FLORIDA PUBLIC SERVICE COMMISSION Capital Circle office Center - 2540 shumard Oak Boulevard Tallahassee, Florida 32399-0850

MEMORANDUM
April 4, 1996
$\begin{array}{ll}\text { TO: } & \text { DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO) } \\ \text { FROM: } & \text { DIVISION OF COMMUNICATIONS (K. LEWIS) } \\ & \text { DIVISION OF LEGAL SERVICES (PIERBON) }\end{array}$
RE: DOCKET NO. 960358-TC - PEOPLES TELEPHONE COMPANY, INC. INITIATION OF SHOW CAUSE PROCEEDINGS FOR VIOLATION OF RULE 25-24.515(8), F.A.C., PAY TELEPHONE BERVICE REQUIREMENTS.

AGENDA: $\begin{aligned} & 04 / 16 / 96-\operatorname{REGULAR} \text { AGENDA - INTERESTED PERSONS MAY } \\ & \text { PARTICIPATE }\end{aligned}$
CRITICAL DATES: NONE
SPECIAL INSTRUCTIONS: I : \PBC\CMU\WP\960358.RCM

## CASE BACKGROUND

Peoples Telephone Company, Inc. (Peoples) has been certified to provide pay telephone service in Florida since March 14, 1985. According to the company's 1995 annual report, it operates 8,658 pay telephones in Florida and earned intrastate revenues of \$7,634,749.00.

Three times in the last four months, County Emergency Management (E-911) offices have contacted staff regarding pay telephones operated by Peoples Telephone Company, Inc. (Peoples) that do not allow incoming calls. Each time staff has written Peoples and requested that the company inspect the pay telephones and make any necessary modifications to bring them into compliance with Rule 25-24.515(8), Florida Administrative Code. In the first instance, Peoples corrected the violation but could not explain why the payphones had been programmed to block incoming calls. In the second instance, Peoples stated that the payphones allowed incoming calls but did not offer any further explanation. In the third instance, the response stated that the key pad and ringer attachment were not operating properly and had been replaced.

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Attachment A (pages 6-17) is Staff's correspondence with the Seminole County and the Volusia County 911 Emergency Management offices and with Peoples Telephone Company, Inc. regarding each of these instances.

In addition to the problems identified above, routine service evaluations conducted by staff revealed over 50 instances in which payphones belonging to Peoples were found to be blocking incoming calls although no exemption from Rule 25-24.515(8) had been granted. Staff views these apparent violations of Rule 2524.515(8) to be serious and to be sufficient cause to make this recommendation. These apparent violations are summarized in Attachment $B$.

This recommendation addresses staff's concerns regarding the blocking of incoming calls at pay telephones for which an exemption has not been granted as well as the company's failure to timely respond to staff's request for information.

I8suE 1: Should Peoples Telephone Company, Inc. be ordered to show cause why it should not be fined for apparent violations of rule 25-24.515, (8), Florida Administrative Code, Pay Telephone Service Standards and for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION:
Yes, Peoples Telephone Company, Inc. should be ordered to show cause why it should not be fined for apparent violations of Rule $25-24.515$, (8), Florida Administrative Code, Pay Telephone Service Standards and for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

STAFF ANALYBIB: This Commission places a high value on citizens being able to place and receive calls from payphones in Florida. The public also expects to be able to receive calls at payphones. In addition, 911 emergency service providers are on record regarding how important this function is to the performance of their job of coordinating an emergency response to protect the public safety and health. This requirement is of such importance that the Commission codified it in a rule and specifically stated under what conditions exemptions would be granted.

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25-24.515 Pay Telephone service.
(8) Each telephone station shall allow incoming calls to be received, with the exception of those located at confinement facilities, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for roceiving incoming calls. Requests for exemption from the requirement that each telephone station allow incoming calls shall be accompanied by a completed FORM PSC/CMU-2 ( $12 / 94$ ), which is incorporated into this rule by reference. FORM PSC/CMU-2 ( $12 / 94$ ), entitled Request to Block Incoming Calls, may be obtained from the Commission's Division of Communications. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location and the Chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end-user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

Peoples Telephone Company has applied for and received exemption status at 48 of its pay telephones. However, in the past year, staff has found incoming calls blocked at 55 locations for which no exemption has been requested (Attachment B). In addition, both the Seminole County and the Volusia County 911 Centers have notified staff of pay telephones in their respective areas that could not receive incoming calls (Attachment A). Not being able to receive incoming calls can pose problems for emergency workers because they often must return a call to a payphone after receiving a call at the 911 center. Being able to call back allows the 911 center to identify the type of emergency, if it was not adequately identified in the original call, and direct an appropriate emergency response team, if required.

