

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 910380-TC
proceedings against PEOPLES TELEPHONE	)	ORDER NO. 24590
COMPANY for violation of Rule 25-24.515,	)	ISSUED: 5/28/91
F.A.C., Pay Telephone Standards.	)	
	)	

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
 BETTY EASLEY  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

FINAL ORDER APPROVING SETTLEMENT OFFER

BY THE COMMISSION:

Peoples Telephone Company, Inc. (Peoples or the Company) has been a certificated pay phone provider (PATS) since March 14, 1985. The Company reported 5,113 PATS locations and a gross intrastate revenue of \$10,374,499 for 1990.

Peoples was notified of apparent service violations of our Rules involving several locations on July 12, 1990. The Rules allegedly violated include:

1. Rule 25-24.515(6), Florida Administrative Code, which states:

Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

2. Rule 25-24.515(13), Florida Administrative Code, which states:

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... (ANSI)

DOCUMENT NUMBER-DATE

05307 MAY 28 1991

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Paragraph 4.2.6 of the subsection 4.29.3 ANSI standards states:

Side Reach - If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 inches.

3. Order No. 20489 paragraph H which states:

All zero minus (0-) traffic shall be routed to the LEC. (Also required by Orders Nos. 20610 and 24101.)

In response to this proceeding, Peoples filed a proposed settlement offer. This proposal included the following terms:

1. Without admitting to any of the facts alleged in Staff's show cause recommendation dated April 18, 1991, or to any violation of Commission regulations or Florida law, Peoples will pay a sum of \$10,000 to the Florida Public Service Commission in consideration for and settlement of any and all alleged violations to date arising out of the same facts and circumstances as in the show cause recommendation in this docket.
2. Peoples commits to verifying that all of its payphones are in compliance with applicable Commission rules and orders within 60 days of the Commission order approving this settlement agreement.

While we are concerned with previous violations, we find this settlement appropriate and in the public interest.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Peoples Telephone Company shall pay a fine of \$10,000. It is further

ORDERED that Peoples shall verify compliance within 60 days of the date of this Order. It is further

ORDERED that this docket shall be closed upon receipt of the fine and verification of compliance.

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By ORDER of the Florida Public Service Commission, this 28<sup>th</sup>  
day of MAY, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

by: Kay Hizon  
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.

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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.