

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show Cause)	DOCKET NO. 891288-TC
Proceedings against FLORIDA PUBLIC)	
TELEPHONE COMPANY, INC. for violation)	ORDER NO. 23760
of Rule 25-24.515, F.A.C., Pay)	
Telephone Service Standards.)	ISSUED: 11-14-90
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 FRANK S. MESSERSMITH

ORDER RESOLVING SHOW CAUSE PROCEEDINGS
AND
ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

During 1988 and 1989, service evaluations performed on pay telephones operated by Florida Public Telephone Company, Inc. (the Company), revealed that certain instruments were in violation of Commission rules. The Company was operating a payphone that was not wheelchair accessible. In addition, access to all locally available interexchange carriers was not available.

Rule 25-24.515, Florida Administrative Code, requires in pertinent part:

(13) Each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2 - 4.29.4 and 4.29.7 - 4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1 - 1986). Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be placed in areas accessible to the physically handicapped.

(6) Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

On August 31, 1990, in response to this show cause docket being opened, the Company filed a proposed settlement offer. The

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terms of the offer provide that the Company: (1) has complied with Rule 25-24.515(13) by making all pay telephones wheelchair accessible; (2) has concluded an upgrade of all paystation equipment to allow access to all interexchange companies as required by Rule 25-24.515(6); (3) agrees to pay a sum of \$750 to this Commission in consideration for and settlement of any alleged violations arising out of the same facts and circumstances which resulted in opening this docket.

We believe that the Company's offer is both appropriate and adequate. The Company has completed the corrective action necessary to comply with our requirements. In addition, the Company has gone to considerable expense to upgrade its equipment to provide access to all interexchange companies. Accordingly, we accept Florida Public Telephone Company, Inc.'s settlement offer.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we accept Florida Public Telephone Company, Inc.'s offer of settlement as stated in the body of this Order. It is further

ORDERED that acceptance of this offer shall constitute a final disposition of the show cause proceeding. It is further

ORDERED that Florida Public Telephone Company, Inc. shall remit the sum of \$750 to the Commission within 30 days of this Order. It is further

ORDERED that upon receipt of the settlement payment, this docket be closed.

By ORDER of the Florida Public Service Commission, this 14th day of NOVEMBER, 1990.



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