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In staff's opinion, Peoples should have taken whatever steps were necessary to ensure that all of its pay telephones in Sanford, Daytona Beach and throughout the state had the ability to receive incoming calls or had been granted an exemption from this requirement by the commission. The company should be able to easily have its own technicians check payphones for the ability to receive incoming calls when they perform routine maintenance. Staff believes the company should be penalized for these apparent violations.

Peoples has also failed to respond to the Commission staff in a timely manner regarding the complaints filed by the Seminole County 911 Office (Attachment A, pages 8-17). It took Peoples 37 days to respond to staff's letter of December 13, 1995. For the second complaint, the company's failure to respond to staff's letter of February 14, 1996 caused staff to send a certified letter on March 4, 1996. Peoples responded 36 days after staff's original inquiry was made. Staff believes peoples should be penalized for its failure to respond to the Commission staff inquiry within 15 days which is a violation of Rule $\mathbf{2 5 - 4 . 0 4 3}$, Florida Administrative code.

Fines for violations of the pay telephone service rules and the Commission's response requirements have ranged from $\$ 500$ to $\$ 60,000$, to cancellation of a company's certificate to provide service.

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IB8UE 2: Should this docket be closed?
RECOMEADATION: No, this docket should remain open pending resolution of the show cause process.

BTAPY NNALYSIS: If the Commission approves the staff recommendation on Issue 1, an order to show cause will be issued. Peoples Telephone Company must respond, in writing, to the allegations set forth in the show cause order within 20 days of the issuance of the order. The response must contain specific allegations of facts and law.

Failure to respond to the order shall be deemed an adrission of all facts contained in the show cause order pursuant to Rule 2522.037(3), Florida Administrative Code and a waiver of the company's right to a hearing.


Kathryn Dyad Lewis Bureau of Service Evaluations Florida Public Service Commission 2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
near Ms, Lewis:
This letter is provided in response to the report, received by letter dated March 13, 1996, which reports "no incoming calls" from Peoples public telephones 904-257-5705 located in Dayton Beach, Florida.

PTC service personnel found that the key pad (with ringer attachment) was not operating properly. On March 20, 1996, the key pad was replaced. The phone is accepting incoming calls and the ringer can be heard.

If you should have any questions regarding this matter, please contact me at (305) 593-9667, extension 512.

Respectfully.


Steve Alexander
Director of Regulatory Affairs

# §ublic Serbice Commission 

March 13, 1996

Mr. Steve Alexander<br>Peoples Telephone Company, Inc.<br>2300 N.W. 89th Place<br>Miami, Florida 33172-2431

Dear Mr. Alexander:
Re: (904)257-5705 located at 710 East International Speedway Blvd, Daytona Beach.
The Volusia County 911 Office has contacted me regarding the referenced pay telephone. According to my records, this pay telephone is operated by Peoples Telephone Company, Inc. and has not been granted an exemption from Rule 25-24.515(8), Florida Administrative Code. Therefore, please immediately make the necessary modifications to insure that the pay telephone is capable of receiving incoming calls. It is suggested that your company inspect all its pay telephones for compliance with Rule 25-24.515(8), F.A.C.

In addition, please provide a written response advising what action was taken by March 27, 1996. In your response, provide the date blocking was implemented and removed at the pay telephone. Also, explain how and why incoming calls were blocked at the pay telephone since no exemption has been granted by this Commission.

If you have any questions, please contact me at 904-413-6594. You may fax your response to me at 904-413-6595.
c: $\backslash w p \backslash 1603$
cc: Kathy A. Williams, 911 Coordinator

Kathryn Deal Lewis
Bureau of Service Evaluations Florida Public Service Commission 2540 Shumard Oak Boulevard


Tallahassee, FL 32399-0850

Dear Ms. Lewis:
This letter is provided in response to the report, received by letter dated March 4, 1996, which reports "no incoming calls" from Peoples public telephones 407-322-8664 and 322-8998 in Sanford, Florida.

