

1/23/2008 9:36 AM

Office of Commission Clerk Official Filing

Ruth Nettles

---

**From:** Bruce Renard [brenard@fpta.com]  
**Sent:** Tuesday, January 22, 2008 5:19 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Comments of FPTA

**Attachments:** FPSC Docket 060476 FPTA Comments 01-22-08.doc



FPSC Docket  
76 FPTA Comm

Please see attached comments for filing.

DOCUMENT NUMBER-DATE

00576 JAN 23 8

FPSC-COMMISSION CLERK

Electronic Filing  
Comments of:  
Florida Public Telecommunications Association  
Bruce W. Renard, Executive Director  
9432 Baymeadows Road Ste. 140  
Jacksonville, FL 32256  
(904) 4325-6050  
[brenard@fpta.com](mailto:brenard@fpta.com)

Docket Number 060476-TL

Nine (9) pages total attachment (including this summary page) – cover letter (1);  
comments (4); certificate of service (3).

The comments suggest expedited implementation and modifications to newly proposed  
rate caps.



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Rule 25-24.630(1), Rate )  
And Billing Requirements, and ) Docket No.: 060476-TL  
Rule 25-24.516(1), Pay Telephone )  
Rate Caps )  
\_\_\_\_\_ )**

**COMMENTS OF THE FLORIDA PUBLIC  
TELECOMMUNICATIONS ASSOCIATION, INC.**

The Florida Public Telecommunications Association, Inc. ("FPTA") hereby respectfully submits the following Comments in response to the latest draft Rules 25-24.516 and 25-24.630, FAC, issued in this proceeding:

1. FPTA hereby respectfully submits these Comments on behalf of its members, addressing the current version of the draft rules circulated in this proceeding. Upon review, FPTA finds the current version of the draft rules require modification in several key respects. It is essential that the proposed rules be modified to provide urgently needed rate relief in an expeditious and effective manner.
2. First, the draft rules do not appear to address the critical need for prompt relief by the remaining providers in the public pay telephone industry. FPTA has presented the Commission with ample information in this and other proceedings to establish the dire financial and operating circumstance in which the payphone industry currently finds itself. Moreover, FPTA has shown that in the face of this industry crisis, payphones are still serving a vital public interest role in Florida,

both for our most economically disadvantaged citizens and for all Floridians and visitors to our State in times of emergency or special need. As evidenced by AT&T's recent announcement that it too is leaving the payphone business (following BellSouth's earlier exit), this is an industry that requires immediate economic relief from all available sources if the public is to continue being served by this sector. It was hoped that the Commission would be able to provide timely assistance in this proceeding to bring the current intrastate operator services rates up to reasonable levels that could make a difference in payphone deployment levels. Instead, it has now been over a year and one half since this proceeding was initiated with no rate relief afforded, and the current draft rule does not appear to provide relief that is either timely or adequate. If this proceeding is to have an impact where and when it is most needed, rate relief must be provided on the fastest possible track and designed to become effective just as soon as the rulemaking process will permit.

3. While FPTA supports an automatic annual rate adjustment mechanism based upon a reasonable formula that reflects increases in cost of living components that affect the payphone business (like gas prices), it is an urgent necessity at the outset that new rate caps be established at adequate levels that reflect current marketplace realities and today's high cost of providing public payphone service. Specifically, FPTA would reiterate a starting rate level and structure that meets these requirements, consistent with its initial comments in this proceeding, as follows:

- i. Phase 1: up to \$0.60/mou; up to a \$3.99 carrier surcharge/automated operator; up to a \$5.99 carrier surcharge/live operator; (plus a \$1.00 set use fee for payphones).
- ii. Phase 2: up to \$0.99/mou; up to a \$4.99 carrier surcharge/automated operator; up to a \$7.99 carrier surcharge/live operator; (plus a \$1.00 set use fee for payphones).

4. Simply put, rate caps of materially less than the above amounts will be inadequate, confiscatory and out of touch with the current marketplace realities for either operator or payphone services. Moreover, there has been no information submitted in this proceeding to suggest that these proposed rate levels are either excessive or inadequate. Accordingly, FPTA would urge that the Commission promptly incorporate into its proposed rules newly updated rate caps in line with the above proposal. If the Commission is unable to embrace this approach, then FPTA would as an alternative support elimination of the subject rate caps in their entirety, as proposed by a number of parties in this proceeding. While this is clearly a second best alternative from FPTA's viewpoint, it is a far better option than the proposed approach now embodied in the draft rules.

