

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 910788-TC
cause proceedings against) ORDER NO. PSC-92-1007-FOF-TC
TELELEASING ENTERPRISES, INC.) ISSUED: 09/21/92
for violation of Florida)
Public Service Commission)
rules.)
_____)

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

ORDER TO SHOW CAUSE WHY A FINE SHOULD NOT BE IMPOSED

BY THE COMMISSION:

Teleleasing Enterprises, Inc. (TEI) has been a certificated pay telephone service (PATS) provider since September 12, 1989. As a certificated PATS provider, TEI is subject to our jurisdiction pursuant to Chapter 364 Florida Statutes.

On October 10, 1991 we issued Order No. 25184 which required TEI to show cause why it should not be fined \$5,000 for violation of Rules 24-4.043 and 25-24.515(13), Florida Administrative Code, Response Requirements and Handicapped Accessibility, respectively. TEI responded to the Order to Show Cause and proposed a settlement offer. TEI proposed correcting all existing violations and warrant compliance with all PATS requirements in lieu of a fine. Although we recognized TEI's willingness to cooperate, we found the settlement proposal inadequate and imposed a suspended fine.

On April 17, 1992, we issued Order No. PSC-92-0219-FOF-TC directing TEI to comply with Rule 25-24.515(13) (Handicapped Accessibility). The Order also imposed and suspended a \$5,000 fine. The fine was to be levied if a PATS telephone operated by TEI was discovered to be in violation of the Handicapped Accessibility Requirements within 6 months of the effective date of the Order.

On June 2, 1992 and June 4, 1992, in the course of routine PATS evaluations, four pay telephones operated by TEI were discovered to be in violation of Handicapped Accessibility Requirements.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Teleleasing Enterprises, Inc. shall show cause why the fine suspended in Order No. PSC-92-0219-FOF-TC should not be imposed as a result of violating the terms of Order No. PSC-92-0219-FOF-TC and the Handicapped Accessibility Requirements set forth in Rule 25-24.515(13) Florida Administrative Code. It is further

ORDERED that if Teleleasing Enterprises, Inc. elects to pay the fine, this docket shall be closed. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that if Teleleasing Enterprises, Inc. fails to respond to this Order the failure to respond shall be deemed a default and the fine shall be imposed. It is further

ORDERED that this docket shall remain open pending resolution of the show cause process.

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



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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.

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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, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 12, 1992.

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.