

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Sky Shell, Inc. for apparent violation of Rule 25-24.515, F.A.C., Pay Telephone Service.

DOCKET NO. 990780-TC
ORDER NO. PSC-99-1890-AS-TC
ISSUED: September 23, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

Sky Shell, Inc. (Sky Shell) currently holds Certificate of Public Convenience and Necessity No. 4246, issued by this Commission on September 15, 1995, authorizing the provision of pay telephone service. On January 15, 1999, Sky Shell filed a 1998 regulatory assessment fee return, reporting gross intrastate revenues of \$6,120 and three pay telephones in operation. On February 18, 1999, our staff performed routine service evaluations on several pay telephones operated by Sky Shell. Through written correspondence, we notified Sky Shell of apparent violations. On April 1, 1999, we received a Service Violation Correction Form from Sky Shell signifying that all apparent violations were corrected. On April 22, 1999, our staff reevaluated the pay telephone stations and found the same apparent violations observed during the initial evaluation.

On July 21, 1999, Order No. PSC-99-1400-SC-TC was issued, 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:

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- 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.

We accept 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 our inquiries. We believe the settlement offer to be fair and reasonable, and accordingly, do hereby accept it.

The \$1,200 contribution shall be received by the Commission within ten business days from the issuance date of the Commission Order and shall identify the docket number and company name. We will then 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.

If Sky Shell fails to pay the \$1,200 voluntary contribution in accordance with the terms of the offer of settlement, the company's certificate shall be canceled administratively, and this docket shall be closed.

Based on the foregoing, it is

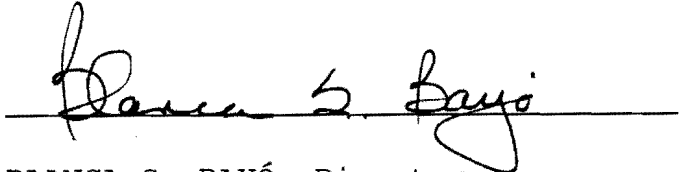
ORDERED by the Florida Public Service Commission that the offer of settlement by Sky Shell, Inc., which is appended as Attachment A and incorporated herein by reference, is hereby approved. It is further

ORDERED that Sky Shell, Inc. shall remit the \$1,200 voluntary contribution to the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. This voluntary contribution shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. Upon remittance, this docket shall be closed administratively. It is further

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ORDERED that if Sky Shell, Inc. fails to pay in accordance with the terms of the offer of settlement, the company's certificate shall be canceled administratively, and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 23rd day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)
DMC

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 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.

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ATTACHMENT A

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.

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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

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AVI