

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination of) DOCKET NO. 950040-TC
appropriate method for refunding) ORDER NO. PSC-95-0354-FOF-TC
overcharges on intrastate long) ISSUED: March 14, 1995
distance calls placed from pay)
telephones operated by PhoneTel)
Technologies, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING METHOD OF REFUND

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On May 19, 1994, our Division of Communications informed PhoneTel Technologies, Inc. (PhoneTel) that test calls made from pay telephones operated by PhoneTel appeared to be billed in excess of the amount allowed by the rate cap imposed by Order Number 24101. PhoneTel determined that overcharges had occurred due to a failure to incorporate the rate reduction on credit card calls from a \$1.00 surcharge to the \$0.25 set use fee required by Order Number 24101. The error resulted in an overcharge of \$0.75 per call on 38,020 calls, for a total of \$28,515 during the period between June 14, 1993 and January 31, 1994. PhoneTel was not overcharging for coin calls during that time period.

We do not condone PhoneTel's billing errors. However, PhoneTel promptly determined the cause of the overcharges and corrected the errors. Accordingly, we choose not to issue a show cause order or impose a fine against PhoneTel. Instead, we order

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PhoneTel to refund the overcharged amount plus \$1,999.39 in interest, as calculated in accordance with Rule 25-4.114, Florida Administrative Code, to the overcharged customers. PhoneTel shall complete this refund by crediting each customer's monthly bill. These refunds shall take place over the company's next two billing cycles. Upon completion of the refund, PhoneTel shall provide a report to our Division of Communications verifying that the refund is complete.

It is, therefore,

ORDERED by the Florida Public Service Commission that PhoneTel Technologies, Inc. shall refund \$28,515 plus \$1,999.39 in interest to the customers it overcharged. It is further

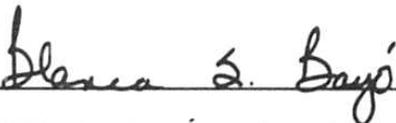
ORDERED that PhoneTel Technologies, Inc. shall complete the refund by crediting, over the next two billing cycles, each affected customer's monthly bill. It is further

ORDERED that PhoneTel Technologies, Inc. shall provide a report when the refund is complete verifying the refund. It is further

ORDERED that this docket will be closed upon verification that the refund is complete. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this order will become final.

By ORDER of the Florida Public Service Commission, this 14th day of March, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on April 4, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.