5. Given the forgoing, the Commission should willingly update the relevant rate caps along the lines suggested above. While no one ever desires to see increased rates to consumers in a competitive market, the alternative here is far worse—namely the accelerating erosion of Florida's pay telephone base. It makes good public policy

sense to provide prompt and adequate rate relief in these circumstances as a means to help keep payphones available for the public's use.

Respectfully submitted this 22<sup>nd</sup> day of January 2008.

**FLORIDA PUBLIC TELECOMMUNICATIONS ASSOCIATION, INC.**

\_\_\_\_\_  
/S/  
By: Bruce W. Renard, Executive Director  
9432 Baymeadows Road, Suite 140  
Jacksonville, Florida 32256  
(904) 425-6050  
brenard@fpta.com

**CERTIFICATE OF SERVICE-Docket No.: 060476-TL**  
**Comments of Florida Public Telecommunications Association, Inc.**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served via Electronic Mail this 22<sup>nd</sup> day of January 2008, on the following persons:

Ms. Beth Salak  
Mr. Rick Moses  
Mr. Ray Kennedy  
Mr. Dale Buys  
Mr. Kiwanis Curry  
Ms. Laura King  
Florida Public Service Commission  
Division of Competitive Markets & Enforcement  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[bsalak@psc.state.fl.us](mailto:bsalak@psc.state.fl.us)  
[rmoses@psc.state.fl.us](mailto:rmoses@psc.state.fl.us)  
[rennedy@psc.state.fl.us](mailto:rennedy@psc.state.fl.us)  
[dbuys@psc.state.fl.us](mailto:dbuys@psc.state.fl.us)  
[kcurry@psc.state.fl.us](mailto:kcurry@psc.state.fl.us)  
[lking@psc.state.fl.us](mailto:lking@psc.state.fl.us)

Mr. Billy Dickens  
Florida Public Service Commission  
Division of Economic Regulation  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[bdickens@psc.state.fl.us](mailto:bdickens@psc.state.fl.us)

Mr. Richard Bellak  
Florida Public Service Commission  
Office of General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[rbellak@psc.state.fl.us](mailto:rbellak@psc.state.fl.us)

**CERTIFICATE OF SERVICE—DOCKET 060476-TL (Contd.)**  
**Comments of Florida Public Telecommunications Association, Inc.**

**Qwest Communications Corporation**

Ms. Cathy Hansen  
1801 California Street, 47th Floor  
Denver, CO 80202-2605  
Phone: (303) 896-0032  
FAX: (303) 896-2726  
Email: [Jeff.Wirtzfeld@qwest.com](mailto:Jeff.Wirtzfeld@qwest.com)

**Abel Law Firm**

Steven H. Denman/William P. Cox  
P.O. Box 49948  
Sarasota, FL 34230-6948  
Phone: 941-366-6660  
FAX: 941-366-3999  
Email: [Sdenman@abelband.com/wcox@abelband.co](mailto:Sdenman@abelband.com/wcox@abelband.co)

**AT&T Florida (07a4)**

E. Edenfield/M. Gurdian  
c/o Mr. Gregory Follensbee  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1561  
Phone: 850-577-5555  
FAX: 222-8640  
Email: [greg.follensbee@att.com](mailto:greg.follensbee@att.com)

**Embarq Florida, Inc.**

Mr. F. B. (Ben) Poag  
(MC FLTLHO0107)  
P. O. Box 2214  
Tallahassee, FL 32316-2214  
Phone: (850) 599-1027  
FAX: 878-0777  
Email: [Ben.Poag@mail.sprint.com](mailto:Ben.Poag@mail.sprint.com)

**Embarq Florida, Inc. (06)**

Susan Masterton  
Mailstop: FLTLHO0102  
1313 Blair Stone Rd.  
Tallahassee, FL 32301  
Phone: 850-599-1560  
FAX: 878-0777  
Email: [susan.masterton@embarq.com](mailto:susan.masterton@embarq.com)

**CERTIFICATE OF SERVICE—DOCKET 060476-TL (Contd.)**  
**Comments of Florida Public Telecommunications Association, Inc.**

**Verizon Florida LLC.**

Mr. David Christian  
106 East College Avenue, Suite 710  
Tallahassee, FL 32301-7721  
Phone: (850) 224-3963  
FAX: 222-2912  
Email: [david.christian@verizon.com](mailto:david.christian@verizon.com)

**Verizon Florida LLC. (GA)**

Dulaney L. O'Roark III  
Six Concourse Parkway, Suite 600  
Atlanta, GA 30328  
Phone: (770) 284-5498  
FAX: (770) 284-5488  
Email: [de.oroark@verizon.com](mailto:de.oroark@verizon.com)

\_\_\_\_\_/S/\_\_\_\_\_  
Bruce W. Renard