

Clark *LK*  
Swafford *[Signature]*

**FLORIDA PUBLIC SERVICE COMMISSION**

**Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida 32399-0850**

**MEMORANDUM**

**FEBRUARY 25, 1991**

**TO :** DIRECTOR, DIVISION OF RECORDS AND REPORTING

**FROM :** DIVISION OF COMMUNICATIONS [MOSES] *[Signature]*  
DIVISION OF LEGAL SERVICES [ADAMS] *[Signature]*

**RE :** DOCKET NO.: 910087-TC INITIATION OF SHOW CAUSE  
PROCEEDINGS AGAINST K.L. INDUSTRIES FOR VIOLATION OF  
RULE 25-24.515(2), F.A.C., FAILURE TO RETURN COINS

**AGENDA:** PLACE ON APRIL 2, 1991 AGENDA- CONTROVERSIAL PARTIES MAY  
PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

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**CASE BACKGROUND**

K.L. Industries has been a certificated pay telephone provider since August 6, 1987. On November 8, 1990 the Commission received a complaint against K.L. Industries from Mr. William Logan. His complaint stated that the pay phone he was using started timing his call from the time he started dialing and kept his coins when one minute was timed. Even though his call was not answered, the phone kept his money. There are two pay phones at the address Mr. Logan indicated in his letter (904/372-0853 and 904/372-0341). It is unknown which phone Mr. Logan used when he experienced the problem.

DOCUMENT NUMBER-DATE

01993 FEB 28 1991

FPSC-RECORDS/REPORTING

On November 11, 1991 Consumer Affairs sent the complaint form to Kah Lee, President of K.L. Industries, indicating the problems. He responded November 11, 1990 with a letter stating that he found the phones to be functioning properly.

An evaluation was conducted by Staff on January 20, 1991 and found the phones to still be in violation of Rule 25-24.515(2) regarding coins being returned if the call is not answered.

#### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission require K.L. Industries to show cause why it should not be fined \$1,000 for violation of Rule 25-24.515(2) returning deposited coins if a call is not answered?

**RECOMMENDATION:** Yes, the Commission should require K.L. Industries to show cause why it should not be fined \$1,000 for violation of Rule 25-24.515(2).

**STAFF ANALYSIS:** K.L. Industries operates 28 pay telephones in the State of Florida with a gross revenue of \$61,819.47 for 1990.

The Consumer Affairs department of the Commission received a complaint on November 8, 1991 from Mr. William Logan (Attachment I). In this complaint, Mr. Logan stated that his call was timed from the moment he started dialing. After one minute passed, the phone kept Mr. Logan's coins even though the call was not answered. This is a violation of Rule 25-24.515(2) which states:

"Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number."

The complaint form (Attachment II) was sent to Mr. Kah Lee, President of K.L. Industries, whose response (Attachment III) was received on November 26, 1991. In his response, Mr. Lee stated "We found that our payphones at the location indicated were functioning properly." An evaluation was conducted by Staff (Attachment IV and V) on January 20, 1991 and found that both pay phones, (904/372-0853 and 904/372-0341) located at the address Mr. Logan indicated, were in violation of Rule 25-24.515(2) concerning the return of deposited coins when the call is not completed. Staff recommends a \$1000 fine be imposed for failure to comply with the Commission Rule.

**ISSUE 2:** Should the Commission require K.L. Industries to show cause why they should not be fined an additional \$1,000 for misrepresenting information to the Commission?

**RECOMMENDATION:** Yes, the Commission should require K.L. Industries to show cause why they should not be fined an additional \$1,000 for misrepresenting information to the Commission?

**STAFF ANALYSIS:** K.L. Industries appears to have misrepresented their service repair of their pay phones (904/372-0853 and 904/372-0341). As indicated in attachment II, Mr. Lee stated that his pay phones were functioning properly. However, evaluations conducted by Staff, (Attachments IV and V) found the violations had not been corrected as indicated. Staff believes K.L. Industries misrepresented the repair information to the Commission and recommends an additional \$1000 fine for this action.