PTC service personnel have verified that these phones are allowing incoming calls and the telephones' ringer could be heard.

If you should have any questions regarding this matter, please contact me at (305) 593-9667, extension 512 .

Respectfully,


Director of Regulatory Affairs



# §uublit \$erbice Commission 

March 4, 1996

CERTIFIED MAIL

Mr. Steve Alexander
Peoples Telephone Company, Inc.
2300 N.W. 89th Place
Miami, Florida 33172-2431
Dear Mr. Alexander:
Re: (407)322-8664 \& 322-8998, 4730 W. State Road 46, Sanford.
Please refer to the enclosed letter dated February 14, 1996. A response was requested by February 29, 1996. To date, no response has been received. Please provide the requested written response no later than March 19, 1996.

If you have any questions, please contact me at 904-413-6594. You may fax your response to me at 904-413-6595.
$c|=|w p| 1531.2$
Sincerely,


Kathryn Dyal Lewis Regulatory Analyst Bureau of Service Evaluation




# 3 public Service Commission 

February 14, 1996

Mr. Steve Alexander<br>Peoples Telephone Company, Inc.<br>2300 N.W. 89th Place<br>Miami, Florida 33172-2431

Dear Mr. Alexander:
Re: (407)322-8664 \& 322-8998, 4730 W State Road 46, Sanford.
The Seminole County 911 Office has contacted me regarding the referenced pay telephones. According to my records, both of these pay telephones are operated by Peoples Telephone Company and neither has been granted an exemption from Rule $25-24.515(8)$, Florida Administrative Code. Therefore, please immediately make the necessary modifications to insure that the pay telephones are capable of receiving incoming calls. It is also strongly suggested that your company inspect all its pay telephones for compliance with Rule $25-24.515(8)$, F.A.C. I wish to bring it to your attention that this is the third time that staff has been notified by the Seminole County 911 Center that payphones belonging to your company did not allow incoming calls.

In addition, please provide a written response advising what action was taken by February 29, 1996. In your response, provide the date blocking was implemented and removed at the pay telephone. Also, explain how and why incoming calls were blocked at the pay telephone since no exemption has been granted by this Commission.

If you have any questions, please contact me at 904-413-6594. You may fax your response to me at 904-413-6595.


Bureau of Service Evaluation


Ms. Kathryn Deal Lewis
Regulatory Analyst
Bureau of Service Evaluation
2540 Shumard oak Blvd
Tallahassee, Florida 32399-0850
Dear Ms. Lewis:
According to the information in the "remark" section on the enclosed 9-1-1 inquiry, telephone numbers 407/322-8664 and 407/322-8997 are assigned to coin telephones. It appears that both telephones ar incapable of accepting incoming calls and neither is identified on the "exempt" coin phone list that was provided to me.
please investigate this matter and advise us the status upon completion. We are very concerned as well, and will continue to inform you of other coin telephones in this condition.
sincerely,

/ri
cC: K. Roberts, CEM/PSAP Manager
C. Grasso, Telecoms Manager

Tons 1531
$2113 / 96$ verbally ark. (etter, spoke wimp. Reaves advised I would lat bor know when PIC verified correction.



# \$public \$erbice Commission 

January 22, 1996

Ms. Regina Reaves
Department of Public Safety Seminole County 9-1-1 Office 200 West County Home Road Sanford, Florida 32773

Re: Payphone (407)321-7827, located at 2341 Sipes Avenue, Sanford, Florida.
Dear Ms. Reaves:
Peoples Telephone Company has reported that the referenced pay telephone was found to be blocking incoming calls when it was inspected as a result of your correspondence to me. On January 9, 1996, the pay telephone was reprogrammed to allow incoming calls. Peoples Telephone had neither asked for nor received an exemption from the Commission's rules to allow it to block this pay telephone from receiving incoming calls. Therefore, staff is reviewing whether a disciplinary penalty should be recommended for the rule violation.

I would appreciate it if you would continue to advise us when you learn of pay telephones that do not receive incoming calls. Although we have staff inspectors who routinely evaluate pay telephones, we are not able to check all of them. If you have any questions, please let me know.

