

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910999-TC
proceedings against GTE FLORIDA)	
INCORPORATED for violation of service)	ORDER NO. 25408
standards and Rule 25-4.076(9), F.A.C.,)	
Handicap Accessibility Requirement.)	ISSUED: 11/26/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL McK. WILSON

FINAL ORDER

BY THE COMMISSION:

On April 17, 1991, a service evaluation was performed on a pay telephone operated by GTE Florida Incorporated (GTE), which was located at the Burger King on 4401 West Gandy Boulevard in Tampa. A violation of the handicap accessibility requirement was noted and a notice requesting an explanation of the corrective action within 15 days was sent to GTE on May 14, 1991.

GTE responded in a letter dated May 29, 1991. In its letter, GTE indicated that the pay telephone [(813) 839-9418] would have a ramp installed or service would be removed. However, on June 17, 1991, service evaluations were performed on several pay telephones operated by GTE, one of which included the pay telephone located at 4401 West Gandy Boulevard. Violation of the handicap accessibility requirement was again noted. Furthermore, on September 9, 1991, photographs were taken of the location indicating that those persons in wheelchairs are not able to utilize the pay telephone. These photographs indicated that the violation had not been corrected as of that date.

Rule 25-4.076(9) states:

Each telephone station installed after January 5, 1987 shall conform to subsections 4.92.2 - 4.29.7 - 4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National

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Standards Institute, Inc. (ANSI A117.1-1986). Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be placed in areas accessible to the physically handicapped.

GTE has indicated that this is an isolated incident caused, in large part by slow decision making on the part of the premise owner. GTE has also indicated that upon learning that this docket had been opened, the necessary corrections had been made with all deliberate speed.

We recognize that large PATS providers, including a LEC such as GTE, have a great burden in correcting isolated and anomalous service violations. Under the specific and limited circumstances described in this Order, we decline to impose a fine.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that no further action remain to be taken in this matter and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 26th day of NOVEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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

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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 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 or sewer 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.