

SWAFFORD *[Signature]*

CLERK *[Signature]*

FLORIDA PUBLIC SERVICE COMMISSION
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399

M E M O R A N D U M

July 5, 1991

TO : DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (AUSTIN) *[Signature]*
DIVISION OF LEGAL SERVICES (ADAMS) *[Signature]*

RE : DOCKET NO. 910663-TC - INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST COMTEL OF JACKSONVILLE FOR
VIOLATION OF COMMISSION RULES

AGENDA : PLACE ON JULY 30, 1991 - CONTROVERSIAL - PARTIES
MAY PARTICIPATE

PANEL : FULL COMMISSION

CASE BACKGROUND

Comtel of Jacksonville, Inc. (Comtel) has been a certificated pay telephone provider since February 28, 1990. Comtel currently operates approximately 121 pay phones in Florida. On April 19, 1991 a complaint was filed against Comtel with the Division of Consumer Affairs (Consumer Affairs) regarding the inability to obtain a refund for a pay phone operated by Comtel. Also, service evaluations were performed on six pay phones operated by Comtel on April 12, 1991, and a notice to respond regarding the corrective action was sent to Comtel on April 23, 1991.

Additionally on May 1, 1991, another complaint was filed against Comtel with Consumer Affairs regarding the inability to reach an AT&T operator from one of Comtel's pay phones.

Comtel has not responded to the complaints filed with Consumer Affairs, nor to the service evaluation notices.

DOCUMENT NUMBER-DATE

07145 JUL 15 1991

FPSC-RECORDS/REPORTING

Docket No. 910663-TC
July 5, 1991 (DRAFT)

ISSUE 1: Should the Commission require Comtel of Jacksonville, Inc. to show cause why it should not be canceled and/or fined for violation of Rule 25-24.515(2), Rule 25-24.515(4), Rule 25-24.515(5), Rule 25-24.515(6), and Rule 25-4.043 F.A.C Rules?

RECOMMENDATION: Yes, the Commission should require Comtel of Jacksonville, Inc. to show cause why it should not be canceled and/or fined for violation of Rule 25-24.515(2), Rule 25-24.515(4), Rule 25-24.515(5), Rule 25-24.515(6), and Rule 25-4.043 F.A.C Rules.

STAFF ANALYSIS: On April 19, 1991, a complaint was filed against Comtel with Consumer Affairs (Attachment A). The complainant indicated that he lost \$.25 in a pay telephone operated by Comtel when he reached a recording and was not able to obtain a refund because the dialing instructions were invalid. The inability of the customer to receive a refund in addition to being charged for an incomplete call is a violation of Rule 25.24.515(2) and Rule 25-24.515(4) F.A.C. which state:

- Rule 25-24.515(2) Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.
- Rule 25-24.515(4) Each telephone station shall, without charge, permit access to local directory assistance and the telephone number of any person responsible for repairs or refunds but may provide access by coin return....

Consumer Affairs requested a response to the complaint by May 7, 1991. A response was not received, so staff left a message for Mr. Ron Dicara (Mr. Dicara), Vice President of Comtel, on May 15, 1991. Staff has not received a response from Mr. Dicara or any other representative of Comtel regarding the complaint.

Secondly, on April 23, 1991, the Division of Communications (Communications) sent a notice to Mr. Dicara indicating that service evaluations had been performed on six pay phones operated by Comtel (Attachment B). The letter requested corrective action and a response within fifteen (15) calendar days. However, a response was not received and a certified letter dated May 15, 1991 was sent to Comtel; no response has been received.

Docket No. 910663-TC
July 5, 1991 (DRAFT)

The service evaluation indicated that all six pay telephones were blocking access to at least one long distance carrier. This is a violation of Rule 25-24.515(6) which states:

Rule 25-24.515(6) Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

Comtel, however, indicated in its original pay telephone applications that it would allow equal access to all long distance carriers (Attachment C).

The service evaluation also revealed that on four out of the six pay phones evaluated instructions for obtaining refunds/repairs was not displayed. This is a violation of Rule 25-24.515(5) which is stated below.

Also, the service evaluation indicated that on three of the pay phones the telephone number plate was not displayed. This is a violation of Rule 25-24.515(5) which states:

Rule 25-24.515(5) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: telephone number and location address of such station, name or recognizable logo of the owner and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and, where applicable, a statement that the phone is not maintained by the local exchange company.

