



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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9 OCT -7 AM 11:45
RECORDS AND REPORTING

DATE: OCTOBER 7, 1999

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

FROM: DIVISION OF LEGAL SERVICES (T. WATTS) *cmw read for BK*
DIVISION OF TELECOMMUNICATIONS (T.E. JOHNSON/KENNEDY) *RK*

RE: DOCKET NO. 990761-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST LIZABETH PEREZ FOR APPARENT VIOLATION OF RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE

AGENDA: 10/19/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990761.RCM

CASE BACKGROUND

- January 12, 1999 - Lizabeth Perez's 1998 regulatory assessment fee return reported 10 pay telephones in operation, but did not report any gross intrastate revenue. Staff has forwarded her return to the Division of Auditing and Financial Analysis for further investigation.
- February 22, 1999 - Staff performed routine service evaluations on pay telephone stations operated by Lizabeth Perez and found apparent violations.
- March 30, 1999 - Staff received Service Violation Correction Form from Lizabeth Perez signifying that all apparent violations were corrected.
- April 14, 1999 - Staff reevaluated the pay telephone stations and found the same apparent violations as cited in the first evaluation.

DOCUMENT NUMBER-DATE

12138 OCT-7 99

FPSC-RECORDS/REPORTING

- July 27, 1999 - Commission approved staff's recommendation that a show cause order be issued to Lizabeth Perez.
- August 17, 1999 - Commission Order No. PSC-99-1608-SC-TC issued, requiring Lizabeth Perez to show cause in writing why she should not be fined \$200 or have certificate No. 5382 canceled.
- September 7, 1999 - Lizabeth Perez submitted an offer to settle this case. (Attachment A).

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the \$200 settlement offer proposed by Lizabeth Perez 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. The \$200 contribution should be received by the Commission within ten business days from the 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. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively. (T.E. Johnson/Kennedy)

STAFF ANALYSIS: On February 22, 1999, staff performed service evaluations of pay telephone stations operated by Lizabeth Perez. Through written correspondence, staff notified Lizabeth Perez of the apparent violations.

Staff performed a reevaluation of the same pay telephone stations on April 14, 1999. Although Lizabeth Perez reported that all violations had been corrected the apparent rule violations were still present in the reevaluations.

Based on the showings of the reevaluations that the pay telephone stations exhibited the same apparent violations, staff opened this docket to investigate whether Lizabeth Perez should be required to show cause why she should not be fined \$200 or have her certificate canceled, pursuant to Section 364.285, Florida Statutes.

During the July 27, 1999, Agenda Conference, the Commission approved staff's recommendation and Order No. PSC-99-1608-SC-TC was issued on August 17, 1999, requiring Lizabeth Perez to show cause in writing why she should not be fined \$200 or have certificate No. 5382 canceled for apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service.

On September 7, 1999, Lizabeth Perez submitted an offer to settle, provided as Attachment A. In her settlement offer, Lizabeth Perez agreed to do the following:

- Lizabeth Perez will voluntarily pay \$200, which is the amount of the proposed fine, to the General Revenue Fund.
- Lizabeth Perez will evaluate all her public pay phones to ensure proper service.

Staff supports Lizabeth Perez's offer to evaluate her pay phones to ensure proper service. Moreover, she has been cooperative in resolving all issues. Therefore, 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 pursuant to Section 364.285(1), Florida Statutes, in the amount of \$200.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate. (T. Watts)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$200 contribution or cancellation of the certificate.

DOCKET NO. 990761-TC
DATE: OCTOBER 7, 1999

ATTACHMENT A

SEPTEMBER 7TH, 1999

LIZABETH PEREZ
LIZABETH PEREZ
1678 SOUTH 8TH ST.
FERNANDINA BCH, FL. 32034

PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850

TO WHOM MAY CONCERN:

IN REFERENCE OF VIOLATION NOTICE ISSUED AUGUST 17TH, 1999. THIS IS TO NOTIFY YOU THAT I, LIZABETH PEREZ, VOLUNTEER TO PAY THE \$200.00 FINE FOR THE PUBLIC SERVICE COMMISSION. PLEASE CONSIDER THIS AS A VOLUNTARY DONATION FOR WATHEVER USE YOU THINK IS NECESSARY AND FOR YOUR EFFORTS TO MAINTAIN THE WELFARE OF OUR COMMUNITY.

I REALIZE THAT IS YOUR JOB TO ENFORCE THOSE RULES AND REGULATIONS IN ORDER TO SERVE BETTER.

I APOLOGIZED FOR THE INCONVINIENCE THIS MAY CAUSE YOU. I WILL MAKE SURE THAT WONT HAPPEN ANYMORE, AND I WILL DO A REEVALUTION ON ALL OUR PUBLIC PHONES, TO ENSURE THE PROPPER SERVICE.

ANY QUESTION YOU MAY HAVE, PLEASE CALL ME ON YOU EARLIEST CONVINIENCE AT (904) 261-7600 FROM 8:00 TO 5:00, OR (904) 321-0262 AT NIGHT TIME.

SINCERILY YOURS

