

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960350-TC
proceedings against Adtec) ORDER NO. PSC-96-0722-FOF-TC
Communications, Inc. for) ISSUED: May 29, 1996
violation of Rules 25-24515,)
F.A.C., Pay Telephone Service,)
and 25-4.043, F.A.C., Response)
to Commission Staff Inquiries.)
_____)

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:

I. BACKGROUND

Adtec Communications, Inc. (Adtec) is a provider of pay telephone service and was certified by this Commission on August 12, 1985. According to local exchange company records, Adtec owns and operates approximately 927 pay telephones in Florida. Adtec reported gross operating revenues of \$637,856 on its latest Regulatory Assessment Fee Return. As a provider of pay telephone service in Florida, Adtec is subject to the rules and regulations of this Commission.

From 1994 through 1995, our staff evaluated 65 pay telephones operated by Adtec. Of the 65 pay telephones, all had at least one service violation, and 57 of the phones had two or more violations. There were 18 instances where a pay telephone was not wheelchair accessible and one case in which a payphone was unable to receive incoming calls.

Adtec was notified of each violation and given 15 days to bring the instruments into compliance with Commission rules. In addition, our staff's notices suggested that Adtec inspect all of its payphones for the same violations.

DOCUMENT NUMBER-DATE

05884 MAY 29 1996

FPSC-RECORDS/REPORTING

Adtec was previously show caused for lack of wheelchair accessibility for instruments located at the Bal Harbour Mall, Sunrise, Florida, in Docket No. 910880-TC. On October 20, 1992, we issued Order No. PSC-92-1191-AS-TC, which accepted the company's settlement offer of \$1,000 after it had relocated the instruments to bring them into compliance with our service standards.

In addition to the service standards violations, Adtec was late in responding to our staff's notices in every case except three. Our staff issued 17 notices to Adtec of violations over the last two years and in eight cases, certified letters had to be mailed to get a response from the company. Adtec responded timely to three notices, and in six cases, Adtec responded after 15 days but before certified letters were mailed.

Due to the number of apparent violations found during routine service evaluations, we find the following action to be appropriate. Each of the violations found during the inspections of Adtec's pay telephones is described in Section II of this Order. Our conclusions and the action we take against Adtec are described in Section III.

II. VIOLATIONS

Rule 25-24.515 (13), Florida Administrative Code, requires each telephone station installed after January 5, 1987 to conform to subsections 4.29.2 through 4.29.4 and 4.29.7 through 4.29.8 of the standards published by the American National Standards Institute, Inc. (ANSI A117.1-1986).

To ensure compliance with the Rules, our staff evaluated a total of 65 pay telephones operated by the company in 1994 and 1995. Our staff found 18 instruments to be in apparent violation of Rule 25-24.515 (13), Florida Administrative Code, wheelchair accessibility. Based on our staff's evaluations, a twenty-eight percent (28%) violation rate of this rule was found.

While Adtec advises us that it is repairing and/or correcting the instruments found in violation of our rules, Adtec apparently has no policy in place to check its existing pay telephones for compliance. Instead, it appears that Adtec waits for our staff's evaluation notices before checking for compliance.

In addition, Rule 25-4.043, Florida Administrative Code, states that "The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15)

days from the date of the Commission inquiry." Our staff noticed Adtec 17 times in the past two years and 14 of the 17 times, Adtec responded after the 15-day requirement.

Violation of many other service standards were also found by our staff in routine evaluations. For example, Rule 25-24.515 (5), Florida Administrative Code, requires each pay telephone to have a legible sign, card, or plate of reasonable permanence identifying the telephone number and location address of the pay phone. In 16 instances, the telephone number was not identified and in 25 instances, the address of the pay telephone location was not displayed.

Another example is Adtec's violation of Rule 25-24.515 (11), Florida Administrative Code, which requires a telephone directory to be maintained. Adtec failed to comply with this rule 91% of the time on the pay phones evaluated by our staff, i.e., 59 out of 65.

The pay telephone numbers and corresponding violations that our staff recorded between January 1, 1994 and December 31, 1995 are attached to this Order as Attachment A.

III. CONCLUSION

For each of the apparent violations of Rules 25-24.515 and 25-4.043, Florida Administrative Code, described in Section II and Attachment A, we order that Adtec shall show cause, in writing, why it should not be fined and/or have its certificate cancelled. Adtec's response must contain specific allegations of fact and law. If Adtec fails to respond to this Order, the failure to respond will constitute an admission of the alleged violations and a waiver of a right to a hearing. Failure to respond will also result in the cancellation of Certificate Number 100.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Adtec Communications, Inc. show cause, in writing, why it should not be fined and/or have its certificate cancelled for violations of Rules 25-24.515 and 25-4.043, Florida Administrative Code, as outlined in the body of this Order. It is further

ORDERED that Adtec Communications, Inc.'s response shall contain specific allegations of fact and law. It is further

ORDER NO. PSC-96-0722-FOF-TC
DOCKET NO. 960350-TC
PAGE 4

ORDERED that failure to respond to this Order in the manner and by the date set forth in the Notice of Further Proceedings or Judicial Review section of this Order shall constitute an admission of the violations described in the body of this Order, a waiver of a right to a hearing, and cancellation of Certificate Number 100.

By ORDER of the Florida Public Service Commission, this 29th day of May, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

SKE

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 June 18, 1996.

ORDER NO. PSC-96-0722-FOF-TC
DOCKET NO. 960350-TC
PAGE 5

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.