Lastly, On May 1, 1991, a complaint was filed against Comtel with Consumer Affairs regarding the inability of the customer to access the AT&T operator (Attachment D). Consumer Affairs requested a response to the complaint by May 17, 1991; however, a response was not received. Staff left a message for Mr. Dicara on May 20, 1991 and sent a certified letter on May 22, but a response to the complaint has not been received.

Failure to respond to the complaints as well as the notices regarding service evaluations, is a violation of Rule 25-4.043 which states:

Docket No. 910663-TC
July 5, 1991 (DRAFT)

Rule 25-4.043 Response to Commission staff Inquiries. The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Mr. Bassam Haje, President of Comtel signed and dated the "applicant acknowledgement card" indicating that he was in receipt and understood all the rules and requirements regarding pay telephone service in Florida.

Given the disregard for Rules demonstrated by Comtel and based upon the lack of action taken by Comtel to respond to service evaluation notices and complaints, staff recommends that the Commission should require Comtel to show cause why it should not have its certificate canceled and/or fined.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If Issue 1 is approved, this docket should remain open.

STAFF ANALYSIS: If Issue 1 is approved, this docket should remain open pending the resolution of the show cause order. If Comtel of Jacksonville fails to respond to the show cause Order, Certificate Number 2434 issued to Comtel of Jacksonville, should be administratively canceled and the docket closed.

ATTACHMENT A

Name HEATH, ROBERT
 Address 3075 MARTIN STREET
ORLANDO 32806 OSC
 City/Zip County
 Account Number _____
 Has consumer contacted company? Yes No Who _____

Company _____
RON DICARA
 Attn _____
 Consumer's Telephone # (407)-847-3695
 Can Be Reached (407)-851-3755

By _____
 To CO Time mail Date 04/22/91
 Complaint Type ps-05
 Note _____
 Justification _____
 Closed By _____ Date _____
 Reply Received _____

1. Nature of Request 2. Report of Action

LOCATION: Kissimmee - Emmet Street

Lost a quarter in phone. Tried to call out of the area, recording came on saying have to dial 1 & then quarter wasn't refunded. Wants quarter. Too, couldn't reach company to report - no number.

I left message for Mr. Dicara, Comtel, to call me concerning report for above. 5-15-91

I called for Mr. Dicara & reached Peggy, who identified herself as the answering service. She said she would ask Mr. Heath to call me tomorrow. 6-4-91.

CONSUMER REQUEST

FLORIDA

PUBLIC

SERVICE

COMMISSION



101 EAST GAINES STREET
 TALLAHASSEE, FLORIDA 32399

PLEASE RETURN THIS FORM
 WITH REPORT OF ACTION TO:

Stella Maloy

05/07/91

BY: _____

State of Florida

Commissioners:
 THOMAS M. BEARD, CHAIRMAN
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. (JERRY) GUNTER
 MICHAEL WILSON



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

Public Service Commission

April 23, 1991

File: TE178.1(91)

Comtel of Jacksonville
 ATTN: Don Dicara
 10230 Atlantic Blvd., # 21
 Jacksonville, FL 32225

Dear Mr. Dicara:

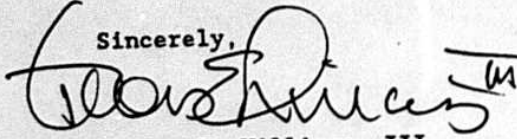
Service evaluations have been completed on the pay phones listed below. Violation items are referenced on the attached Violation Summary form (page 4). Please provide an explanation of the action taken to correct any violation(s) within 15 calendar days on the Service Violation Correction form (page 3). The Service Violation Correction form must be signed and returned with this letter to the Commission staff.

Date of Evaluation: April 12, 1991

PHONE NUMBER	ADDRESS	VIOLATION
407/880-2845	604 E. Main St. Apopka, FL 32301	Item 2,3,5,6,19,27
407/880-2848	" "	Item 4,5,6,19,27
407/880-2071	" "	Item 4,5,6,19,27
407/880-2881	" "	Item 4,5,6,19,27
407/788-1512	915 Sand Lake Rd. Altamonte Springs	Item 3,4,19,27
407/788-0957	1158 W. SR 436 Altamonte Springs	Item 3,4,19,27

Comtel of Jacksonville
April 23, 1991
Page two

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas E. Williams, III". The signature is written in dark ink and is positioned above the typed name.

