

Clark 17C  
Swafford SA

**FLORIDA PUBLIC SERVICE COMMISSION**

Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

**MEMORANDUM**

**FEBRUARY 18, 1991**

**TO :** DIRECTOR, DIVISION OF RECORDS AND REPORTING *SA*

**FROM :** DIVISION OF COMMUNICATIONS [MOSES] *SA*  
DIVISION OF LEGAL SERVICES [ADAMS] *SA*

**RE :** DOCKET NO.: 910147-TC INITIATION OF SHOW CAUSE  
PROCEEDINGS AGAINST U.S. COMMUNICATIONS FOR VIOLATION OF  
RULE 25-24.515(6), F.A.C., ACCESS TO INTEREXCHANGE  
CARRIERS.

**AGENDA:** PLACE ON MARCH 5, 1991 AGENDA- CONTROVERSIAL PARTIES MAY  
PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**CASE BACKGROUND**

U.S. Communications has been a certificated pay telephone provider since November 15, 1989. On December 15, 1989 a random service evaluation was conducted by staff on one of its pay phones (813/782-7526) which was found to be in apparent violation of Rule 25-24.515(6) regarding accessing long distance carriers. A letter was sent on January 22, 1990 notifying the company of the apparent violation. The response from U.S. Communications was received on February 6, 1990 stating that the pay phone had full access to all available IXC carriers. In addition, U.S. Communications reflected that they purchased Century Systems which previously owned the pay phone in question. On January 31, 1991 a follow-up evaluation was conducted by staff and found that the pay phone was still in apparent violation because access to all locally available interexchange companies was not available.

DOCUMENT NUMBER-DATE  
01749 FEB 21 1991  
FPC-RECORDS/REPORTING

## DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission require U.S. Communications to show-cause why it should not be fined \$1,000 for violation of Rule 25-24.515 providing access to all available interexchange carriers?

**RECOMMENDATION:** Yes, the Commission should require U.S. Communications to show cause why it should not be fined \$1,000 for violation of Rule 25-24.515.

**STAFF ANALYSIS:** U.S. Communications operates 1650 pay telephones in the State of Florida with a gross revenue of \$114,984.00 for 1989. The annual report has not been filed with the Commission staff for 1990; therefore, the latest statistics for this company is the 1989 annual report. Commission staff conducted a random evaluation of one of its pay phones (813/782-7526) on December 15, 1989 (see attachment I for results) and found the pay phone to be in apparent violation of Rule 25-24.515(6) which states:

"Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies."

A letter notifying the company of the apparent violation was sent January 22, 1990 (Attachment II). The company responded with a letter received February 6, 1990 stating "there is now access to all IEC" (Attachment III). Upon reevaluating the pay phone on January 31, 1991 (Attachment IV) the staff found that the violation has not been corrected. Therefore, the staff recommends U.S. Communications, Inc. should be required to show cause why it should not be fined \$1,000. Staff believes this fine amount is appropriate in view of the length of time this violation has existed. The recommended fine is also consistent with the uniform fine methodology (Attachment V).

**ISSUE 2:** Should the Commission require U.S. Communications to show cause why they should not be fined an additional \$1,000 for misrepresenting information to the Commission?

**RECOMMENDATION:** Yes, the Commission should require U.S. Communications to show cause why they should not be fined an additional \$1,000 for misrepresenting information to the Commission?

**STAFF ANALYSIS:** U.S. Communications appears to have misrepresented their service repair of their pay phone (813/7882-7526). Attachment III states "there is now access to all IEC." When the second evaluation was completed (attachment IV), the apparent violation had not been corrected. The staff believes that U.S. Communications misrepresented the repair of this pay phone. Therefore, staff recommends that the company should show cause why an additional \$1,000 fine should not be imposed for misrepresenting compliance.

**ISSUE 3:** Should the Commission require U.S. Communications to verify all of their pay phones for compliance with Rule 25-24.515(6) regarding equal access of interexchange carriers?

