

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 960350-TC
Proceedings Against Adtec) ORDER NO. PSC-96-1346-FOF-TC
Communications, Inc., for) ISSUED: November 15, 1996
Violation of Rules 25-24.515,)
F.A.C., Pay Telephone Service,)
and 25-4.043, F.A.C., Response)
to Commission Staff Inquiries)
_____)

The following Commissioners participated in the disposition of this matter:

JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER RESOLVING SHOW CAUSE PROCEEDING

BY THE COMMISSION:

Adtec Communications, Inc. (Adtec) is a provider of pay telephone service, certificated August 12, 1985. According to local exchange company records, Adtec owns and operates approximately 927 pay telephones in Florida. Adtec reported gross operating revenues of \$637,856 on its 1995 Regulatory Assessment Fee Return.

In Docket No. 910880-TC, by Order No. 25235, issued October 18, 1991, we required Adtec to show cause why it should not be fined \$1,000 for violations of Rule 25-24.515(13), Florida Administrative Code, Pay Telephone Service, Wheelchair Accessibility, for instruments located at the Bal Harbour Mall, Sunrise, Florida. On October 20, 1992, we issued Order No. PSC-92-1191-AS-TC, accepting the company's settlement offer of \$1,000 after it had relocated the instruments to bring them into compliance with service standards.

Between January 1, 1994, and December 31, 1995, our staff evaluated 65 pay telephones owned or operated by Adtec and found 232 apparent violations. The violations included 18 instances where a pay telephone was not wheelchair accessible and one case in which a pay telephone was unable to receive incoming calls. In addition to the service standards violations, Adtec was late in responding to staff inquiries 14 out of 17 times.

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FPSC-RECORDS/REPORTING

On May 29, 1996, we issued Order No. PSC-96-0722-FOF-TC, which again required Adtec to show cause why it should not be fined and/or have its certificate cancelled for violations of Rule 25-24.515, Florida Administrative Code, as well as of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. On June 18, 1996, Adtec filed its response to the Order. In its response, Adtec requested a hearing. In subsequent telephone conversations with our staff, Adtec requested copies of the pay telephone service evaluations and its responses. A copy of the staff file was provided to Adtec.

On September 19, 1996, we issued Order No. PSC-96-1174-PCO-TC, establishing procedure for an administrative hearing. However, on September 26, 1996, we received a letter from Adtec in which the company proposed an informal resolution to the proceeding. First, Adtec proposed to pay a fine of \$2,000. Second, to prevent future complaints, Adtec proposed to bring all of its pay telephones into compliance with applicable rules by December 31, 1996. We find that the terms of Adtec's settlement proposal are fair and reasonable and that the proposal is an appropriate resolution of this proceeding.

The fine of \$2,000 shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes. With remittance of the fine, this docket shall be closed. We intend to conduct follow-up inspections of Adtec's pay telephones after December 31, 1996. We caution that, should Adtec continue to violate pay telephone service standards, we will likely undertake further disciplinary action.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the settlement proposed by Adtec Communications Inc., herein described, as resolution of apparent violations of Rules 25-24.515 and 25.4.043, Florida Administrative Code, is accepted. It is further

ORDERED that the fine of \$2,000 shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes. It is further

ORDERED that, upon remittance of the fine, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 15th
day of November, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. Lynn
Chief, Bureau of Records

(S E A L)

CJP

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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 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.