

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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|---------------------------------------|---|----------------------|
| In re: Initiation of show cause |) | DOCKET NO. 890147-TC |
| proceedings against INTERNATIONAL |) | |
| TELE-COIN COMPANY, INC. for continued |) | ORDER NO. 20730 |
| violation of Rule 25-24.515, F.A.C, |) | |
| and misrepresenting compliance with |) | ISSUED: 2-13-89 |
| the accessibility to the wheelchair |) | |
| disabled requirement |) | |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
 BETTY EASLEY
 JOHN T. HERNDON
 GERALD L. GUNTER

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

On October 12, 1988, the Commission's Consumer Affairs Division received a complaint that International Tele-Coin Company, Inc.'s (ITC) pay telephone number 305-238-8735 (located in the Yumari Restaurant in Miami) was not accessible to persons in wheelchairs. ITC's response to Consumer Affairs, dated December 8, 1988, indicated this telephone was in compliance with all Commission rules and regulations. Consumer Affairs then notified the complainant that the telephone had been adjusted. On January 4, 1989, the complainant recontacted Consumer Affairs and advised that the phone in question had not been made accessible as represented by ITC.

Rule 25-24.515, Florida Administrative Code, provides in pertinent part:

(13) Each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2 - 4.29.4 and 4.29.7 - 4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1 - 1986). Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be placed in areas accessible to the physically handicapped.

Specifications referred to in the above rule include a requirement that the coin slot on a pay telephone be no more than fifty-four (54) inches above the floor. On January 17, 1989, Commission staff made a field visit to Miami and inspected this telephone. Staff's report indicates the coin slot of this telephone was sixty-six (66) inches above the floor and confirms that this telephone was not brought into compliance as represented to us by ITC.

Pursuant to Section 364.285, Florida Statutes, we find it appropriate to require ITC to show cause, in writing, why it should not be fined two-thousand dollars (\$2,000) for failing to make its pay telephone accessible to the physically

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handicapped and for misrepresenting its compliance when contacted by our staff.

Therefore, in consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that International Tele-Coin Company, Inc. shall show cause, in writing, within twenty (20) days of the date of this order why it should not be penalized by the imposition of a fine in the amount of two-thousand dollars (\$2,000) for its failure to comply with Rule 25-24.515, Florida Administrative Code, as set forth in the body of this Order. It is further

ORDERED that any response filed by International Tele-Coin Company, Inc. must contain specific statements as to fact and law. It is further

ORDERED that upon receipt of a response as outlined above, and upon International Tele-Coin Company, Inc.'s request, further proceedings will be scheduled by the Commission, at which time the Company will have an opportunity to contest the violations alleged above. It is further

ORDERED that International Tele-Coin Company, Inc.'s failure to file a written response within the prescribed time period will constitute an admission of guilt and a waiver of the right to a hearing.

By ORDER of the Florida Public Service Commission, this 13th day of FEBRUARY, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Dejean
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.

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This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are adversely affected by the action proposed by this order may file a petition for a formal proceeding pursuant to Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a), 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 March 6, 1989. Failure to respond by March 6, 1989 shall constitute a 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(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on March 7, 1989.

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 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 of the effective date of the default date set forth in 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.