
ISSUED: September 9, 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 SETTLEMENT OFFER

BY THE COMMISSION:

We performed service evaluations of a pay telephone station operated by A. CoinPhone Services, Inc. (CoinPhone) on February 25, 1999. Through written correspondence, we notified CoinPhone of the apparent violations. We then performed reevaluations of the same pay telephone station on April 22, 1999. Although CoinPhone reported that all violations had been corrected, apparent violations of Rule 25-24.515, Florida Administrative Code, discovered in the first inspection were still present in the reevaluation. Specifically, the address of the responsible party for repairs and refunds, the telephone number, the location address, and the name of the provider were not displayed at pay telephone station number 305-350-9976.

Based on the showings of the reevaluations that the pay telephone station exhibited the same apparent violations, by Order No. PSC-99-1231-SC-TC issued June 22, 1999, we ordered CoinPhone to show cause why it should not be fined \$400 or have its certificate canceled, pursuant to Section 364.285, Florida Statutes. On July 8, 1999, CoinPhone responded to the Order stating that the apparent violations had been corrected. On July 14, 1999, CoinPhone

DOCUMENT NUMBER-DATE

10848 SEP-99

FPC-RECORDS/REPORTING

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submitted its offer to settle which is attached hereto and incorporated herein as Attachment A. In its settlement offer, CoinPhone agreed to (1) voluntarily pay \$400 to the General Revenue Fund; (2) conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules; and (3) ensure problems are clearly understood and fixed before reporting to the Commission that they are fixed.

We support CoinPhone's offer to conduct investigations of its pay telephones to ensure compliance with our rules. By initiating this action, CoinPhone demonstrates its willingness to meet the objectives of the Commission's rules.

Finally, CoinPhone has been forthright in its assertion that the cited violations were valid and has been very cooperative in resolving all issues. The \$400 contribution should be received by the Commission within ten business days from the issuance date of this Order and should identify the docket number and company name. We will then 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.

Upon consideration, we believe the terms of the settlement agreement are fair and reasonable and have satisfactorily addressed each of our concerns. In addition, we accept the voluntary contribution to the General Revenue Fund. However, if CoinPhone fails to pay the settlement amount within ten business days of the issuance of this Order, the monetary settlement will be forwarded to the Comptroller's office for collection.

Based on the foregoing, it is

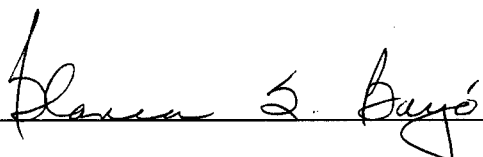
ORDERED by the Florida Public Service Commission that the settlement offer by A. CoinPhone Services, Inc. attached to this Order as Attachment A and by reference incorporated herein, is approved. It is further

ORDERED that A. CoinPhone Services, Inc. shall remit a \$400 contribution within ten business days from the issuance date of this Order. This settlement total of \$400 will be forwarded by the Commission to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. It is further

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ORDERED that upon remittance of the settlement payment, this docket shall be closed. If A. CoinPhone Services, Inc. fails to pay the settlement amount within ten business days of the issuance of this Order, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket closed.

By ORDER of the Florida Public Service Commission this 9th day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

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, 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

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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.

A. COINPHONE SERVICES, INC.
P.O. BOX 144384
CORAL GABLES, FLORIDA 33114

July 14, 1999

Florida Public Service Commission
Attn: Blanca Bayo, Director
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

In re: Docket No. 990627TC

Dear Ms. Bayo,

As per my conversation with Kelly today, we are hereby offering a voluntary contribution to the Commission in the amount of \$400.00.

On our part, we will continue to inspect, on a regular basis, all of our company's payphones for compliance. We have been doing so since inception and have avoided violations in the past given this practice.

If in the future we receive any violations, we will contact the commission to clearly understand the violation.

Very truly yours,



Luis M. Falero
President

LMF/rpf

Requisition for Photocopying and Mailing

Date 9, 13, 99

Number of Originals 5

Copies Per Original 19

Requested By Ruth

Item Presented

Agenda For (Date) _____ Order No. 99-1770 In Docket No. 990627

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>	Commission Offices	---	_____
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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 156 Verified By W.S.

Date and Time Completed 9-16 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____

M E M O R A N D U M

August 31, 1999

RECEIVED-FPSC

SEP -8 PM 4:36

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *perc CB*

RE: DOCKET NO. 990627-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST A. COINPHONE SERVICES, INC. FOR VIOLATION OF RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE.

1770-AS

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

DWC/anc
Attachment
cc: Division of Communications
I: 990627sc.dwc

*"A"
attachment missing*

*J-mailed -
RAR*