**ISSUE 3:** Should the Commission require K.L. Industries to verify all of their pay phones for compliance with applicable Commission rules within 30 days of the Commission order?

**RECOMMENDATION:** Yes, the Commission should require U.S. Communications to verify all of their pay phones for compliance with Commission rules within 30 days of the Commission order.

**STAFF ANALYSIS:** Staff believes it is appropriate in view of the apparent lack of compliance from at least two pay telephones, for the company to certify to the Commission that all of its instruments are in compliance with Commission rules within 30 days of the Commission order.

**ISSUE 4:** Should this docket remain open?

**RECOMMENDATION:** Yes, this docket should remain open pending the resolution of the show cause issues.

**STAFF ANALYSIS:** This docket should remain open pending U.S. Communications' response to the show cause order.

32630

ATTACHMENT I

210 NE 7th Street, Gainesville, Florida 32601  
26 October 1990



Florida Public Service Commission  
101 E. Gaines Street.  
Tallahassee, Florida 32399

Dear Sirs:

I wish to complain about KL Ind., Inc., the operators of a pair of pay phones at Pic n' Save, corner of Main Street and NE 10th Avenue, Gainesville.

At 10 a.m. on the morning of 26 October, I used one of the pay phones. The phone has a digital clock which begins timing the call after dialing is completed, rather than after the call is connected. When the clock reached 1 minute, the phone swallowed my quarter, even though the call had not been answered. The call was never completed, but no refund could be made.

The card on the phone gave the service number as \*8, but no one answered this number. No other number was given, so I could not call to complain on reaching home. The address for KL Ind., Inc., was given as 947 Cedar Ridge Court, D.P., Florida 32065. This strikes me as an inadequate address, since the city is not identified.

I find it very disagreeable to be charged for the time when a phone is ringing, and I must assume that this company is--on this phone and perhaps others as well--in violation of public service regulations. I would appreciate your investigating the matter, and reporting to me how widespread this violation is in the pay phones of this company, what steps are to be taken to rectify the violations, and what fines have been levied on the company for theft of services.

Sincerely,

*William Logan*  
William Logan

ATTACHMENT II

Name LOGAN, WILLIAM

Company KL INDUSTRIES

Request No. 32633P

Address 210 NE 7TH STREET

Attn. KAH LEE

By PJI Time 5:25 PM Date 11/08

City/Zip GAINESVILLE 32601 County ALA

Consumer's Telephone \_\_\_\_\_

To CO. Time MAIL Date 11/09

Account Number \_\_\_\_\_

Can Be Reached \_\_\_\_\_

Complaint Type ps-05

Has consumer contacted company? Yes \_\_\_\_\_ No X Who \_\_\_\_\_

Justification Y

1. Nature of Request      2. Report of Action

Closed By PJI Date 12/12

Reply received T

See attached correspondence. Please investigate fully and advise by the date shown below.

11/26 - See attached final report.

Close by letter.

01/02 - Customer called back and was very upset. He said his receiving a 50 cents refund does not resolve the matter. He said the timing of his call was inaccurate, payphone kept his quarter without completing the call, there was no answer at the "\*8" number to report trouble, and the address on the payphone was incomplete. He feels the company should be fined for these violations. I attempted to explain what the company's report said and that it would be impossible to follow-up by making a premise visit to each payphone on which we received a complaint, but was unsuccessful. Finally, I said I would refer to Division of Communications for review and further handling.

01/11 - Sent to Communications.

