

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930900-TC
proceedings against TELSO, INC.) ORDER NO. PSC-94-0060-AS-TC
for violation of Rule 25-) ISSUED: January 19, 1994
24.515(14), F.A.C., regarding)
handicapped 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
DIANE K. KIESLING

ORDER ACCEPTING OFFER OF SETTLEMENT

BY THE COMMISSION:

Telso, Inc. (Telso) has been a certified pay telephone provider since July 16, 1985 (certificate number 94). Telso currently operates approximately 2210 pay telephones in Florida.

Between January 1, 1993, and August 1, 1993, 65 service evaluations were conducted by the Division of Communications staff on pay telephones operated by Telso. Of the 65 service evaluations conducted, 38 of the instruments evaluated were in apparent violation of handicap accessibility requirements set forth in Rule 25-24.515(14), Florida Administrative Code.

We initially addressed this matter at our October 12, 1993, Conference Agenda but deferred a rendering a decision pending a request to allow time to propose an appropriate settlement. On October 19, 1993, Telso submitted an offer of settlement. A copy of the offer of settlement is attached hereto as Attachment A.

Essentially Telso's settlement offer proposes the following :

1. Telso will inspect all pay telephones it operates within the State of Florida by November 11, 1993. The company will identify each instrument that is not in compliance with the Commission's handicapped accessibility requirement by telephone number, address, and what

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repairs or improvements are necessary to achieve compliance.

2. All necessary repairs and improvements will be completed within six months from the date of inspection. Telso will provide the date of such repairs and improvements made to achieve compliance with Commission standards.
3. Telso will provide a monthly progress report to Commission Staff.
4. Telso will pay a settlement in the amount of \$15,000.00.

Upon consideration, we find that the offer of settlement should be accepted. The evaluation and maintenance actions to which Telso commits are appropriate. The amount of the financial portion of the settlement is appropriate due to the magnitude of the apparent problem and in consideration that Telso has been before us before concerning allegations of violations of handicap accessibility. That case was settled for \$5,000. See Docket No. Docket 891285.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Offer of Settlement submitted by Telso, Inc. on October 19, 1993, is approved as set forth in the body of this Order. It is further

ORDERED that Telso shall submit its payment of \$15,000.00 as set forth in the offer of settlement within 60 days from the date of issuance of this Order. It is further

Ordered that this docket may be closed without further Commission action upon payment of the amount set forth above.

By ORDER of the Florida Public Service Commission, this 19th day of January, 1994.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.