**RECOMMENDATION:** Yes, the Commission should require U.S. Communications to verify all of their pay phones for compliance with Rule 25-24.515(6) regarding equal access of interexchange carriers.

**STAFF ANALYSIS:** Staff believes it is appropriate in view of the apparent lack of compliance frc: at least one pay telephone, for the company to certify to the commission that all of its instruments are in compliance with commission rules.

**ISSUE 4:** Should this docket remain open?

**RECOMMENDATION:** Yes, this docket should remain open pending the resolution of the show cause issues.

**STAFF ANALYSIS:** This docket should remain open pending U.S. Communications' response to the show cause order.

State of Florida



Commissioners:  
MICHAEL McK. WILSON, CHAIRMAN  
THOMAS M. BEARD  
BETTY EASLEY  
GERALD L. (JERRY) GUNTER  
JOHN T. HERNDON

DIVISION OF COMMUNICATIONS  
DIRECTOR, WALTER D'HAESELEEF  
(904) 488-1280

# Public Service Commission

January 22, 1990

Century Systems, Inc.  
ATTN: Mr. Frederic Goodman  
2901 Sterling Road, Suite 306  
Ft. Lauderdale Beach, Florida 33312

Dear Mr. Goodman:

Under the terms of your certificate to provide pay telephone service (PATS) in the State of Florida, you are subject to the Commission's Rules and Service Standards. Accordingly staff engineers conduct periodic evaluations to assure compliance by both Independent and Local Exchange Company PATS providers.

Attached is a listing of your PATS locations that were recently evaluated. Each evaluation reflects the service items checked with satisfactory or unsatisfactory results indicated. If the service item is in violation of the physically handicapped rule, please respond to this violation by stating the phone number, installation date, and the corrective action taken. In addition to the handicapped format, please respond to the remaining unsatisfactory items as follows:

PHONE NUMBER	VIOLATION ITEM NUMBER	RESPONSE
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If there are no unsatisfactory items, no response is necessary. However, please respond to us in writing by February 6, 1990, confirming that all unsatisfactory items have been corrected on the phones which we evaluated, as well as any other phones you own with the same violation within the State of Florida. If you fail to take proper action, we have no alternative but to suspend or discontinue that service for violation of the terms and conditions under which the authority was originally granted; violation of Commission rules or orders; or, violation of Florida Statutes, in accordance with Commission Rule 25-24.514.

Feel free to call me if you have any questions.

Sincerely,  
*Don E. Robertson*  
Don E. Robertson  
Utility System/Comm. Engineer  
Bureau of Service Evaluation

DER/emd  
Atch: Station Evaluation Results (2)



ATT: Don Robertson  
POLL'ED



ATCH: OF

NON-LEC PATS  
STATION EVALUATION RESULTS

TELEPHONE NO: 7827526  
4127 GALL BLVD.  
ADDRESS: ZEPHYRHILLS FL  
34248  
NAME OF PATS PROVIDERS: CENTURY SYSTEMS INC.