RECEIVED  
JAN 11 1991  
DIVISION OF COMMUNICATIONS

**CONSUMER REQUEST**

**FLORIDA  
PUBLIC  
SERVICE  
COMMISSION**



101 EAST GAINES STREET  
TALLAHASSEE, FLORIDA 32399

PLEASE RETURN THIS FORM WITH  
REPORT OF ACTION TO:

Paula Isler

By \_\_\_\_\_ 11/26/90



Paula Isler,  
Public Service Commission,  
101 East Gaines Street,  
Tallahassee, FL 32399

Ref. No. 32633P

Date: 11-20-90

Dear Paula,

We have investigated the matter requested by you (see attached form). We found that our payphones at the location indicated were functioning properly. However, due to the line system maintained by the LEC, namely Southern Bell, and consumer owned telephone equipment, and also because of the weather condition or interference from many other sources, there may occasionally have some aberration of the line signal. Even though our payphone is running normally, there are other factors as mentioned above and which are beyond our control, that may cause payphone user to think that the payphone is intentionally taking the money.

Our payphone can display many messages to help the user, including the number dialed, the duration of call, and others. All local calls are 25 cents, even the duration of call is displayed. \*2 is our speed dialing number for service and is a free call. \*3 and \*4 could also be requested thru our operator service and the store clerk when arranged. However, if there is reason to believe that the refund claim is fraudulent or inaccurate, the refund request may be rejected.

Mr. Logan left a phone number (904-770-0000) and no address at the store desk. We have attempted to reach him at that phone number. We did make at least five calls during a three hour period and that phone was always busy.

Instead of passing the blame to the LEC, and assuming that Mr. Logan did lose a quarter, we are sending him a refund check. (see attached copy of check).

If you have any further question regarding this matter, please let me to contact me at 904-770-3884. Thank you.

Sincerely,

Kah Lee, president  
File: FSC.011

**NON-LEC PATS  
STATION EVALUATION RESULTS**

TELEPHONE NO: 372-0853

DATE EVALUATED: 01/20/91

ADDRESS: 901 N. Main St., Gainesville, FL 32601 EVALUATED BY: PN

NAME OF PATS PROVIDERS: KL Ind., Inc.  
947 Cedar Ridge Court, O.P., FL 32065

NO.	SERVICE ITEMS EVALUATED	SAT	UNSAT	NA
1.	The telephone was in service (can originate and receive calls).	✓		
2.	All glass was clean and not cracked, chipped or broken.	✓		
3.	Mirring was properly terminated and in good condition.	✓		
4.	The instrument was clean and free of trash.	✓		
5.	Enclosure was adequate and free of trash.	✓		
6.	The station was accessible to the physically handicapped.		①	
7.	There was sufficient light at night to read the station instructions and use the instrument.	✓		
8.	The telephone number plate was displayed.	✓		
9.	The address of the location was displayed.	✓		
10.	The name or logo of your company was displayed.	✓		
11.	A statement was displayed disclaiming Local Telephone Company responsibility.	✓		
12.	Clear dialing instructions were displayed.	✓		
13.	A statement of services not available (toll-only, local-only) was displayed.	✓		
14.	Your free telephone number for repairs-refunds was displayed.	✓		
15.	The posted number for refunds-repairs was dialed and verified.		②	
16.	There was coin-free service to your repair-refunds service.		②	
17.	The address of the party responsible for repairs-refunds was displayed.	✓		
18.	Instructions for obtaining refunds-repairs was displayed.	✓		
19.	A current directory was available.		✓	
20.	The station instrument was hearing aid compatible.	✓		
21.	The automatic coin-return function operated properly.	✓		
22.	Bell rings and can be heard.		✓	
23.	Incoming calls could be received.		✓	
24.	There was coin-free service to the local operator.	✓		
25.	There was coin-free service to local Directory Assistance.		③	
26.	Access to all available interexchange carriers was available.		④	
27.	There was coin-free service to 911 or the local operator.	✓		
28.	The 911 center could verify the street address of the station.			✓
29.	Extended Area Service and Local calls are not more than 25¢.		⑤	
30.	Transmission was adequately strong and free of noise.	✓		
31.	Complies with Toll rate cap - coin AT&T + \$1.00.			✓
32.	Complies with toll rate cap - operator AT&T + \$1.00.			✓

REMARKS: \* I collected a Quarter after 3 to 5 rings and no return even if the call is not completed.  
LCD register is not accurate, I had deposited 3 dimes for the call, the LCD displayed 15¢ for the first dime, 25¢ for the second and 05¢ for the third dime. But I can still make the call.

