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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 990783-TC
proceedings against The Train-)	ORDER NO. PSC-99-1579A-SC-TC
Tel Company for apparent)	ISSUED: September 22, 1999
Violation of Rule 25-24.515,)	
and Rule 25-4.0161, F.A.C.,)	
Regulatory Assessment Fees;)	
Telecommunications Companies.)	

THE TRAIN-TEL COMPANY'S RESPONSE TO
SHOW CAUSE ORDER

The Train-Tel Company (hereinafter Train-Tel) is a small payphone service provider with 40 phones in Florida. Train-Tel has been timely in submitting its Regulatory Assessment Fee Forms in the past and feels this entire proceeding is the result of an oversight stemming from an error in a change of address that was submitted to the Public Service Commission. In September of 1998, Train-Tel moved its corporate head quarters from 9887 4th Street North, St. Petersburg to 7038 Central Avenue, St. Petersburg. Consequently, change of address notices were mailed, including one to the PSC. Unfortunately, there was a delay in changing the address and all correspondences from the PSC continued to go to the old address, including all forms and notices relating to this proceeding. It is not clear when the actual change of address took place; however, the error has now been corrected and Train-Tel is receiving timely notices.

RESPONSE TO VIOLATION OF RULE 25-4.0161

Train-Tel does not dispute the fact that it filed its 1998 Regulatory Assessment Fee Form late; however, it does take the position that the delay was the result of not receiving the forms timely due to the address error. As stated above, Train-Tel is a small payphone service provider and was only obligated to pay the fifty-dollar minimum Regulatory Assessment Fee. To impose a fine of \$500.00 for violating Rule 25-4.0161 would be excessive when Train-Tel has filed on time in the past and they did not have timely notice to correct the violation. \$500.00 is a harsh penalty for a first time offense especially for a small company. Train-Tel respectfully requests the Commission to reconsider its vote to impose a \$500.00 fine in this matter.

RESPONSE TO VIOLATION OF RULE 25-24.515

Train-Tel contest the fine imposed for violation of Rule 25-24.515 for the following reasons:

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- PAI _____
- SEC | _____
- WAW _____
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On February 23, 1999 a PSC staff member performed a routine service evaluation on two pay telephones operated by Train-Tel. (904-378-9778 and 904-378-9762 both phones are located at the Days Inn in Jacksonville) Train-Tel conducted an immediate investigation into the matter and corrected all apparent violations at that time. A service violation correction form was sent and received by the PSC on March 30, 1999.

The phones were reevaluated on April 14, 1999, and the following alleged violations were present:

1. Correct address of location not listed
2. Legible/correct telephone number not posted
3. Access to all IXCs not available
4. 0- calls not routed to authorized carrier

(See PSC Memorandum dated July 15, 1999, attachment "A")

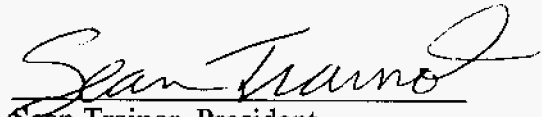
Neither the February 23, 1999, or the April 14, 1999, evaluations indicated specifically what problems were present with the address. It is unclear whether an incorrect address was listed or no address was present. There has been an ongoing problem with the phones being vandalized. The labels on the phones are continuously being peeled off. These labels include the address labels and the phone number labels. This has been an ongoing problem and Train-Tel continues to inspect and replace these labels as required. Vandalism is an expensive and continuous problem for pay phone service providers and Train-Tel is doing everything it can to keep its phones in proper working order and in compliance with PSC regulations.

In response to IXC access, Train-Tel has dispatched repair technicians on several occasions and every time they have been able to access all IXCs tested. Furthermore, the FPTC has performed independent service evaluations on the phones and they also have had no problem accessing all IXCs. Train-Tel would be more than happy to discuss this matter with the PSC staff inspectors to determine what procedures the inspectors are taking in accessing other IXCs. If access is denied, then why is dial around compensation being paid to Train-Tel on these phones? It is possible that the inspector made an error and it is unfair to impose a fine when there are questions of fact that have to be answered.

Train-Tel maintains its position on 0- calls. These calls are being routed to Bell South. If Bell South is not the authorized carrier, then the calls will be routed to the authorized carrier immediately. Train-Tel is looking into this matter to confirm who the authorized carrier should be.

Train-Tel strives to provide its customers with the highest level of service. The PSC has voted to impose a \$1400.00 fine for the above violations. This seems to be an extreme penalty when there are so many questions of fact unanswered. Train-Tel is dedicated to resolve this matter and to prevent this from happening in the future. Train-Tel respectfully requests the Commission to reconsider its vote to impose the \$1400.00 fine in this proceeding.

Thank you for your consideration in this matter. If any additional information or response is required please feel free to contact The Train-Tel Company.

A handwritten signature in cursive script that reads "Sean Trainor". The signature is written in black ink and is positioned above a horizontal line.

Sean Trainor, President
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