

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause ) DOCKET NO. 960286-TC  
proceedings against Excel Tele- ) ORDER NO. PSC-96-0631-FOF-TC  
Communications, Inc. d/b/a Excel ) ISSUED: May 10, 1996  
Tele-Communications, Inc. of )  
Georgia for violation of Rule )  
25-24.515, F.A.C., Pay Telephone )  
Service Requirements. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Excel Tele-Communications, Inc. d/b/a Excel Tele-Communications, Inc. of Georgia (Excel) is the holder of Certificate No. 3784, by which it is authorized to provide pay telephone service. When it applied for a certificate to provide pay telephone service, Excel was provided with a copy of our rules and regulations. A representative of Excel signed a statement acknowledging its receipt and of the rules and regulations and agreeing to abide by all current and future Commission requirements regarding pay telephone service.

According to its 1995 annual report, Excel owns and operates 39 pay telephones in Florida. According to its regulatory assessment fee filing for the period July 1, 1995, through December 31, 1995, Excel earned \$2,240 in intrastate gross revenues.

Staff evaluated fifteen of Excel's pay telephones on February 14 and 15, 1996, and found all fifteen telephones were in violation of one or more of our service standards. These violations, and the corresponding telephone numbers, are detailed on page 1 of Attachment A. Page 2 of Attachment A is a key for the violation codes. The number of violations of each rule are detailed below:

DOCUMENT NUMBER-DATE

05288 MAY 10 96

FPSC-RECORDS/REPORTING

<u>VIOLATION</u>	<u>NO. OF TELEPHONES</u>
<b>Rule 25-24.515(1)</b> Insufficient light to read instructions at night	1
<b>Rule 25-24.515(2)</b> Automatic coin return function not working	1
<b>Rule 25-24.515(4)</b> Coin free number for repairs/refunds did not work	5
<b>Rule 25-24.515(5)</b> Legible/correct telephone number not displayed	13
Responsible party for refunds/repairs not displayed	15
Correct address of pay telephone location not displayed	15
Certificated name of provider not displayed	11
LEC responsibility disclaimer not displayed	15
Clear and accurate dialing instructions not displayed	7
Statement of services not available not displayed	14
<b>Rule 25-24.515(6)</b> Access to all IXCs not available	15
<b>Rule 25-24.515(7)</b> No direct free service to local operator	12
0+ local calls do not go to LEC operator	15
<b>Rule 25-24.515(8)</b> Incoming calls cannot be received	3
<b>Rule 25-24.515(11)</b> Current directory not available	14
<b>Rule 24-24.515(13)</b> Not accessible to physically handicapped	2
<b>Miscellaneous service problems not covered by Rule</b>	
Not in service	2
Combinations of nickels and dimes did not work	1

Each of the telephones inspected improperly routed 0+ and 0-local calls to Amnex rather than the local exchange company (LEC) operator, in violation of Rule 25-24.515(7), Florida Administrative Code. In addition, none of the telephones allowed access to all available interexchange carriers, in violation of Rule 25-24.515(6), Florida Administrative Code. Eleven of the telephones also routed calls to Amnex when the evaluator dialed AT&T's access

code (10288+0). The remaining four pay telephones did not allow 950 access to long distance carriers. We are especially troubled by these violations, because most of these capabilities, or the lack thereof, did not result from negligence or poor maintenance, but had to have been programmed into the telephone.

In addition to the above, few of the pay telephones had such basic information posted as the name of the provider, and the pay telephone number and street address. Moreover, at least four of the pay telephones requested a \$.25 deposit to place a call to the repair/refund number and only one of the fifteen pay telephones had a directory available.

Based upon the foregoing, we find it appropriate to require Excel to show cause, in writing, why it should not be fined or have its certificate cancelled for violation of our pay telephone service rules. Excel's response must contain specific allegations of fact and law. Should Excel fail to file a timely response to this Order, such failure shall constitute an admission of all facts alleged herein, in accordance with Rule 25-22.037(3), Florida Administrative Code, and a waiver of any right to a hearing. Fines and penalties paid by other pay telephone providers for similar violations have ranged from \$500 to \$60,000.

It is, therefore,

ORDERED by the Florida Public Service Commission that Excel Tele-Communications, Inc. d/b/a Excel Tele-Communications, Inc. of Georgia shall show cause, in writing, within twenty (20) days, why it should not be fined and/or have its certificate revoked, for violating Rule 25-24.515, Florida Administrative Code. It is further

ORDERED that Excel Tele-Communications, Inc. d/b/a Excel Tele-Communications, Inc. of Georgia's response must contain specific allegations of fact and law. It is further

ORDERED that, if Excel Tele-Communications, Inc. d/b/a Excel Tele-Communications, Inc. of Georgia fails to file a response by the date specified in the Notice of Further Proceedings or Judicial Review, such failure shall constitute an admission of all facts alleged in the body of this Order, in accordance with Rule 25-22.037(3), Florida Administrative Code, as well as a waiver of any right to a hearing.

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By ORDER of the Florida Public Service Commission, this 10th  
day of May, 1996.

*Blanca S. Bayó*

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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

RJP

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 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 30, 1996.

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 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.



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NON-LEC PAY TELEPHONE EVALUATION ITEMS

ITEMS

DESCRIPTION

1	Telephone was not in service.
2	Telephone was not accessible to the physically handicapped.
3	Telephone number plate was not displayed.
4	Address of responsible party for refunds/repairs was not displayed.
5	Coin free number for repairs/refunds did not work properly.
6	Current directory was not available.
7	Extended Area Service and Local calls were not \$25 or less.
8	Wiring not properly terminated or in poor condition.
9	Address of pay phone location was not displayed.
10	Instrument was not reasonably clean.
11	Enclosure was not adequate or free of trash.
12	Glass was chipped or broken.
13	Inadequate light to read instructions at night.
14	Name of provider (as it appears on certificate) was not displayed.
15	Local Telephone Company responsibility disclaimer not displayed.
16	Clear and accurate dialing instructions were not displayed.
17	Statement of services not available was not displayed.
18	Automatic coin return function did not operate properly.
19	Incoming calls could not be received/or bell did not ring loud enough.
20	Direct coin free service to the local operator did not work.
21	Direct coin free service to local Directory Assistance did not work.
22	Access to all available interexchange carriers was not available.
23	Coin free service to 911 did not work.
24	911 center could not verify the street address of the pay phone.
25	Transmission was not adequate or contained noise.
26	Did not comply with 0+ interLATA Toll rate cap - AT&T + opr chg + \$25.
27	Combinations of nickels and dimes did not operate correctly.
28	Dial pad did not function after call was answered.
29	0 + area code + local number did not go to LEC operator as required.