Thomas E. Williams, III
Engineer
Bureau of Service Evaluation

attachments
TEW/tew

Signed: _____

File #TE178.1(91)

Date: _____

PHONE NUMBER

CORRECTIVE ACTION

PHONE NUMBER	CORRECTIVE ACTION
407/880-2845	
407/880-2848	
407/880-2071	
407/880-2881	
407/788-1512	
407/788-0957	

ITEM NUMBER

EXPLANATION

- 1 Telephone was not in service
- 2 Telephone was not accessible by the physically handicapped
- 3 The telephone number plate was not displayed
- 4 Address of the party responsible for repairs/refunds was not displayed
- 5 Instructions for obtaining refunds/repairs was not displayed
- 6 Current directory was not available
- 7 Extended Area Service and Local calls more than \$0.25
- 8 Wiring was not properly terminated or in poor condition
- 9 Address of payphone location was not displayed
- 10 Instrument was not reasonably clean
- 11 Enclosure was not adequate and free of trash
- 12 Glass was chipped or broken
- 13 There was not sufficient light to read instructions at night
- 14 Name or logo of company not displayed
- 15 Statement disclaiming Local Telephone Company responsibility was not displayed
- 16 Dialing instructions were not displayed
- 17 Statement of services was not available
- 18 Coin free number for repairs/refunds was not displayed
- 19 Posted number for repairs/refunds did not work
- 20 There was no coin-free service for repairs/refunds
- 21 Telephone was not hearing aid compatible
- 22 Automatic coin return function did not operate properly
- 23 Bell did not ring or could not be heard
- 24 Incoming calls could not be received
- 25 Coin free service to local operator did not work
- 26 Coin free service to local Directory Assistance did not work
- 27 Access to all available interexchange carriers did not work
- 28 Coin free service to 911 did not work
- 29 911 center could not verify street address of the payphone
- 30 Transmission was not free of interference and noise
- 31 Does not comply with Toll rate cap - coin AT&T + \$1.00
- 32 Does not comply with Toll rate cap - operator AT&T + \$1.00

Commissioners:
 THOMAS M. BEARD, CHAIRMAN
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. (JERRY) GUNTER
 MICHAEL WILSON



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

Public Service Commission

May 15, 1991

File Number
 TE178.1(91)

CERTIFIED LETTER

COMTEL OF JACKSONVILLE
 10230 ATLANTIC BLVD., #21
 JACKSONVILLE, FL 32225

Dear Mr. Dicara:

The Commission staff has not received your response to the previous letter concerning the violations listed below. For your convenience, you may complete this letter as your response.

Please provide an explanation of the action taken to correct any violation(s) within 15 calendar days on the Service Violation Correction form. The Service Violation Correction form must be signed and returned with this letter to the Commission staff. We suggest you verify that all pay phones you own that have these same violations are corrected.

NUMBER	ADDRESS	CITY	EVAL DATE	VIOLATION ITEMS
4078802845	604 E. MAIN ST.	APOPKA	04/12/91	2 3 5 6 19 27
4077881512	915 SAND LAKE RD.	ALTAMONTE SPRINGS	04/12/91	3 4 19 27
4078802881	604 E. MAIN ST.	APOPKA	04/12/91	4 5 6 19 27
4078802071	604 E. MAIN ST.	APOPKA	04/12/91	4 5 6 19 27
4078802848	604 E. MAIN ST.	APOPKA	04/12/91	4 5 6 19 27
4077880957	1158 W. SR 436	ALTAMONTE SPRINGS	04/12/91	3 4 19 27

If you have any questions, please contact me at 904/488-1280.

