

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930911-TC
proceedings against COMMERCIAL) ORDER NO. PSC-94-0168-AS-TC
TELEPHONE'S INC. for violation) ISSUED: February 10, 1994
of Rule 25-24.515(14), F.A.C.,)
regarding wheelchair)
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
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER ACCEPTING OFFER OF SETTLEMENT

BY THE COMMISSION:

I. BACKGROUND

On August 31, 1990, Commercial Telephone's, Inc. (Commercial or the company) was granted a certificate to provide pay telephone service in the State of Florida. The company owns approximately 249 pay telephones. In the course of our service evaluation program it became apparent that several of the company's pay telephones were in violation of the Rules concerning wheelchair accessibility. These apparent violations were spread over a significant period of time.

Rule 25-24.515(14), Florida Administrative Code, requires each telephone station installed after January 5, 1987, to conform to subsections 4.29.2 through 4.29.4 and 4.29.7 through 4.29.8 of the standards published by the American National Standards Institute, Inc. (ANSI A117.1-1986). Each telephone station installed prior to January 5, 1987, shall conform to the above standards by January 1, 1995.

The Commission initially considered this matter at our October 12, 1993 Agenda conference. At that time company representatives asked that they be allowed time to resolve the issue of nonconforming pay telephones informally. Accordingly, we deferred further consideration of this matter.

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FPSC-RECORDS/REPORTING

II. OFFER OF SETTLEMENT

On October 26, 1993, Commercial filed a proposed offer of settlement. As outlined in the settlement offer, Commercial has agreed to:

1. Evaluate each of its paystations and identify any non-complying paystations by address and telephone number.
2. Provide a list of the non-complying paystations to the Commission along with a schedule of when each will be brought into compliance.
3. Bring all paystations into compliance within 90 days from the date the settlement agreement is approved.
4. Perform all the above actions within 90 days from the date of issuance of this Order.
5. Pay a fine of \$1,000.

Upon consideration, we find it appropriate to approve the offer of settlement. Accordingly, Commercial shall pay the agreed to amount of \$1,000 within 30 days of the date of issuance of this Order. In addition, Commercial shall certify to the Commission within 90 days of the issuance of this Order that the corrective actions described above have been made.

Base on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement submitted by Commercial Telephone's, Inc. is approved as set forth in the body of this Order. It is further

ORDERED that Commercial shall pay the agreed to amount of \$1,000 within 30 days of the date of issuance of this Order. It is further

ORDERED that Commercial shall certify to the Commission within 90 days of the issuance of this Order that the corrective actions described in the body of this Order have been made. It is further

ORDERED that this docket may be closed when Commercial has complied with the terms set forth in the body of this Order.

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By ORDER of the Florida Public Service Commission, this 10th
day of February, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

TH

by: Kay Flynn
Chief, Bureau of Records

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.