

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: SEPTEMBER 23, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (FORDHAM) *z.f.f. CB*

RE: DOCKET NO. 990929-TC - REQUEST BY PRO TELECOM, INC. FOR TEMPORARY WAIVER OF RULE 25-24.515(18), F.A.C., WHICH REQUIRES CONVERSION OF PAY TELEPHONES FOR HEARING AID COMPATIBILITY.

AGENDA: 10/05/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: OCTOBER 14, 1999 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990929.RCM

RECEIVED FPSC
SEP 23 AM 11:45
RECORDS AND REPORTING

CASE BACKGROUND

Pro Telecom, Inc. (Pro Telecom) was granted Pay Telephone Certificate No. 1614 on July 14, 1987.

On February 1, 1999, the Commission modified the pay telephone service rules, including Rule 25-24.515(18)(f), F.A.C., Pay Telephone Service, which requires modification of pay phone stations to comply with the American National Standards Institute, Inc. (ANSI) standards dealing with hearing-aid compatibility.

Pro Telecom discovered that it was unable to comply with the rule with its current equipment. The company filed the petition on July 16, 1999, for a temporary waiver of this requirement (ATTACHMENT A) and a supplement on August 17, 1999 (ATTACHMENT B). The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly August 11, 1999. The comment period ended September 3, 1999, and no

DOCUMENT NUMBER-DATE

11464 SEP 23 99

FPSC-RECORDS/REPORTING

DOCKET NO. 990929-1C
DATE: SEPTEMBER 23, 1999

comments were received. The statutory deadline for the Commission's decision regarding this petition is October 14, 1999.

This is staff's recommendation regarding Pro Telecom's petition for temporary waiver of Rule 25-24.515(18)(f), F.A.C., Pay Telephone Service.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Pro Telecom, Inc.'s petition for a waiver of Rule 25-24.515(18)(f), Florida Administrative Code, Pay Telephone Service, until December 31, 1999?

RECOMMENDATION: Yes. Staff recommends the Commission grant Pro Telecom's petition for a temporary waiver until December 31, 1999. (Isler)

STAFF ANALYSIS: Rule 25-24.515(18)(f), Florida Administrative Code, Pay Telephone Service, states:

Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.

ANSI Section 4.29.5, Hearing-aid Compatible and Volume Controlled Telephones, states:

Telephones shall be hearing-aid compatible. Volume control shall be capable of increasing the volume within the range of 12 db minimum and 18 db maximum above the nonamplified mode, except that the 18 db maximum shall not apply where an automatic reset is provided.

On July 16, 1999, Pro Telecom filed a request for a temporary waiver of Rule 25-24.515(18)(f), Florida Administrative Code, Pay Telephone Service. On August 17, 1999, Pro Telecom filed a supplement to its petition. According to the petition, Pro Telecom owns and operates 690 pay stations, of which 522 were manufactured by Teecom. Pro Telecom attempted to contact Teecom, but discovered that Teecom was no longer in business. Pro Telecom then contacted OTC Telecom, a company which provides technical support and parts to pay stations, and explained its need for volume control button kits so that it could comply with Commission rules. The button control set that OTC Telecom provided the company was not compatible with the Teecom pay stations.

It should be noted that Pro Telecom was able to install volume control handsets on the 168 pay stations not manufactured by Teecom. In addition, the company has complied with the hearing-aid compatibility requirement on all 84 of its inside pay stations.

The company later contacted another company, TEK, which provided the company with amplified volume control kits. After

testing, Pro Telecom found that these kits were also not compatible with the Teecom pay stations. Pro Telecom recently contacted another supplier, Communications Connection, for its amplified volume control kits. Pro Telecom advised staff that these new kits worked properly and the company stated that 500 kits had been ordered. Pro Telecom advised staff that the cost of the amplified volume control kit and installation charges is \$50 per phone, or approximately \$25,000. The company has developed a schedule and is now in the process of installing the kits on the remaining Teecom pay telephones. In addition, if a consumer complains that a particular payphone is not hearing-aid compatible that has not yet been converted, Pro Telecom will take that pay station out of turn and immediately install the device on that payphone. Staff checked the Division of Consumer Affairs' records and found that no complaints between February 1 and September 14, 1999, have been filed against Pro Telecom.

Staff believes that the most cost-effective and logical method to resolve Pro Telecom's inability to comply with Rule 25-24.515(18)(f), F.A.C., Pay Telephone Service is to grant the waiver with an expiration of December 31, 1999. Staff believes that Pro Telecom has demonstrated that enforcement of the rule would cause substantial hardship due to the cost associated with immediate compliance.

