



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

RECORDS AND  
REPORTING

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RECEIVED FPSC

**DATE:** AUGUST 19, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF LEGAL SERVICES (CLEMONS) *DMA CB*  
DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB AD*

**RE:** DOCKET NO. 990780-TC - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST SKY SHELL, INC. FOR VIOLATION OF RULE 25-24.515, FLORIDA ADMINISTRATIVE CODE, PAY TELEPHONE SERVICE

**AGENDA:** 08/31/99 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990780.RCM

### CASE BACKGROUND

- January 16, 1999 - Sky Shell, Inc.'s (Sky Shell) 1998 regulatory assessment fee return reported gross intrastate revenues of \$6,120 and 3 pay telephones in operation.
- July 21, 1999 - Order No. PSC-99-1400-SC-TC, in Docket No. 990780-TC, was issued ordering Sky Shell to show cause in writing why it should not be fined \$1200 or have certificate no. 4246 canceled for apparent violation of Rule 25-24.515, Florida Administrative Code.
- July 30, 1999 - Sky Shell submitted its offer of settlement. (Attachment A, Page 4)

DOCUMENT NUMBER-DATE

09868 AUG 19 99

FPSC-RECORDS/REPORTING

DOCKET NO. 990780-TC  
DATE: August 19, 1999

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission accept the settlement offer proposed by Sky Shell, Inc. to resolve the apparent violations of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service?

**RECOMMENDATION:** Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should 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. **(Biegalski)**

**STAFF ANALYSIS:** Staff performed a service evaluation on pay telephone stations operated by Sky Shell on February 18, 1999. Through written correspondence, staff notified Sky Shell of the apparent violations. Staff performed a reevaluation of the same pay telephone stations on April 22, 1999.

Based on the showings of the reevaluations that the pay telephone stations exhibited the same apparent violations, Order No. PSC-99-1400-SC-TC was issued on July 21, 1999, ordering Sky Shell to show cause in writing why it should not be fined \$1,200 or have certificate no. 4246 canceled for apparent violation of Rule 25-24.515, Florida Administrative Code, Pay Telephone Service Standards. In response to the order, Sky Shell submitted its offer of settlement on July 30, 1999. In its settlement offer, Sky Shell agreed to do the following:

- Sky Shell will voluntarily pay \$1,200 to the General Revenue Fund.
- Sky Shell will conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules.

Staff supports Sky Shell's offer to conduct a thorough inspection of all its pay telephones to ensure compliance with Commission rules. By initiating this action Sky Shell has created a proactive approach to compliance rather than a reactive response to staff's inquiries.

Moreover, the company has been forthright in its assertion that the cited violations were valid and has been very cooperative in resolving all issues. Any contribution should be received by the Commission within ten business days from the issuance date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General

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Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Staff believes the terms of the settlement agreement as summarized in this recommendation are fair and reasonable.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** No. With the approval of Issue 1, this docket should remain open pending the remittance of the \$1,200 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of the Commission Order, the company's certificate should be canceled administratively, and this docket should be closed. **(Clemons)**

**STAFF ANALYSIS:** This docket should remain open pending the remittance of the \$1,200 voluntary contribution. Upon remittance of the settlement payment, this docket should be closed. If the company fails to pay in accordance with the terms of its settlement offer, the company's certificate should be canceled administratively, and this docket should be closed.

Sky. Shell  
2700 West Sunrise Boulevard  
Ft. Lauderdale, FL. 33311

July 30, 1999

Florida Public Service Commission

ATTENTION: MS. KELLY

Dear Sir:

RE: Violation of Rule 25-24-5151 F.A.C., Pay Telephone  
Service.

Docket No. 990780-TC  
Order No. PSC-99-1400-SC-TC

With regard to the above-mentioned violations I hereby  
offer Twelve Hundred Dollars (\$1200) for settlement and  
I will endeavor to avoid any recurrence of this nature  
regarding the upkeep and maintenance in accordance with  
the rules of the Pay-Phone Service.

Yours Truly,  
SKY SHELL

.....  
AVI