



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: DECEMBER 9, 1999

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

FROM: DIVISION OF LEGAL SERVICES (FORDHAM)
DIVISION OF COMMUNICATIONS (BIEGALSKI) *VB BK for PLF*

RE: DOCKET NO. 990783-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST THE TRAIN-TEL COMPANY FOR VIOLATION OF RULE 25-24.515, FLORIDA ADMINISTRATIVE CODE, PAY TELEPHONE SERVICE AND 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES

AGENDA: 12/21/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990783.RCM

RECEIVED-FPSC
99 DEC -9 AM 11:30
RECORDS AND REPORTING

CASE BACKGROUND

- December 10, 1998 - The 1998 Regulatory Assessment Fee forms were mailed.
- February 23, 1999 - Staff performed routine service evaluations on two pay telephones operated by The Train-Tel Company (Train-Tel) and found apparent violations as presented in Attachment A.
- March 12, 1999 - 1998 Regulatory Assessment Fee delinquent notices were mailed.
- March 30, 1999 - Staff received a Service Violation Correction Form from Train-Tel signifying that all apparent violations were corrected.

DOCUMENT NUMBER-DATE
15061 DEC-99
FPSC-RECORDS/REPORTING

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- April 14, 1999 - Staff reevaluated the pay telephone stations and again found the apparent violations as presented in Attachment A.
- August 11, 1999 - Order No. PSC-99-1579-SC-TC, in Docket No. 990783-TC, was issued ordering Train-Tel to show cause in writing why it should not be fined \$1,400 or have certificate no. 5016 canceled for apparent violation of Rule 25-24.515, Florida Administrative Code.
- September 9, 1999 - Train-Tel submitted its 1998 Regulatory Assessment Fee form. Train-Tel reflects gross intrastate revenues of \$13,039.05.
- September 22, 1999 - Order No. PSC-99-1579A-SC-TC, in Docket No. 990783-TC, was issued ordering Train-Tel to show cause in writing why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.
- September 22, 1999 - Train-Tel timely responded to the order to show cause.
- November 26, 1999 - Train-Tel 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 The Train-Tel Company 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 pay telephone stations operated by Train-Tel on February 23, 1999. Through written correspondence, staff notified Train-Tel of the apparent violations.

Staff reevaluated the same pay telephone stations on April 14, 1999. Although Train-Tel reported that all violations had been corrected, the table provided as Attachment A (page 5) depicts the apparent rule violations discovered in the first inspection that were still present in the reevaluation.

Based on the showings of the reevaluations that the pay telephone stations exhibited the same apparent violations, Order No. PSC-99-1579-SC-TC was issued on August 11, 1999, requiring Train-Tel to show cause why it should not be fined \$1,400 or have its certificate canceled, for apparent violation of Rule 25-24.515, Florida Administrative Code.

In addition, staff determined that Train-Tel had not submitted its regulatory assessment fees for 1998. Therefore, on September 22, 1999, Amendatory Order No. PSC-99-1579A-SC-TC was issued requiring Train-Tel to show cause why it should not be fined \$500 for failure to comply with Rule 25-4.0161, Florida Administrative Code.

After issuance of the Order, Train-Tel contacted staff to discuss the method for settlement of this case. Train-Tel was able to provide information related to two apparent violations concerning the routing of 0- calls. Upon review of the information provided by Train-Tel, it was determined that Train-Tel was routing these calls to an authorized carrier. Therefore, staff revised its assessment and notified the company of the revision. On November 26, 1999, Train-Tel submitted its offer to settle provided as Attachment B, (Page 6). In its settlement offer, Train-Tel agreed to do the following:

- Train-Tel will voluntarily pay \$1,000 to the General Revenue Fund.
- Train-Tel will conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules.
- Train-Tel will contact staff upon notice of violation in order to clarify any discrepancies.
- Train-Tel will file all regulatory assessment fees in a timely manner.

Staff supports Train-Tel's offer to conduct a thorough inspection of all its pay telephones to ensure compliance with

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Commission rules. By initiating this action Train-Tel has created a proactive approach to compliance rather than a reactive response to staff's inquiries. Staff also supports Train-Tel's proposal to contact staff in order to clarify any discrepancies. Staff believes this will prevent any misunderstandings in reporting that violations have been corrected.

Moreover, the company has been cooperative in resolving all apparent violations. 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, and we support the voluntary contribution to the General Revenue Fund.

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 \$1,000 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 Commission Order, the company's certificate should be canceled administratively, and this docket should be closed. (Fordham)

STAFF ANALYSIS: This docket should remain open pending the remittance of the \$1,000 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 company's certificate should be canceled administratively, and this docket should be closed.

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ATTACHMENT A

Pay Telephone Station Number	25-24.515(9) (a)		25-24.515(10)
	Correct Address of Location Not Listed	Legible/Correct Telephone Number Not Posted	Access to all IXC's Not Available
904-378-9778	X	X	X
904-378-9762	X	X	X

The Train-Tel Company

Innovative Communication Services

Telephone (727) 347-4903
Fax (727) 347-8512
5709 1st Avenue South
St. Petersburg, Florida 33707

November 26, 1999

Public Service Commission
Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

RE: Docket number 990783

The Train-Tel Company, without admission of liability or wrong-doing, settle proposed payphone violation under rule 25-24.515 for \$900.00 (nine hundred dollars) and settle proposed regulatory assessment fee violation under rule 25-4.0161 for \$100.00 (one hundred dollars). This payment is for full and final payment for all claims associated with the above referenced docket.

The Train-Tel Company promises to inspect all payphones for compliance. We will contact the PSC upon notice of violation to clarify any discrepancies. Furthermore, Train-Tel shall file all regulatory assessment fees in a timely matter.

Please feel free to contact us if you have any questions.

Sincerely,


Sean Trainor