

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 910788-TC
proceedings against TELALEASING	)	
ENTERPRISES, INC. for violation of	)	ORDER NO. 25184
Rule 25-4.043, F.A.C. and service	)	
standards.	)	ISSUED: 10/10/91
	)	

The following Commissioners participated in the disposition of this matter:

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

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Telaleasing Enterprises, Inc. (Telaleasing) has been a certificated pay telephone service (PATS) provider since September 12, 1989. As a certificated PATS provider, Telaleasing is subject to our jurisdiction.

On April 2, 1991, service evaluations performed on pay telephones owned and operated by Telaleasing revealed numerous service violations set forth below. On April 2, 1991, our staff sent Telaleasing a letter setting forth the violations, requesting corrective action and a written response within 15 days. When no response was received, staff followed up with a certified letter on May 29 again requesting corrective action and a written response with 15 days. A response was not received until June 17, 1991, four days late.

In July 1991, service evaluations were again performed on Telaleasing's pay telephones indicating that seven of the eleven pay telephones originally evaluated were still in violation of the Rules. On July 16, 1991, our staff sent Telaleasing a third letter again requesting corrective action and a response within 15 days. Telaleasing failed to respond to this communication until August 7, 1991, seven days after the deadline.

Telaleasing appears to have violated numerous Rules regulating PATS providers. The service-related violations revealed as the

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result of the service evaluation include the following provisions of the Florida Administrative Code:

25-24.515(5) - Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: telephone number and location address of such station, name or recognizable logo of the owner and the party responsible for repairs and refund, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and, where applicable, a statement that the phone is not maintained by the local exchange company.

25-24.515(11) - Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.

25-24.515(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.

In addition to these service-related violations, we are gravely concerned with other actions by Telaleasing which adversely affect our ability to regulate certificated entities. Rule 24-4.043, Florida Administrative Code, provides:

Response to Commission Staff Inquiries. The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

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Telaleasing appears to have violated this Rule not once, but three times. Furthermore, its original response appears to have been less than candid. We find the lack of candor to be of special concern because efficient utility regulation is dependent upon credible communications between regulated entities and our staff.

Based on these alleged violations, we find it appropriate to require Telaleasing to show cause why it should not be fined up to \$5,000 for the aforementioned violations. We do so pursuant to Section 364.25(1), providing this body with the authority to fine regulated entities up to \$25,000 per day per violation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Telaleasing Enterprises, Inc. shall show cause why it should not be fined \$5,000 for the violations alleged 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 if Telaleasing Enterprises, Inc. elects to pay the full fine amount, this docket shall be closed. it is further

ORDERED that failure to file a response shall constitute a default and Telaleasing Enterprises, Inc.'s Certificate No. 2358 shall be canceled and this docket administratively closed.

By ORDER of the Florida Public Service Commission, this 10th day of OCTOBER, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

by: Kay Heppner  
Chief, Bureau of Records

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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 10/30/91.

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.

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.