

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Leasorte Enterprises, Inc. for apparent violations of Rule 25-24.515, F.A.C., Pay Telephone Service, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 990886-TC
ORDER NO. PSC-99-1762-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:

Leasorte Enterprises, Inc. (Leasorte or company) currently holds Certificate of Public Convenience and Necessity No. 2746, issued by this Commission on July 2, 1991, authorizing the provision of pay telephone service. On February 18-25, 1999, our staff performed routine service evaluations on several pay telephones operated by Leasorte. On March 8, 1999, we mailed a letter to the address listed in the Master Commission Directory informing Leasorte of the apparent violations found during the evaluations. On March 22, 1999, Leasorte filed a 1998 regulatory assessment fee return, reporting gross intrastate revenues of \$197,623.25 and 238 pay telephones in operation. On March 25, 1999, after not receiving a response to our initial letter, we again mailed a letter to the address listed in the Master Commission Directory, this time certified, informing Leasorte of the apparent violations found during the evaluations. On April 19-23, 1999, our staff reevaluated the pay telephone stations and found the same apparent violations that were observed during the first evaluation. On April 30, 1999, we telephoned the company and

DOCUMENT NUMBER-DATE

10787 SEP-89

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left a message. On May 3, we again telephoned the company and were told by a company representative that they needed a few more days. On May 24, we telephoned the company again and left another message.

On July 21, 1999, Leasorte contacted our staff to discuss the method for settlement of the case. By letter dated July 22, 1999, Leasorte submitted its offer to settle, provided as Attachment A and incorporated herein by reference. In its offer, Leasorte agreed to do the following:

- Leasorte will voluntarily pay \$1500 to the General Revenue Fund for its pay telephone violation.
- Leasorte will conduct an investigation of all its pay telephones to ensure they are in compliance with Commission rules.
- Leasorte will voluntarily pay \$10,000 to the General Revenue Fund for failing to respond to Commission inquiries.
- In the future, Leasorte will contact our staff if it does not fully understand the violations described.

We accept Leasorte's offer to investigate all of its pay telephone stations and to contact our staff if it does not fully understand any violations described. By taking these steps, Leasorte 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 \$11,500 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 Leasorte fails to pay the \$11,500 voluntary contribution in accordance with the terms of the offer of settlement, Certificate No. 2746 shall be canceled.

Based on the foregoing, it is

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

ORDERED that Leasorte Enterprises, Inc. shall remit the \$11,500 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

ORDERED that if Leasorte Enterprises, Inc. fails to pay in accordance with the terms of the offer of settlement, Certificate No. 2746 shall be canceled, and this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 8th 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

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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

11-23-99 11:03A ATTORNEYS-AT-LAW

P.02

Leasorte Enterprises Inc.
20953 Delagado terrace
Boca Raton Fla. 33433

July 20, 1999

Ms. Elaine Johnson
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Fla. 32399-0850

Re. Docket#990886-TC

Dear Ms. Johnson,

We wish to submit an offer of settlement, pursuant to the above captioned docket in the amount of \$1,500.00 (one thousand five hundred dollars) for violation of rule 25-24.515, payphone telephone service and also a settlement amount of \$10,000.00 (ten thousand dollars) for violation of rule 25-4.043 response to commission staff inquiries. We agree to conduct an investigation of our payphones in order to make sure we are in compliance. In the event we receive any future notifications of violations, we agree to contact the appropriate staff should we not fully understand the violations described. thank you

Sincerely,



Victor Bernolima Pres.
Leasorte Enterprises Inc.

Sent via facsimile 850-413-6537
and overnight mail

M E M O R A N D U M

September 7, 1999

RECEIVED-PPSC

SEP-8 AM 10:58

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *PMC CB*

RE: DOCKET NO. 990886-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST LEASORTE ENTERPRISES, INC. FOR APPARENT VIOLATIONS OF RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE, AND RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES.

1762-AS-TC

Attached is an ORDER APPROVING OFFER OF SETTLEMENT, to be issued in the above-referenced docket. (Number of pages in order - 5)

DMC/anc
 Attachment
 cc: Division of Communications
 I: 990886.dmc

ATTACHMENT(S) NOT ON-LINE

*2 marked
KAR*