

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 931042-TC
proceedings against TELEPHONE) ORDER NO. PSC-94-0612-AS-TC
OPERATING SYSTEMS, INC. for) ISSUED: May 23, 1994
violation of Rules 25-24.515(6),)
F.A.C, Access to Locally)
Available Interexchange)
Carriers, and 25-24.515(14),)
F.A.C., Regarding Wheelchair)
Access.)
_____)

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 SETTLEMENT OFFER

BY THE COMMISSION:

By Order No. 19820, issued August 18, 1988, the Florida Public Service Commission granted Pay Telephone Certificate No. 2111 to Telephone Operating Systems, Inc. (TOPS). TOPS currently operates approximately 875 pay telephones in Florida.

By Order No. PSC-93-1805-FOF-TC, issued December 20, 1993, we ordered TOPS to show cause, in writing, why it should not be fined \$10,000 or have Certificate No. 2111 revoked for its apparent violations of Rules 25-24.515(6) and (14), Florida Administrative Code, regarding equal access and standards for wheelchair access.

In response to Show Cause Order No. PSC-93-1805-FOF-TC, TOPS proposed to pay a fine of \$5000.00, payable in monthly installments of \$1000 per month to the Florida Public Service Commission and received by The Commission's Division of Administration, Bureau of Fiscal Services by the last day of each month; to report all instruments that currently are not in compliance with Rule 25-24.515(14), Florida Administrative Code, regarding standards for wheelchair access, to the Commission staff by May 2, 1994; and to have its instruments at all locations in compliance with Rule 25-24.515(14), Florida Administrative Code, regarding wheelchair

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access, within ninety days of the issuance of the final order in this docket. TOPS asserted that its instruments are already in compliance with Rule 25-24.515(6), regarding equal access.

Based on the extent of the violations, we accept TOPS' settlement proposal because the fine of \$5000.00 is fair and reasonable. TOPS has agreed to bring all of its instruments into compliance with Rule 25-24.515(14), Florida Administrative Code, within ninety days and has asserted that it is already in compliance with Rule 25-24.515(6), Florida Administrative Code. On April 13, 1994, TOPS provided the Commission staff with the list of its instruments that are not in compliance with Rule 25-24.515(14), Florida Administrative Code. TOPS stated that it seeks to pay the fine in monthly installments because of cash flow constraints, which we find reasonable.

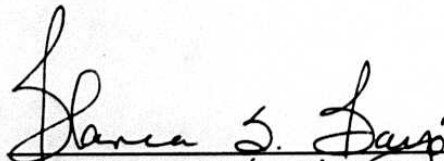
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Telephone Operating Systems, Inc.'s settlement offer in response to Show Cause Order No. PSC-93-1805-FOF-TC, issued December 20, 1993, is hereby accepted. It is further

ORDERED that Telephone Operating Systems, Inc. shall pay the \$5000.00 fine in monthly installments of \$1000 per month payable to the Florida Public Service Commission by the last day of each month beginning from the date this Order is issued. It is further

ORDERED that this docket shall remain open until the final payment is received by the Florida Public Service Commission's Division of Administration, Bureau of Fiscal Services. Upon receipt of the final payment, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of May, 1994.



BLANCA S. BAYO, 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.