

State of Florida

# Public Service Commission

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



## -M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING

08 AUG -5 AM 10:11

RECEIVED-FPSC

**DATE:** AUGUST 5, 1999

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

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

**RE:** DOCKET NO. 990819-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ORLANDO PAYPHONES, 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\990819.RCM

### CASE BACKGROUND

- February 24, 1999 - Staff performed a routine service evaluation on a pay telephone station operated by Orlando Payphones, Inc. and found the apparent violation as presented in Attachment A (Page 5).
- March 22, 1999 - Staff received a Service Violation Correction Form from Orlando Payphones, Inc. signifying that the apparent violation was corrected.
- March 24, 1999 - Orlando Payphones, Inc.'s 1998 regulatory assessment fee return reported gross intrastate revenues of \$6,338.21 and 25 pay telephones in operation.

DOCUMENT NUMBER-DATE

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- April 19, 1999 - Staff reevaluated the pay telephone station and again found the same violation as presented in Attachment A.
- June 24, 1999 - Staff opened this docket to investigate whether Orlando Payphones, Inc. should be required to show cause why it should not be fined or have its certificate canceled.
- July 20, 1999 - Orlando Payphones, 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 Orlando Payphones, Inc. 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 pay the telephone station on February 24, 1999. Through written correspondence, staff notified Orlando Payphones, Inc. of the apparent violation.

Staff performed a reevaluation of the same pay telephone station on April 19, 1999. Although Orlando Payphones, Inc. reported that the violation had been corrected, the table provided as Attachment A depicts the apparent rule violation that was a repeat violation observed during the initial evaluation.

Based on the showings of the reevaluation that the pay telephone station exhibited the same apparent violation, staff opened this docket to investigate whether Orlando Payphones, Inc. should be required to show cause why it should not be fined \$100 or have its certificate canceled, pursuant to Section 364.285, Florida Statutes.

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On July 20, 1999, Orlando Payphones, Inc. 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 22, 1999, Orlando Payphones, Inc. submitted its offer to settle provided as Attachment B. In its settlement offer, Orlando Payphones, Inc. agreed to do the following:

- Orlando Payphones, Inc. will voluntarily pay \$100 to the General Revenue Fund.
- Orlando Payphones, Inc. will conduct an investigation of all its pay phones to ensure they are in compliance with Commission rules.
- Orlando Payphones, Inc. will contact staff before returning a completed Service Violation Correction Form if it is unclear about any violations.

Staff supports Orlando Payphones, Inc.'s conducting an investigation of their pay telephones. By conducting an investigation, Orlando Payphones, Inc. demonstrates its willingness to meet the objectives of the Commission's rules.

Moreover, the company has been 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(3), Florida Administrative Code
	Automatic Coin Return Does Not Function Properly
407-996-9577	X

# ORLANDO PAYPHONES, INC

July 20, 1999

Attention: Elaine Johnson

**RECEIVED**

JUL 23 1999

**CMU**

Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Ms. Johnson:

We received a letter dated March 8, 1999 regarding violations on payphone telephone number (407) 996-9577. You had noted four violations that we immediately corrected and notified you of the corrections on March 18, 1999. You revisited this payphone on April 19, 1999 and advised that the automatic coin return was not functioning with dimes.

We feel that our company is not guilty and our certificate should not be cancelled. Our company takes pride in checking all of our payphones weekly. We should not be held accountable for bent coins and customer abuse.

We have agreed to pay this fine for economical reasons. The trip to Tallahassee and the hiring of an attorney to represent us would be very costly to a small company like ours. We are submitting a settlement offer to staff in the amount of \$100.00 for Docket no. 990819-tc.

When we receive a letter we will call your office if we are unclear about a violation. We will conduct another investigation to assure all our payphones are in compliance with your rules.

Please advise of the disposition of this Docket no. 990819-tc.

Very Truly Yours,

*Joyce Davis Bornack*  
Joyce Davis Bornack

Cc: Angela B. Green

MAIL ROOM  
99 JUL 23 AM 9:12

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