Sincerely,

Rick Moses
 Eng. Supv.
 Bureau of Service Evaluation

May 15, 1991

TE178.1(91)

SIGNED: _____

DATE: _____

NUMBER CORRECTION

4078802845

4077881512

4078802881

4078802071

4078802848

4077880957

-11-

VIOLATION ITEM SUMMARY

ITEM NUMBER	EXPLANATION
1	Telephone was not in service
2	Telephone was not accessible by the physically handicapped
3	The telephone number plate was not displayed
4	Address of the party responsible for repairs/refunds was not displayed
5	Instructions for obtaining refunds/repairs was not displayed
6	Current directory was not available
7	Extended Area Service and Local calls were more than \$.25
8	Wiring was not properly terminated or in poor condition
9	Address of payphone location was not displayed
10	Instrument was not reasonable clean
11	Enclosure was not adequate and free of trash
12	Glass was chipped or broken
13	There was not sufficient light to read instructions at night
14	Name or logo of company was not displayed
15	Statement disclaiming Local Telephone Company responsibility was not displayed
16	Dialing instructions were not displayed
17	Statement of services was not available
18	Coin free number for repairs/refunds did not work
19	Posted number for repairs/refunds did not work
20	There was no coin-free service for repairs/refunds
21	Telephone was not hearing aid compatible
22	Automatic coin return function did not work properly
23	Bell did not ring or could not be heard
24	Incoming calls could not be received
25	Coin free service to local operator did not work
26	Coin free service to local Directory Assistance did not work
27	Access to all available interexchange carriers did not work
28	Coin free service to 911 did not work
29	911 center could not verify street address of the payphone
30	Transmission was not free of interference and noise
31	Does not comply with Toll rate cap - coin AT&T + \$1.00
32	Does not comply with Toll rate cap - operator AT&T + \$1.00

-12-

Name THOMAS, DOUG
 Address 1916 LAKE ATRIUMS CIRICLE APT 43
 City/Zip ORLANDO 32809-5321 ORN County
 Account Number _____

Company COMTEL OF JACKSONVILLE
 Attn. RON DICARA
 Consumer's Telephone # (407)-851-3684
 Can Be Reached _____

Request No. 51301P
 By MHR Time 1:00 PM Date 05/1
 To CO Time mail Date 05/1
 Complaint Type ps-05

Has consumer contacted company? Yes No Who _____

1. Nature of Request 2. Report of Action

Regarding pay phone at 4401 S Orange Blossom Trail, Orlando phone number 407-648-0775. When he tries to dial AT&T access code he gets a rapid busy signal. Called repair service and got a recording saying number not in service.

Please check phone and reply by the due date.

Called company 5/20 and left message for Mr. Dicara to return my call.

No response received. Requested response by certified letter 5/22.

Justification _____
 Closed By _____ Date _____ /
 Reply Received _____

CONSUMER REQUEST

FLORIDA

PUBLIC

SERVICE

COMMISSION



101 EAST GAINES STREET
 TALLAHASSEE, FLORIDA 32399

PLEASE RETURN THIS FORM
 WITH REPORT OF ACTION TO:

Margaret Ring

BY: 05/17/91 6/2/91 6/4

<p>SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.</p> <p>Put address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge) 2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to:</p> <p>Ron Dicara Comtel of Jacksonville 10230 Atlantic Blvd, #21 Jacksonville, FL 32225</p>	<p>4. Article Number</p> <p>P483-994-683</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee</p>
<p>5. Signature - Address</p> <p>X</p>	<p>DATE DELIVERED</p> <p>MAY 28 1991</p> <p>CONSUMER AFFAIRS</p>
<p>6. Signature - Agent</p> <p>X <i>Rose Dealee</i></p>	
<p>7. Date of Delivery</p> <p>5/23/91</p>	
<p>PS Form 3811, Mar. 1988 U.S.G.P.O. 1988-212-500 DOMESTIC RETURN RECEIPT</p>	

May 22, 1991

Mr. Ron Dicara
Comtel of Jacksonville
10230 Atlantic Blvd., #21
Jacksonville, Florida 32225

Dear Mr. Dicara:

Attached is a copy of a complaint filed against Comtel. The complaint was mailed to Comtel on May 2, and a response was due to the Public Service Commission on May 17.

When no response was received, I called your office and left a message for a return call. No response has been made to my call.

Public Service Commission rules require that companies respond to complaints and PSC staff inquiries within 15 days. I'd appreciate your checking the phone in question and providing us with a written response to the complaint no later than June 3.

Should we fail to receive a satisfactory answer to the complaint, I'll recommend that the commission take formal action against Comtel. Thank you for giving this matter your prompt attention.

Sincerely,

Margaret H. Ring
Complaint Analyst Supervisor
Division of Consumer Affairs

MHR:kt
Enclosure