Sincerely,


> Kathryn Dyal Lewis
> Regulatory Analyst
> Bureau of Service Evaluation

$c|w p| 1332.2$

Kathryn Deal Lewis
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Re: Payphone 407-321-7827, located at 2341 Sipes Ave, Sanford, Florida
Dear Ms. Lewis:
In response to your letter dated December 13, 1995, we have researched all available materials related to the operations of this pay telephone. Our repairman visited this telephone and found that the phone did not accept incoming calls. He reported that there were no mechanical problems with the telephone, but he found that the phone was programmed to block incoming calls.

Upon review of our files, we are unable to find any letters or documents supporting a request to block incoming calls at this phone. Peoples requires a letter from its location customers nationally to document a request modify the standard operation of any payphone.

This phone was re-programmed to allow incoming calls on January 9, 1996.
I apologize for the delay in providing this response. If any information is required, please contact me at 305-593-9667, extension 512.

Respectfully,


Steve Alexander
Director of Regulatory Affairs WALTER DHAESELEER

# Public Aerbice Commission 

December 13, 1995

Mr. Steve Alexander<br>Peoples Telephone Company, Inc. 2300 N.W. 89hb Place<br>Miami, Florida 33172-2431

Dear Mr. Alexander:
Re: Payphone (407)321-7827, loated at 2341 Sips Avenue, Sanford, Florida.
The Seminole County 911 Office has contacted me regarding the referenced pay telephone. According to my records, this pay telephone is operated by Peoples Telephone Company and has not been granted an exemption from Rule $25-24.515(8)$, Florida Administrative Code. Therefore, please immediately make the necessary modifications to insure that the pay telephone is capable of receiving incoming calls.

In addition, please provide a written response advising what action was taken by January 4, 1995. In your response, provide the date blocking was implemented and removed at the pay telephone. Also, explain how and why incoming calls were blocked at the pay telephone since no exemption has been granted by this Commission.

If you have any questions, please contact me at 904-413-6594. You may fax your response to me at 904-413-6595.

Sincerely,


- Kathryn Deal Lewis Regulatory Analyst Bureau of Service Evaluation
$\underset{\substack{\text { ce: Ms. Regina Reaves, Seminole County } \\ c \mid m p l \\ 9332}}{ }$

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k, J_{\text {and }} 18^{\text {th }}
$$

CAPITAL CRCLE OFFICE CENTER - 2540 SHUMARD OAK BLVD • TALLAHASSEE, FL $3299-0850$


Attachment B Page 1 of 3

## PAYPHONES BLOCKING INCOMING CALLS (VIOLATION ITEM el9)

| NUMBER | ADDRESS | CITY | ELLENO. | YLOLATION ITEMS |
| :---: | :---: | :---: | :---: | :---: |
| 3055847238 | $1531 \mathrm{NH} 40 \mathrm{TH} \mathbf{S T}$. | FT. Lauderdale | TC188.9535 | 69111927 |
| 4076336536 | 950 DIXON BLVD. | COCOA | TC188.9529 | 281925 |
| 4076360391 | 4455 W. KINC ST. | COCOA | TC188.9529 | 26919 |
| 4076394386 | 4600 W. KING ST. | cocon t | TC188.9529 | 236912131925 |
| 4076560267 | 10801 HWY 50 | ocoee | TC188.9512 | 16919 |
| 4077848045 | 6910 N. AtLantic | cape canaveral | TC188.9537 | $\begin{array}{llllll}2 & 3 & 9 & 1819 & 27\end{array}$ |
| 4078346876 | 503 E. ALTAMONTE | altamonte | TC188.9522 | 19 |
| 4078622513 | 924 W. S. R. 436 | Altamonte | TC188.9522 | $\begin{array}{llllll}6 & 18 & 19 & 24 & 27\end{array}$ |
| 4078622513 | $924 \mathrm{~W} . \mathrm{SR} 436$ | altamonte | TC188.9531 | $\begin{array}{llllll}3 & 18 & 19 & 24 & 27 & 29\end{array}$ |
| 8135383085 | 200 N BELCHER RD | largo | TC188. 9519 | 9101922 |
| 8135410625 | 5801 62ND AVE N | pinalles park | TC188.9519 | 192225 |
| 8139300042 | 2921 BUSH BLVD | tampa | TC188.9517 | $\begin{array}{lllll}18 & 19 & 22 & 28\end{array}$ |
| 8139513912 | 10 S Lime | SARASOTA | TC188.9517 | 161922 |
| 8139542400 | 2037 bahiavista | sarasota | TC188.9518 |  |
| 8139543520 | 1012 N tamiami | SARASOTA | TC188.9517 | $\begin{array}{llllllll}6 & 8 & 12 & 13 & 14 & 15 & 16\end{array}$ |
| 8139543521 | 1012 n tamiami | SARASOTA | TC188.9517 | 61922 |
| 8139879887 | 8877 56TH ST. | tampa | TC188.9534 | 36919 |
| 9042419313 | 657 WONDERWOOD DR | JKVL | TC188.9521 | 231924 |
| 9042419663 | 657 WONDERWOOD DR | JKVL | TC188.9521 | 231924 |
| 9042495976 | 227 S. 3RD. AVE. | Jacksonville be | E TC188.9509 | $\begin{array}{llllll}2 & 13 & 18 & 19 & 28\end{array}$ |
| 9042529251 | 1500 S atlantic ave | daytona beach | TC188.9506 | 619 |
| 9042529348 | 1624 S atlantic ave | daytona beach | TC188.9506 | 61119 |