① 1/2" higher than standard.

② Instruction said: "For service call: \* 8" - can only dial \* but couldn't dial 8 after \* is pressed. The result is Ring No Answer.

ATCH: OF

**NON-LEC PATS  
STATION EVALUATION RESULTS**

TELEPHONE NO: 372-0341

DATE EVALUATED: 01/20/91

ADDRESS: PIC N'SAVE  
901 N. Main St., Gainesville, FL 32601

EVALUATED BY: PN

NAME OF PATS PROVIDERS: K.L. Ind. Inc.  
947 Cedar Ridge Court, O.P., FL 32065

NO.	SERVICE ITEMS EVALUATED	SAT	UNSAT	NA
1.	The telephone was in service (can originate and receive calls).	✓		
2.	All glass was clean and not cracked, chipped or broken.	✓		
3.	Hiring was properly terminated and in good condition.	✓		
4.	The instrument was clean and free of trash.	✓		
5.	Enclosure was adequate and free of trash.	✓		
6.	The station was accessible to the physically handicapped.		①	
7.	There was sufficient light at night to read the station instructions and use the instrument.	✓		
8.	The telephone number plate was displayed.	✓		
9.	The address of the location was displayed.	✓		
10.	The name or logo of your company was displayed.	✓		
11.	A statement was displayed disclaiming Local Telephone Company responsibility.	✓		
12.	Clear dialing instructions were displayed.	✓		
13.	A statement of services not available (toll-only, local-only) was displayed.	✓		
14.	Your free telephone number for repairs-refunds was displayed.	✓		
15.	The posted number for refunds-repairs was dialed and verified.		②	
16.	There was coin-free service to your repair-refunds service.		②	
17.	The address of the party responsible for repairs-refunds was displayed.	✓		
18.	Instructions for obtaining refunds-repairs was displayed.	✓		
19.	A current directory was available.		✓	
20.	The station instrument was hearing aid compatible.	✓		
21.	The automatic coin-return function operated properly.	✓		
22.	Bell rings and can be heard.		✓	
23.	Incoming calls could be received.		✓	
24.	There was coin-free service to the local operator.	✓		
25.	There was coin-free service to local Directory Assistance.	③		
26.	Access to all available interexchange carriers was available.		④	
27.	There was coin-free service to 911 or the local operator.	✓		
28.	The 911 center could verify the street address of the station.			✓
29.	Extended Area Service and local calls are not more than 25¢.		⑤	
30.	Transmission was adequately strong and free of noise.	✓		
31.	Complies with Toll rate cap - coin AT&T + \$1.00.			✓
32.	Complies with toll rate cap - operator AT&T + \$1.00.			✓

REMARKS:

- ① 1/2" higher than standard.
- ② Instruction said "For service call: \*8" - can only dial \* but couldn't dial 8 after dialed \*. The result is Ring No Answer.
- ③ DA Call: when dial 411, The tones of #4 key and the first #1 key can be heard, but not the last #1 key. But it still accessed to DA.
- ④ Can't access to AT&T, everything key in after #1 key is pressed, a deposit of \$1.20 is asked to deposit.
- ⑤ I deposited 3 dimes for local call and it didn't refund 5¢. But you can make a C for a quart.

③ DA Call: No instruction for local DA, just the outside area DA instruction is shown.

When dial 411, the tones of #4 key and the first #1 key can be heard, unable to hear the tone of the second #1 key (it's just another). But still I can access to DA.

④ Can't access to AT&T. Everything key in after #1 key is pressed, a deposit of \$1.20 is asked to deposit.

⑤ I deposited 3 dimes for local call and it didn't refund 5¢. But still I can make a local call for a quarter.