

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 961142-TC
Proceedings Against Equity Pay) ORDER NO. PSC-97-0106-AS-TC
Telephone Co., Inc. for) ISSUED: January 27, 1997
Violation of Rule 25-24.510,)
F.A.C., Certificate of Public)
Convenience and Necessity)
Required)
_____)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

On July 2, 1996, our staff completed an evaluation of a pay telephone located at Harvey's Supermarket, 2526 South Monroe Street, Tallahassee, Florida, 904/942-4365, and found it to be in apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service. Upon contacting the provider listed on the telephone, Equity Pay Telephone Co., Inc., (Equity), the staff learned that Equity was not a certificated company and that the telephone was installed under the certificate number of Brooks L. Webb and Tom Marshall d/b/a 5 Sons International, Inc. (5 Sons). The staff contacted 5 Sons on July 3, 1996, requesting that it correct the violations. 5 Sons informed the staff that the telephones were not its telephones, and on August 1, 1996, it requested United Telephone Company of Florida (United) to disconnect the service. As a result, the violations were not corrected. On August 13, 1996, the staff sent a certified letter to Equity, requiring it to explain why staff should not recommend that the company be ordered to show cause why it should not be fined for operating without a certificate.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Equity is owned and operated by Robert T. and Kelly M. Furlong, with offices in Guyton, Georgia. It has been in operation since 1985. Equity does business in South Carolina, North Carolina and Georgia.

Equity installed six telephones at three Harvey's Supermarket locations in Tallahassee and Havana in early 1995. It operated the telephones initially with the intention of selling them to 5 Sons, who ordered lines on behalf of Equity from United. The lines were to be turned over to 5 Sons with the sale.

During the period of negotiations, 5 Sons mailed all the telephone bills to Equity for payment, since Equity collected the coins from the telephones. The companies were unable to reach an agreement. However, Equity kept the telephones and continued to operate them without a certificate. In response to the staff's letter of August 13, 1996, Equity stated that it had applied for a certificate in November 1995. However, our records do not show that we received an application at that time. On September 23, 1996, Equity filed a copy of the application it said it had filed in November 1995. The company then filed an original application on December 5, 1996. Equity stated that it intends to provide services in Florida only at the present three Harvey's Supermarket locations. Moreover, it continues to seek a buyer for the telephones.

With its September 23, 1996, filing, Equity forwarded the correct application fee of \$100 and proposed to pay \$2,403.83 in settlement of the matter. That amount the company represented to be the net income from the telephones in question during the period ended August 31, 1996, in which the company operated them without a certificate. In addition, Equity represented that it had brought the telephones into compliance with the Commission's rules.

Accordingly, we find it appropriate to accept Equity's settlement proposal in lieu of ordering the company to show cause why it should not be penalized pursuant to Section 364.285, Florida Statutes. Equity shall have 30 days from the date this order becomes final in which to remit the settlement amount. The settlement amount of \$2,403.83 shall be forwarded to the Comptroller's Office for deposit in the General Revenue Fund.

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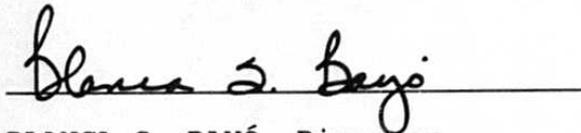
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Equity Pay Telephone Co., Inc.'s settlement offer is accepted as set forth in the body of this order. It is further

ORDERED that Equity Pay Telephone Co., Inc., shall remit the settlement amount within 30 days of the date this order becomes final. It is further

ORDERED that this docket shall be closed upon payment.

By ORDER of the Florida Public Service Commission, this 27th day of January, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CJP

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

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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.