

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930937-TL
proceedings against PHONE PLUS,) ORDER NO. PSC-93-1629-FOF-TL
INC. for violation of Rule 25-) ISSUED: 11/5/93
24.515(14), F.A.C., regarding)
wheelchair accessibility)
standards for pay telephones.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER TO SHOW CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED
FOR VIOLATION OF HANDICAPPED ACCESSIBILITY REQUIREMENTS

BY THE COMMISSION:

Phone Plus, Inc. (Phone Plus or the Company) has been a certificated Pay Telephone Service (PATS) provider since March 7, 1991. As a certificated PATS provider, Phone Plus is subject to our jurisdiction pursuant to Chapter 364, Florida Statutes.

Rule 25-24.515(14) requires each pay 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 ANSI standards for handicapped accessibility. Each pay telephone station installed prior to January 5, 1987 shall conform to those same ANSI standards by January 1, 1995.

Between March 10, 1993 and July 22, 1993 our staff inspected 34 pay telephones operated by the company. Of these 21 or 62% were in apparent violation of Rule 25-24.515(14). Notices of these violation were sent to the Company and the Company has attempted to bring these instruments into compliance. Nevertheless, a 62% rate of violations is scandalously high and simply unacceptable. Accordingly, we find it appropriate to require the Company to show cause in writing why it should not be fined or have its certificate revoked.

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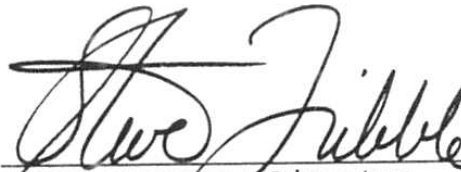
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Phone Plus, Inc. shall show cause in writing why it should not be fined or have its Certificate No. 2704 cancelled for violation of Rule 25-24.515(14) Florida Administrative Code. 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 5th day of November, 1993.



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 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 November 29, 1993.

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.