DATE EVALUATED: DEC. 15, 1989  
EVALUATED BY: E. FUCHS

NO.	SERVICE ITEMS EVALUATED	SAT	UNSAT	NA
1.	The telephone was in service (can originate and receive calls).	..	X	..
2.	The station was accessible to the physically handicapped.	..	X	..
3.	Wiring was properly terminated and in good condition.	X	..	..
4.	The instrument was clean and free of trash.	X	..	..
5.	Enclosure was adequate and free of trash.	X	..	..
6.	All glass was clean and not cracked, chipped or broken.	X	..	..
7.	There was sufficient light at night to read the station instructions and use the instrument.	X	..	..
8.	The telephone number plate was displayed.	X	..	..
9.	The address of the location was displayed.	..	X	..
10.	The name or logo of your company was displayed.	X	..	..
11.	A statement was displayed disclaiming Local Telephone Company responsibility.	..	X	..
12.	Clear dialing instructions were displayed.	X	..	..
13.	A statement of services not available (toll-only, local-only) was displayed.	X	..	..
14.	Your free telephone number for repairs-refunds was displayed.	X	..	..
15.	The posted number for refunds-repairs was dialed and verified.	X	..	..
16.	There was coin-free service to your repair-refunds service.	X	..	..
17.	The address of the party responsible for repairs-refunds was displayed.	X	..	..
18.	Instructions for obtaining refunds-repairs was displayed.	X	..	..
19.	A current directory was available.	..	X	..
20.	The station instrument was hearing aid compatible.	X	..	..
21.	The automatic coin-return function operated properly.	X	..	..
22.	Bell rings and can be heard.	..	X	..
23.	Incoming calls could be received.	..	X	..
24.	There was coin-free service to the local operator.	..	X	..
25.	There was coin-free service to local Directory Assistance.	X	..	..
26.	Access to all available interexchange carriers was available.	..	X	..
27.	There was coin-free service to 911 or the local operator.	X	..	..
28.	The 911 center could verify the street address of the station.	X	..	..
29.	Extended Area Service and Local calls are not more than 25/.	X	..	..
30.	Transmission was adequately strong and free of noise.	X	..	..
31.	Complies with Toll rate cap - coin AT&T + \$1.00.	X	..	..
32.	Complies with toll rate cap - operator AT&T + \$1.00.	..	..	X

REMARKS: 0- GOES TO ANNEX  
10288+0 GOES TO NOT A VALID NUMBER.  
NO ACCESS TO 3' SQ PAD.  
WRONG ADDRESS. (1110 301 SOUTH).



*Don*

**U.S. COMMUNICATIONS OF WESTCHESTER, INC.**

15 NORTH BROADWAY, WHITE PLAINS, N.Y. 10601  
TELEPHONE (914) 840-4999  
FAX (914) 840-5094



February 5, 1990

Mr. Don E. Robertson  
Utility System/Communication Engineer  
Bureau of Service Evaluation  
Public Service Commission  
Fletcher Building  
101 East Gaines Street  
Tallahassee, FL 32399-0865

Dear Mr. Robertson:

With respect to your letter dated January 22, copy enclosed, I am writing to inform you that each of the specified violations has been rectified as of the date of this communication. In particular:

PHONE NUMBER	VIOLATION ITEM NUMBER	RESPONSE
782-7526	1	Telephone is completely operational.
	2	Station reinstalled to be handicap accessible.
	9	Address now displayed.
	11	Owner (USC) now plainly visible.
	19	Current directory now available.
	22	Audible incoming bell now exists.
	24	Coin-free service to the local operator established.
985-1710	26	There is now access to all IEC.
	6	Current directory has been installed.

I would like to point out that these phones were part of a route owned by Century Systems, Inc., a company which U.S. Communications has recently purchased. The violations which you cite were pre-existing problems and we are currently in the process of "swapping" their equipment.

I trust that this information is sufficient. Should you have any further questions, please feel free to contact me.

Sincerely,

*Howard M. Field*

Howard M. Field  
National Director of Operations

HF/jmb

encl.

