

State of Florida

Public Service Commission

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



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RECORDS AND REPORTING

DATE: AUGUST 5, 1999

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

FROM: DIVISION OF LEGAL SERVICES (C.FORDHAM) *ef*
DIVISION OF COMMUNICATIONS (T.E.JOHNSON) *ef* *CB* *m*

RE: DOCKET NO. 990754-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ETS PAYPHONES OF FLORIDA, INC. FOR APPARENT VIOLATION OF RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE

AGENDA: 08/17/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990754.RCM

CASE BACKGROUND

- April 28, 1999 - ETS Payphones of Florida, Inc.'s 1998 regulatory assessment fee return reported 3238 pay phones in operation, but did not report any gross intrastate revenue. Staff has forwarded their return to the Division of Auditing and Financial Analysis for further investigation.
- February 16, 1999 - Staff performed a routine service evaluation on a pay telephone station operated by ETS Payphones of Florida, Inc. and found the apparent violation as presented in Attachment A (Page 5).

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PPSC-RECORDS/REPORTING

- March 31, 1999 - Staff received a Service Violation Correction Form from ETS Payphones of Florida, Inc. signifying that the apparent violation was corrected.
- April 21, 1999 - Staff reevaluated the pay telephone station and found the same apparent violation as presented in Attachment A.
- June 14, 1999 - Staff opened this docket to investigate whether ETS Payphones of Florida, Inc. should be required to show cause why it should not be fined or have its certificate canceled.
- July 20, 1999 - ETS Payphones of Florida, Inc. 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 ETS Payphones of Florida, Inc. (ETS) to resolve the apparent violation 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.
(T.E. JOHNSON)

STAFF ANALYSIS: Staff performed a service evaluation of a pay telephone station on February 16, 1999. Through written correspondence, staff notified ETS of the apparent violation.

Staff performed a reevaluation of the same pay telephone station on April 21, 1999. Although ETS reported that the violation had been corrected, the table provided as Attachment A depicts the apparent rule violation that was a repeat of a violation observed during the initial evaluations.

Based on the showings of the reevaluations that the pay telephone station exhibited the same apparent violation, staff opened this docket to investigate whether ETS should be required to

show cause why it should not be fined \$100 or have its certificate canceled, pursuant to Section 364.285(1), Florida Statutes.

On July 19, 1999, ETS contacted staff to discuss the method for settlement of this case and request a deferral of its item from the July 27, 1999, Agenda Conference. On July 20, 1999, ETS submitted its offer to settle provided as Attachment B. In its settlement offer, ETS agreed to do the following:

- ETS will voluntarily pay \$100 to the General Revenue Fund.
- ETS will conduct an investigation of all its Florida pay telephones to ensure compliance with Commission Rules.
- In the future, ETS will contact staff before returning Service Evaluation Correction Forms, if questions concerning pay phone evaluations arise.

Staff supports ETS' offer to investigate its pay telephones. By performing an investigation, ETS demonstrates a willingness to meet the objectives of the Commission's rules.

Moreover, the company has been very cooperative in resolving all issues. 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.

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 \$100 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 settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket will be closed. (C.FORDHAM)

STAFF ANALYSIS: This docket should remain open pending the remittance of the \$100 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the

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company fails to pay in accordance with the terms of its settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket closed.

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ATTACHMENT A

Pay Telephone Station Number	Rule 25-24.515(15)(a), Florida Administrative Code Telephone Could Not Originate Calls
954-462-0841	X



ETS PAYPHONES, INC. • 561 Thornton Road, Suite K • Lithia Springs, GA 30122 • 770-819-1600 FAX 770-819-1685

7/20/99

Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Attn: Teresa Johnson

RE: Settlement Request

Dear Ms. Johnson:

ETS Payphones of Florida, Inc. would like to pay the settlement fine of One-hundred dollars (\$100.00) for violation of rule 25-24.515 of the Florida Administrative Code, set forth in Docket No. 990754-TC.

ETS intends to conduct an investigation of all of its Florida Payphones to assure compliance with the Florida Public Service Commission. Should questions concerning payphone violations arise, we will call your office for clarity before sending responses.

Thank you for your cooperation and patience with this matter. If you have any questions or concerns please feel free to call me at (770) 819-1600 ext. 358.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Deborah K. Forrester'.

Deborah K. Forrester
Regulatory Liaison