

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960649-TC
proceedings against Telaleasing) ORDER NO. PSC-96-0912-FOF-TC
Enterprises, Inc. for violation) ISSUED: July 16, 1996
of Rules 25-24.515, F.A.C., Pay)
Telephone Service, and 25-4.043,)
F.A.C., Response Requirement.)
_____)

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:

Telaleasing Enterprises, Inc. (Telaleasing) is a provider of pay telephone service and was certified September 12, 1989. According to local exchange company records, Telaleasing owns and operates approximately 578 pay telephones in Florida. From 1994 through March 8, 1996, our staff performed 303 evaluations on 288 of Telaleasing's pay telephones and found a total of 688 apparent violations of the Commission's service standards.

Our evaluations showed 106 instances where a pay telephone did not comply with handicapped access standards as required by Rule 25-24.515 (13), Florida Administrative Code. There were 35 cases in which a pay telephone was unable to receive incoming calls as required by Rule 25-24.515 (8), Florida Administrative Code, 26 cases in which access to all locally available interexchange carriers required by Rule 25-24.515 (6), Florida Administrative Code, was not available, and 14 cases where 0+ intraLATA calls did not go to the local exchange company operator as required by Rule 25-24.515(7), Florida Administrative Code. In addition, Table 1 lists other violations of other Rules found at various Telaleasing pay telephones.

DOCUMENT NUMBER-DATE

07392 JUL 16 86

FPCD-RECORDS/REPORTING

Table 1

Number of Violations	Violation
202	Current directory was not available Rule 25-24.515 (11), Florida Administrative Code
106	Telephone was not wheelchair accessible Rule 25-24.515 (13), Florida Administrative Code
65	Address of pay phone location was not displayed Rule 25-24.515 (5), Florida Administrative Code
35	Insufficient light to read instructions at night Rule 25-24.515 (1), Florida Administrative Code
35	Incoming calls could not be received or bell did not ring loud enough Rule 25-24.515 (8), Florida Administrative Code
33	Telephone was not in service Rule 25-24.515 (10), Florida Administrative Code
28	Extended area service and locals calls were not 25¢ or less Rule 25-24.516 (1)(a), Florida Administrative Code
26	Access to all locally available interexchange carriers was not available Rule 25-24.515 (6), Florida Administrative Code
22	Wiring was not properly terminated or was in poor condition Rule 25-24.515 (10), Florida Administrative Code

Number of Violations	Violation
19	Instrument did not comply with 0+ or 1+ interLATA toll rate caps Rule 25-24.516 (1)(c), Florida Administrative Code
19	Telephone number plate was not displayed Rule 25-24.515 (5), Florida Administrative Code
14	Transmission was not adequate or free of noise Rule 25-24.515 (10), Florida Administrative Code
14	0 + area code + local number did not go to LEC operator Rule 25-24.515 (7), Florida Administrative Code
12	Combination of nickels and dimes did not operate properly Rule 25-24.515 (2), Florida Administrative Code
10	Automatic coin return function did not operate properly Rule 25-24.515 (2), Florida Administrative Code
10	Glass was chipped or broken Rule 25-24.515 (12), Florida Administrative Code
10	911 center could not verify the street address of the pay phone Rule 25-4.076 (4), Florida Administrative Code
5	Certificated name of provider was not displayed Rule 25-24.515 (5), Florida Administrative Code
5	Enclosure was not adequate or free of trash Rule 25-24.515 (12), Florida Administrative Code

Number of Violations	Violation
4	Clear and accurate dialing instructions were not displayed Rule 25-24.515 (5), Florida Administrative Code
4	Coin free number for repairs/refunds did not work properly Rule 25-24.515 (5), Florida Administrative Code
3	Address of responsible party for refunds/repairs was not displayed Rule 25-24.515 (5), Florida Administrative Code
3	Local telephone company responsibility disclaimer was not displayed Rule 25-24.515 (5), Florida Administrative Code
2	Coin-free service to local directory assistance did not work Rule 25-24.515 (4), Florida Administrative Code
1	Direct, free service to local operator did not work Rule 25-4.076 (3), Florida Administrative Code
1	Statement of services not available was not displayed Rule 25-24.515 (5), Florida Administrative Code

Our staff notified Telaleasing of each violation and requested the company correct the violation. Rules 25-24.505(1) and 25-4.043, Florida Administrative Code, requires companies to respond to inquiries from our staff within 15 days. Telaleasing was late in responding to our staff's notices almost half the time. Our staff has issued 56 notices since 1994 and in 27 cases, the company responded after the 15 days allowed by Commission rules. Telaleasing responded timely to 29 notices.

By Order 25184, issued October 10, 1991, we ordered Telaleasing to show cause why it should not be fined \$5,000 for

violation of pay telephone handicapped access rules and failure to respond to Commission staff inquiries. By Order No. PSC-92-0219-FOF-TC, issued April 17, 1992, we accepted Telaleasing's offer to correct the handicapped access violations and suspended the fine if no further violations were found during the next six months. By Order No. PSC-92-1007-FOF-TC, issued September 21, 1992, we found Telaleasing had pay telephones that did not comply with the handicapped access standards and ordered Telaleasing to pay a \$5,000 fine. The docket was closed when Telaleasing paid the fine.

Based on the number of apparent violation and Telaleasing's repeated failure to timely respond to our staff, we order Telaleasing to show cause why a fine should not be imposed, its certificate number 2358 should not be cancelled, or both for violations of Rules 25-24.515, 25-24.505(1), and 25-4.043, Florida Administrative Code. Telaleasing's response must contain specific allegations of fact and law and be filed by the date specified in the "Notice of Further Proceedings or Judicial Review" section of this Order. If Telaleasing fails to respond, such failure shall be deemed an admission of all facts contained in this Order and a waiver of its right to a hearing.

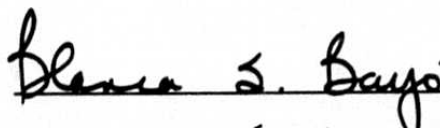
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Telaleasing Enterprises, Inc. is ordered to show cause why it should not be fined or have its certificate cancelled for violations of various Rules as described in the body of this Order. It is further

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

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, and waiver of a right to a hearing.

By ORDER of the Florida Public Service Commission, this 16th day of July, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LMB

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 August 5, 1996.

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.