Attachment A

1995 EVALUATIONS

TELEPHONE NUMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
305-370-8776													X						
305-451-8051													X	X					
407-965-5876											X		X						
305-581-9709													X						
305-581-8737													X						
305-581-8975													X						
305-371-8108	X												X		X				1 2 3
305-451-9368													X			X			
305-293-9749													X			X	X		
305-292-6575	X					X							X			X	X	X	
305-296-1642	X												X						
305-296-1640	X												X						
305-292-3675	X					X							X			X			2
305-294-4841	X		X										X						3
305-294-5022	X		X						X				X	X					
305-294-5206													X						
305-294-4762													X						2
305-294-9874			X			X			X				X			X		X	
305-294-9375													X			X		X	
305-294-9738	X		X			X							X					X	3
305-294-9757	X		X										X					X	
305-294-9188													X				X	X	
305-296-8442			X										X			X			

TELEPHONE NUMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
305-296-0022													X			X			
305-293-0582													X			X	X		
305-294-6801	X	X											X						4
305-294-4258						X							X					X	
305-294-9504	X												X			X		X	
305-294-2416													X			X			
305-294-5154			X			X							X			X			
305-294-0752													X				X		
305-294-0874			X			X													
305-294-0695													X				X		
305-294-2250						X							X			X		X	
305-294-6341			X			X							X						
305-294-4177			X			X							X					X	
305-294-4046						X							X					X	1
305-294-4197						X							X						3
305-294-4141						X						X	X						1
305-294-4262						X							X					X	1
305-292-7876						X							X						3
305-451-9957	X					X							X					X	
305-451-9344						X							X					X	
305-451-8019													X			X			
305-294-4028						X							X					X	
305-826-4016				X			X	X	X				X						1
305-826-3776			X	X	X		X	X	X				X			X			
305-826-3696				X	X		X	X	X				X						
305-826-3973				X	X		X	X	X				X			X			1

TELEPHONE NUMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
305-826-3854				X	X		X	X	X				X			X			
305-620-9052					X					X									
305-620-9296											X								
305-620-9102					X						X								
305-620-9495					X						X								
305-691-9748	X	X	X	X	X	X	X	X	X	X			X						
305-691-9774	X			X		X	X	X	X	X			X						
305-691-9748	X	X	X	X	X	X	X	X	X	X			X						

- A** - Rule 25-24.515(1), F.A.C., Insufficient light to read instructions at night.
B - Rule 25-24.515(2), F.A.C., Automatic coin return function did not operate properly.
C - Rule 25-24.515(5), F.A.C., Telephone number plate was not displayed.
D - Rule 25-24.515(5), F.A.C., Address of responsible party for refunds/repairs was not displayed.
E - Rule 25-24.515(5), F.A.C., Coin free number for repairs/refunds did not work properly.
F - Rule 25-24.515(5), F.A.C., Address of pay telephone location was not displayed.
G - Rule 25-24.515(5), F.A.C., Certificated name of provider not displayed.
H - Rule 25-24.515(5), F.A.C., Local telephone company responsibility disclaimer was not displayed.
I - Rule 25-24.515(5), F.A.C., Clear and accurate dialing instructions were not displayed.
J - Rule 25-24.515(5), F.A.C., Statement of services not available was not displayed.
K - Rule 25-24.515(7), F.A.C., 0 + area code + local number did not go to LEC operator.
L - Rule 25-24.515(8), F.A.C., Incoming calls could not be received or bell did not ring loud enough.
M - Rule 25-24.515(11), F.A.C., Current directory was not available.
N - Rule 25-24.515(12), F.A.C., Enclosure was not adequate or free of trash.
O - Rule 25-24.515(12), F.A.C., Glass was chipped or broken.

ORDER NO. PSC-96-0722-FOF-TC
DOCKET NO. 960350-TC
PAGE 9

P - Rule 25-24.515(13), F.A.C., Telephone was not wheelchair accessible.

Q - Rule 25-24.516(1)(a), F.A.C., Extended area service and locals calls were not 25¢ or less.

R - Rule 25-4.076, F.A.C., 911 center could not verify the street address of the pay telephone.

S - Other miscellaneous items, (1) Telephone was not in service, (2) Wiring was not properly terminated or in poor condition, (3) Transmission was not adequate or contained noise, or (4) Combination of nickels and dimes did not operate correctly.

1994 EVALUATIONS

TELEPHONE NUMBER	A	C	F	G	M	P	Q	R	S
305-245-4958		X		X		X			
407-964-9552			X		X				X
305-245-7574					X				
305-781-9501			X		X			X	
305-860-9309	X	X			X				
305-232-9562		X	X		X		X		
305-254-1994					X				
305-232-9561			X		X				

A - Rule 25-24.515(1), F.A.C., Insufficient light to read instructions at night.

C - Rule 25-24.515(5), F.A.C., Legible and correct telephone number was not displayed.

F - Rule 25-24.515(5), F.A.C., Correct address of payphone was not displayed.

G - Rule 25-24.515(5), F.A.C., Certificated name of provider not displayed.

M - Rule 25-24.515(11), F.A.C., Current directory was not available.

P - Rule 25-24.515(13), F.A.C., Telephone was not wheelchair accessible.

Q - Rule 25-24.516(1)(a), F.A.C., Extended area service and locals calls were not 25¢ or less.

R - Rule 25-4.076, F.A.C., The 911 center could not verify the correct address of the payphone.

S - Rule 25-24.515(14), F.A.C., Dial pad did not function after the call was answered.