

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Sprint Payphone Services, Inc. for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 990820-TC
ORDER NO. PSC-99-1785-AS-TC
ISSUED: September 13, 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:

Sprint Payphone Services, Inc. (Sprint or company) currently holds Certificate of Public Convenience and Necessity No. 3822, issued by this Commission on September 14, 1994, authorizing the provision of pay telephone service. On January 28, 1999, Sprint filed a 1998 regulatory assessment fee return, reporting gross intrastate revenues of \$6,452,152 and 8266 pay telephones in operation. On February 18, 1999, our staff performed routine service evaluations on several pay telephones operated by Sprint. Through written correspondence, we notified Sprint of an apparent violation. On April 15, 1999, our staff reevaluated the pay telephone stations and found the same apparent violation that was observed during the first evaluation.

On July 20, 1999, Sprint contacted our staff to discuss the method for settlement of the case. By letter dated July 21, 1999, Sprint submitted its offer to settle, provided as Attachment A and incorporated herein by reference. In its offer, Sprint agreed to do the following:

DOCUMENT NUMBER-DATE

10963 SEP 13 99

FPSC RECORDS/REPORTING

ORDER NO. PSC-99-1785-AS-TC
DOCKET NO. 990820-TC
PAGE 2

- Sprint will voluntarily pay \$100 to the General Revenue Fund.
- Sprint will undertake an educational effort within its pay telephone operations to avoid a repeat of this situation.

We accept Sprint's offer to undertake an educational effort to avoid a repeat of this situation. By taking this step, Sprint demonstrates its willingness to meet the objectives of the Commission rules. We believe the settlement offer to be fair and reasonable, and accordingly, do hereby accept it.

The \$100 contribution shall be received by the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. We will then 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.

If Sprint fails to pay the \$100 voluntary contribution in accordance with the terms of the offer of settlement, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket shall be closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement by Sprint Payphone Services, Inc., which is appended as Attachment A and incorporated herein by reference, is hereby approved. It is further

ORDERED that Sprint Payphone Services, Inc. shall remit the \$100 voluntary contribution to the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. This voluntary contribution 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, this docket shall be closed administratively. It is further

ORDER NO. PSC-99-1785-AS-TC
DOCKET NO. 990820-TC
PAGE 3

ORDERED that if Sprint Payphone Services, Inc. fails to pay in accordance with the terms of the offer of settlement, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 13th day of September, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DMC

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

ORDER NO. PSC-99-1785-AS-TC
DOCKET NO. 990820-TC
PAGE 4

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.

ORDER NO. PSC-99-1785-AS-TC
DOCKET NO. 990820-TC
PAGE 5

ATTACHMENT A



July 21, 1999

Charles J. Rehwinkel
General Attorney

PO Box 2214
Tallahassee, FL 32316
Mailstop FTLH00107
Voice 850 847 0244
Fax 850 599 1458

Ms. Elaine Johnson
Division of Communications
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 990820-TC

Dear Ms. Johnson:

Sprint is writing in response to staff's recommendation to issue a show cause for violation of Commission Rule 25-24.515. Sprint's investigation of the matter presented by staff indicates that a mistake was made as a result of the method utilized to communicate the appropriate information to a technician concerning the on site tests to be performed pursuant to the noted violation.

In an effort to resolve this matter without requiring a hearing or further proceedings, Sprint is willing to make a voluntary contribution of \$100.00 to the general fund of the State of Florida. In addition, the Company has already undertaken an educational effort within the payphone operations to avoid a repeat of this situation.

We request favorable consideration of this offer of settlement and urge a favorable recommendation of acceptance to the Commission.

Please call me at 850-847-0244 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles J. Rehwinkel".

Charles J. Rehwinkel
Senior Attorney
Sprint

cc: Harvey Spears
Dave Roseman