

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 920345-TP
proceedings against SIESTA MOTOR) ORDER NO. PSC-92-1026-FOF-TP
INN for violations of section) ISSUED: 09/21/92
364.3376(5), (6), F.S., and)
Rule 25-4.043, F.A.C., Response)
to Florida Public Service)
Commission Staff Inquiries)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

FINAL ORDER

BY THE COMMISSION:

On June 4, 1992, we issued Order No. PSC-92-0451-FOF-TP requiring Siesta Motor Inn (Siesta) to show cause why it should not be required to correct the alleged violations listed below and be fined \$500 for these violations. These violations included:

- 1) failing to post the information required by Section 364.3376(5), Florida Statutes;
- 2) blocking access to an end-user's operator service provider of choice which is prohibited by Section 364.3376(6) Florida Statutes;
- 3) failing to correct the violations as required by Section 364.3376(11) Florida Statutes;
- 4) and failing to respond to commission staff as required by Rule 25-4.043, Florida Administrative Code.

On June 23, 1992 Siesta filed a timely response to Order No. PSC-92-0451-FOF-TP. The response did not address all the issues raised in Order No. PSC-92-0451-FOF-TP. On July 17, 1992 Siesta filed an amendment to its response. Upon inspection of the information provided by Siesta in its response our staff inspected Siesta's premises again on July 21, 1992. The July 21, 1992 inspection indicated that the tent card was not displayed, nor were instructions to access other operator services providers available.

The evaluator was not able to reach AT&T via 10288+0. When the evaluator dialed 10288+0 he reached a fast busy. Normally a fast busy signal indicates that no trunks are available or that an

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invalid number has been dialed. After several attempts to access AT&T via 10288+0, the evaluator concluded that this number sequence was blocked at the hotel switchboard.

When the evaluator dialed 8+00 he reached an International Telelarge Inc. operator. When he dialed 8+0, he reached a Southern Bell operator and was able to be transferred upon request to an AT&T operator. Although this method of access was acceptable and successful the evaluator could find no instructions indicating that guests could access their operator service provider of choice by dialing 8+0 and requesting the transfer. Furthermore, contrary to assertions made in Siesta's response the evaluator could find no instructions for guests to dial 0 and ask the motel operator to transfer them to the guest's preferred operator service provider.

Siesta's response, even as amended is little more than a litany of corrective actions, some of which have not occurred. The only possible defense raised by Siesta is the owner's difficulty with the English language. While we are sympathetic to such difficulties, we do not find the violations completely mitigated. Accordingly, we find it appropriate to reduce the fine to \$100 and require Siesta to correct the violations with the assistance of our staff.

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that Siesta Motor Inn shall pay a \$100 fine for the violations alleged in Order No. PSC-92-0451-FOF-TP. It is further

ORDERED that Siesta Motor Inn shall correct all violations alleged in Order No. PSC-92-0451-FOF-TP. It is further

ORDERED that this docket shall remain open 30 days to permit compliance by Siesta Motor Inn and then closed.

By ORDER of the Florida Public Service Commission this 21st day of September, 1992.



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.