Pro Telecom began in February, immediately following the effective date of the new rule, to modify their pay stations. They have operated in good faith and have made all reasonable efforts to comply with the rule. Their failure to meet the deadline has been due to circumstances beyond their control. Accordingly, staff recommends that the Commission grant Pro Telecom's waiver as petitioned until December 31, 1999.

DOCKET NO. 990929-1C
DATE: SEPTEMBER 23, 1999

ISSUE 2: Should this docket be closed

RECOMMENDATION: Yes, this docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action. (Fordham)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed.

July 14, 1999

Ms. Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Hearing Aid Compatibility

Dear Ms. Bayo:

We hereby request an extension of our deadline to complete conversion of our payphones for hearing aid compatibility.

We have completed several hundred with later software however, many of our older phones require hardware conversion. We have tested, several push-button and handset versions and are not satisfied with the results.

We should have no problem complying within 90-120 days on December 31, 1999. Thank you for your consideration.

Sincerely,

Michael L. Jett

RECEIVED

JUL 22 1999

CMU

MAIL ROOM

JUL 15 AM 9:12 '99

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION

- 6 -

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC _____
- WAW _____
- OTH _____

DOCUMENT NUMBER - DATE
08450 JUL 15 99
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
99 AUG 17 AM 6:21
MAIL ROOM

In Re: Petition for Rule Waiver)
by Pro Telecom, Inc.)
_____)

Docket No: 990929-TC

PETITION FOR RULE WAIVER

Pro Telecom, Inc. hereby files this Petition for Rule Waiver previously requested July 16, 1999 in Docket No. 990929-TC. Pro Telecom believes that it would be appropriate to expand upon the allegations in the original request. Failure to grant the petition for waiver would create a "substantial hardship" and granting the petition would not do violence to the concept that waivers should be granted only where the underlying purpose of the Rule will be achieved by other means. Consequently, Pro Telecom submits the following supplemental information:

1. Pro Telecom is subject to regulation by Public Service Commission.
2. Pro Telecom respectfully requests a temporary waiver of Rule-25-24.515 (18) (f) which states as follows:

Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.

3. Pro Telecom has complied with every requirement of Rule 25-24.515 (18) (a) (b) (c) (d) (e) and (f) except hearing aid compatibility.
4. Pro Telecom owns and operates 690 pay telephones in Florida. The majority (522) were manufactured by Teecom, a Norcross, Georgia company, which went out of business several years ago. OTC Telecom has since provided some support and parts. In addition we engaged the services of a former Teecom employee as a contractor for repairs. Also, we contracted with a computer programmer for software upgrades. We informed OTC Telecom of the need for volume control button kits in February, 1999, and were informed it was "no problem". Subsequently, we received a button control set which was not compatible with the Teecom paystations. We then turned to our Teecom repair technician who said the reason it did not work with the Teecom board was the lack of amplification in the Teecom board. He referred us to TEK a manufacturer of amplified button kits, but he also told us he thought there were out of business. A phone call seemed to confirm this since the number he furnished us was disconnected. At this point we began field testing volume control handsets. Later, we

RECEIVED

AUG 17 1999

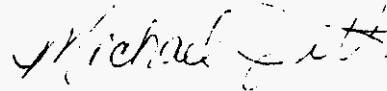
CMU

contacted Universal Communications of Cornelia, Georgia. They said they had an amplified volume control kit from TEK. They furnished us TEK's new phone number. We contacted TEK directly and have just received their product for field testing.

5. Pro Telecom has deployed volume control handsets at a number of locations. This is a satisfactory solution only at indoor locations due to high vandalism and abuse at outside locations. As such, all Tallahassee area indoor pay stations have been equipped with volume-control handsets.
6. While Pro Telecom would like to be, and is in the process of, upgrading all pay stations to the latest hardware and software, this will cost in excess of \$300,000.00.
7. If a temporary waiver is granted, Pro Telecom is also willing to immediately install a volume-control handset at any location receiving a consumer complaint regarding hearing aid compatibility.
8. Pro Telecom submits that granting the petition would allow the underlying purpose of Rule 25-24.515 (18) (f) to be achieved by reasonable means, at a reasonable cost, without creating unintended consequences and possible unintended departures from other rule requirements.

Pro Telecom hereby requests ninety days to completed our ongoing conversion to full hearing-aid compatibility.

Respectfully submitted,



Michael Jett
President, Pro Teleocm, Inc.
P.O. Box 1440
Panacea, FL 32346
Phone (850) 984-0050

