

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 990754-TC
ORDER NO. PSC-99-1758-AS-TC
ISSUED: September 8, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

ETS Payphones of Florida, Inc. (ETS), is a provider of pay telephone service, pursuant to certificate number 4238 granted by Order No. PSC-95-1056-FOF-TC, issued on August 24, 1995. As a result of a violation of Section 25-24.515, Florida Administrative Code, discovered by our staff during two successive evaluations of ETS pay telephone stations, show cause proceedings were initiated.

On July 20, 1999, ETS submitted an offer of settlement, which is attached hereto as Attachment A, and incorporated herein. In its settlement offer, ETS agreed to do the following:

- (1) Immediately correct all violations cited in the staff evaluation reports.
- (2) Pay a fine in the amount of \$100.
- (3) In the event of future notification of violations, contact Commission staff regarding any they do not fully understand.

DOCUMENT NUMBER-DATE

10744 SEP-89

FPSC-RECORDS/REPORTING

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We support the settlement offer proposed by ETS. The company has satisfactorily addressed the issues in this docket. We believe the settlement offer is fair and reasonable, and we hereby accept it. Payment shall be submitted to the Commission within ten business days from the date of this order. We will then forward the funds to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

If ETS fails to make all payments in accordance with the terms of the settlement offer, the company's certificate shall be canceled, with an effective date five days after the scheduled settlement payment was due, and the unpaid monetary settlement will be forwarded to the Comptroller's office for collection.

Based on the forgoing, it is

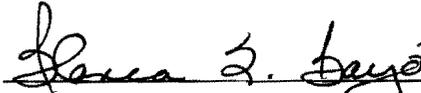
ORDERED by the Florida Public Service Commission that the offer of settlement by ETS Payphones of Florida, Inc., which is appended as Attachment A to this Order and, by reference, is incorporated herein, is hereby approved. It is further

ORDERED that ETS Payphones of Florida, Inc. shall remit \$100, in accordance with the terms of this order. The payment shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the total amount assessed in the agreement, this docket shall be closed administratively. It is further

ORDERED that if ETS Payphones of Florida, Inc. fails to make the payment within ten business days from the date of this order, in accordance with the terms of its settlement offer, Certificate No. 4238 shall be canceled administratively, effective 5 days after that date, and the unpaid monetary settlement will be forwarded to the Comptroller's office for collection, and this docket will be closed.

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By ORDER of the Florida Public Service Commission this 8th
day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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ATTACHMENT A



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