

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 911012-TC
proceedings against KL INDUSTRIES, INC.)	
for violation of Commission Rule)	ORDER NO. 25432
25-24.515, F.A.C., Pay Telephone)	
Service.)	ISSUED: 12/2/91
)	

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

KL Industries, Inc. (KL or the Company) has been a certificated pay telephone service (PATS) provider since August 6, 1987. As a certificated PATS provider, KL is subject to our jurisdiction.

On October 1, 1991, routine pay telephone service evaluations revealed that five of six pay telephones operated by KL in the Gainesville area were blocking access to locally available interexchange carriers in violation of Rule 25-24.515, Florida Administrative Code. Finally, all six pay telephones were found to be in violation of the ANSI Handicapped Accessibility Requirements incorporated into Rule 25-24.515(13), Florida Administrative Code.

Earlier this year, in Docket No. 910087-TC, KL was required to show cause why it should not be fined for violation of Rule 25-24.515(2), Florida Administrative Code. In Order No. 24979, we required KL to pay a \$2,000 fine and certify that all of its pay telephones complied with the applicable pay telephone service standards. KL complied with Order No. 24979 by paying the \$2,000 fine on October 1, 1991, and certifying that its telephones were in compliance with all pay telephone service standards on September 24, 1991.

We are gravely concerned that KL Industries appears to have committed so many violations so soon after being show caused and certifying its compliance with our rules. We believe that such circumstances warrant a far more substantial penalty.

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Pursuant to Section 364.285, Florida Statutes, we are authorized to levy a fine of up to \$25,000 for each violation of a statute, rule or order subject to our jurisdiction, or to revoke a Certificate of Public Convenience and Necessity. Accordingly, we find it appropriate to require KL to show cause in writing why it should not be fined \$25,000 for the violations noted above.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that KL Industries, Inc. shall show cause why it should not be fined \$25,000 for the pay telephone service violations alleged in the body of this Order. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process.

By ORDER of the Florida Public Service Commission, this 2nd
day of DECEMBER, 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 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

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hearing or judicial review will be granted or result in the relief sought.

This order is preliminary, procedural or intermediate in nature. 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 25-22.037(1), 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, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 12/23/91.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.