|  |  |  |  | Attachment B Page 2 of 3 |
| :---: | :---: | :---: | :---: | :---: |
| NUMBER | ADDRESS | CITY | ELEE NO. | VIOLATION ITEMS |
| 9042535890 | 205 S RIDGEWOOD AVE | DAYTONA BEACH | TC188.9508 | $\begin{array}{lllll}6 & 9 & 15 & 19\end{array}$ |
| 9042538368 | 1412 S ATLANTIC AVE | DAYTONA BEACH | TC188.9506 | 619 |
| 9042555484 | 140 S ATLANTIC AVE | DAYTONA BEACH | TC188.9506 | $6 \quad 1319$ |
| 9042557182 | 930 S ATLANTIC AVE | DAYTONA BEACH | TC188.9506 | 2619 |
| 9042713524 | 1 FRONT STREET | FERNANDINA BEAC | TC188.9510 | 26919 |
| 9043262074 | 7609 US 441 | LEESBURG | TC188.9522 | 319 |
| 9043262291 | 7609 US 441 | LEESBURG | TC188.9522 | 36919 |
| 9043263162 | 7609 U.S. 441 | LEESBURG | TC188.9522 | 619 |
| 90:3471682 | 11310 SE HWY 301 | BELLVIEW | TC188.9511 | 319 |
| 9043657863 | 2472 N. HWY. 441 | FRUITLAND PARK | TC188.9528 | 23619 |
| 9043729530 | 3423 SW WILLISTON | GAINESVILLE | TC188.9544 | 12919 |
| 9044899831 | 11716 N WILLIAMS ST | DUNNELLIN | TC188.9511 | $\begin{array}{llllll}2 & 6 & 9 & 19 & 23 & 24\end{array}$ |
| 9045397460 | HWY 27 SOUTH | HAVANA | TC188.9503 | 619 |
| 9045399544 | RT 2 BOX 120 US 27 | HAVANA | TC188.9503 | 25619 |
| 9045844173 | 2132 S BUTLER PKWY | PERRY | TC188.9515 | 61922 |
| 9045848385 | 1411 N JEFFERSON ST | PERRY | TC188.9515 | 19 |
| 9045848996 | 1203 S BRYON BUTLER | PERRY | TC188.9515 | $\begin{array}{llllllll}2 & 6 & 8 & 10 & 11 & 12 & 13\end{array}$ |
| 9046294432 | 12475 N GAINSVILLE | LOWELL | TC188.9511 | 219 |
| 9047321631 | 3805 W SILVER | OCALA | TC188.9511 | 219 |
| 9047470986 | 1307 E STH ST | PANAMA CITY | TC188.9513 | 19 |
| 9047633365 | 704 E 15TH ST | PANAMA CITY | TC188.9513 | 619 |
| 9047695902 | 3623 W 23RD ST | PANAMA CITY | TC188.9514 | 19 |
| 9047852118 | 1307 E STH ST | PANAMA CITY | TC188.9513 | 1319 |
| 9048787179 | 2526 S. MONROE | TALLAHASSEE | TC188.9525 | 619 |

Attachment B Page 3 of 3


