

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause ) DOCKET NO. 910694-TC  
proceedings against TELEPHONE OPERATING )  
SYSTEMS, INC. for violation of service ) ORDER NO. 25035  
standards and Rule 25-4.043, F.A.C., )  
Response Requirements. ) ISSUED: 9/9/91  
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
J. TERRY DEASON  
BETTY EASLEY  
MICHAEL McK. WILSON

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Telephone Operating Systems, Inc. (TOS or the Company) has been a certificated pay telephone service (PATS) provider since September 9, 1988. As a certificated PATS provider, TOS is subject to our jurisdiction.

On February 11, 1991, a service evaluation was performed on a pay telephone operated by TOS in Hosford. The evaluation identified several service violations noted below:

1. The station was not accessible to the physically handicapped as required by Rule 25-24.515(13), Florida Administrative Code.
2. Current Directory was not available as required by Rule 25-24.515(11), Florida Administrative Code.
3. The address of the pay phone station was not displayed as required by Rule 25-24.515(5), Florida Administrative Code.
4. Clear dialing instructions were not displayed. The instructions said "411 for directory assistance" instead of 1411. Posted instructions for emergency calls specify 911 although 911 is not provided in this service area. No alternate emergency call instructions were displayed. Such instructions are required by Rule 25-24.515(5), Florida Administrative Code, in areas where 911 is not available.

DOCUMENT NUMBER-DATE

08938 SEP -9 1991

FPSC-RECORDS/REPORTING

5. Automatic coin return function was not operating properly. Coin was not returned when a busy signal was reached as required by Rule 25-24.515(2), Florida Administrative Code.
6. Access to all available interexchange carriers (IXCs) was not available. 102880 went to steady tone, 0+/0 went to ITI operator, there was no direct access to AT&T. Access to locally available IXCs is required by Rule 25-24.515(6), Florida Administrative Code.

Notice of the above-cited violations was sent to TOS's address of record requesting a response by May 1, 1991. TOS failed to respond and a certified letter was sent on May 29, 1991 requesting a response within 15 days. As of July 5, 1991, no response had been received. Failure to respond to Staff communications is a violation of Rule 25-4.043, Florida Administrative Code.

We would further note that a subsequent evaluation performed on June 21, 1991 indicated that the above-noted violations had not yet been corrected.

We are especially concerned with the failure of any regulated entity to respond to Staff communications. Violation of Rule 25-4.043 gravely diminishes our ability to regulate a certificated utility and warrants a severe penalty.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Telephone Operating Systems, Inc. shall show cause why it should not be fined \$500 for violation of the rules cited in the body of this Order. 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 this docket shall remain open pending resolution of the show cause process. It is further

ORDERED that if Telephone Operating Systems, Inc. fails to file a response to this Order pursuant to the requirements set forth below, Certificate No. 2111 shall be administratively canceled and this docket closed.

ORDER NO. 25035  
DOCKET NO. 910694-TC  
PAGE 3

By ORDER of the Florida Public Service Commission, this 9th  
day of SEPTEMBER, 1991.

  
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.

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 9/30/91.

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.

ORDER NO. 25035  
DOCKET NO. 910694-TC  
PAGE 4

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 this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

MEMORANDUM

September 5, 1991

TO : DIVISION OF RECORDS AND REPORTING  
FROM : DIVISION OF LEGAL SERVICES (ADAMS)  
RE : DOCKET NO. 910694-TC

*JKA TR*

*25035*

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER INITIATING SHOW CAUSE PROCEEDINGS in the above-referenced docket, which is ready to be issued.

JKA/ttl  
Attachment  
cc: Division of Communications  
  
910694a.ttl

~~Adams~~  
~~due 9/30/91~~  
response  
due 9/30/91