NON-LEC PATS  
STATION EVALUATION RESULTS

TELEPHONE NO: 813  
7827526  
4127 Call Blvd  
ADDRESS: Zephyr Hills, FL  
33541

EVALUATION DATE: Jan. 31, 1991  
EVALUATOR NAME: D. Robertson

NAME OF PATS PROVIDERS: US Communications of Westchester

NO.	SERVICE ITEMS EVALUATED	SAT	UNSAT	NA
1.	The telephone was in service (can originate and receive calls).	X	.	.
2.	The station was accessible to the physically handicapped.	X	.	.
3.	The telephone number plate was displayed.	X	.	.
4.	The address of the party responsible for repairs-refunds was displayed.	X	.	.
5.	Instructions for obtaining refunds-repairs was displayed.	X	.	.
6.	A current directory was available.	X	.	.
7.	Extended Area Service and Local calls are not more than 25/.	X	.	.
8.	Wiring was properly terminated and in good condition.	X	.	.
9.	The address of the location was displayed.	X	.	.
10.	The instrument was clean and free of trash.	X	.	.
11.	Enclosure was adequate and free of trash.	X	.	.
12.	All glass was clean and not cracked, chipped or broken.	X	.	.
13.	There was sufficient light at night to read the station instructions and use the instrument.	X	.	.
14.	The name or logo of your company was displayed.	X	.	.
15.	A statement was displayed disclaiming Local Telephone Company responsibility.	.	X	.
16.	Clear dialing instructions were displayed.	X	.	.
17.	A statement of services not available (toll-only, local-only) was displayed.	X	.	.
18.	Your free telephone number for repairs-refunds was displayed.	X	.	.
19.	The posted number for refunds-repairs was dialed and verified.	X	.	.
20.	There was coin-free service to your repair-refunds service.	X	.	.
21.	The station instrument was hearing aid compatible.	X	.	.
22.	The automatic coin-return function operated properly.	X	.	.
23.	Bell rings and can be heard.	X	.	.
24.	Incoming calls could be received.	X	.	.
25.	There was coin-free service to the local operator.	.	X	.
26.	There was coin-free service to local Directory Assistance.	X	.	.
27.	Access to all available interexchange carriers was available.	.	X	.
28.	There was coin-free service to 911 or the local operator.	X	.	.
29.	The 911 center could verify the street address of the station.	X	.	.
30.	Transmission was adequately strong and free of noise.	X	.	.
31.	Complies with Toll rate cap - coin AT&T + \$1.00.	X	.	.
32.	Complies with toll rate cap - operator AT&T + \$1.00.	.	.	X

REMARKS: 0- goes to menu \*0 for emergency, 1 for collect, 3 for assistance(GTF Opr)  
102880 not valid.



ENTER GROSS REVENUE OF COMPANY: \$114,984.00

CATEGORY OF VIOLATION	BASE POINTS	LENGTH OF VIOLATION (0-3 PTS.)	MAGNITUDE VIOLATION (0-3 PTS)	SUM OF PREVIOUS POINTS	NO BASE EXCUSE (1 PT)	UNRESPONSIVE (2 PTS)	CONFLICTING OR MISLEADING INFO (3 PTS)	TOTAL POINTS
SAFETY	4							
SERVICE	3	3	3				3	9
JURIS/CERT	2							
ECPM/RATE	2							
ADMIN/ COMM REP	1							
ACTG/ REC KPG	1							

GRAND TOTAL PTS: 9

FINE AMOUNT: \$1,034.86

State of Florida

Commissioners:  
THOMAS M. BEARD, CHAIRMAN  
GERALD L. GUNTER  
MICHAEL WILSON  
BETTY BASLEY  
J. TERRY DEASON



STEVE TRIBBLE, Director  
Division of Records and Reporting  
(904) 488-8371

## Public Service Commission

2-22-91

TO: All Interested Persons  
FROM: Steve Tribble, Director of Records and Reporting  
RE: Agenda Conference March 5, 1991

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Attached is an excerpt of the Agenda for the Commission's regular conference, which is scheduled to begin at 9:30 a.m. on the date referenced above in Room 106 of the Fletcher Building, 101 East Gaines Street, Tallahassee. The attached excerpt summarizes the issues to be decided in a docket in which you have expressed an interest. As a party of record or interested person in this docket, you may wish to obtain a copy of the Commission staff's recommendation. You may do so by calling the Records Section of this office at (904) 488-8371.

Also, as a party of record or interested person, you may wish to attend the conference and address the Commission regarding the docket. If this is your intent, you will need to sign the appearance register under the appropriate agenda item when you arrive. The register is located on a table at the back of the hearing room near the double doors.

The Chairman will announce each item as it is taken up and ask for your comments at the appropriate time. Any comments you wish to make should be limited to approximately five minutes.

If you have any questions regarding this information, please feel free to call me.

ST:ds  
Attachment

PSC/RAR 34 (Rev 1/91)