

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910784-TC
proceedings against VICTOR ROBINSON for)	
violation of service standards and Rule)	ORDER NO. 25185
25-4.043, F.A.C., Response Requirement.)	
<hr/>		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 TO SHOW CAUSE WHY A FINE
 SHOULD NOT BE IMPOSED FOR VIOLATION
 OF RULES 24.515(5), 24.515(6), 25-24.515(13),
 AND 25-4.043, FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

Victor Robinson (Mr. Robinson) has been a certificated pay telephone service (PATS) provider since June 13, 1986. As a certificated PATS provider, Mr. Robinson is subject to our jurisdiction.

On April 30, 1991, two pay telephones owned and operated by Mr. Robinson in Hollywood were evaluated. The evaluator noted conditions which appeared to violate the following Rules:

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, clear dialing instructions (including notice of the lack of availability of local or toll services), and where applicable, a statement that the telephone is not maintained by the local exchange company.

25-24.515(6) - Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

25-24.515(13) - Each telephone station installed after January 5, 1987 shall conform to subsections 4.92.2 - 4.29.7 - 4.29.8

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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.

On May 13, 1991, our staff sent Mr. Robinson a letter requesting corrective action and a written response within 15 days. Because no response was filed, our staff sent Mr. Robinson a certified letter on June 20, 1991, again requesting corrective action and a written response within 15 days. Mr. Robinson appears to have signed for the certified letter, but no response has yet been received. Rule 24-4.043, Florida Administrative Code, provides that:

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.

Mr. Robinson appears to have violated this Rule by failing to respond to our staff's communications.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Victor Robinson is required to show cause why he should not be fined up to \$5,000 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 below. It is further

ORDERED that if Victor Robinson elects to pay the full amount of the aforementioned proposed fine, this docket shall be administratively closed. It is further

ORDERED that if Victor Robinson fails to file a timely response to this Order, his Certificate of Public Convenience and

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Necessity No. 941 shall be canceled and this docket administratively closed.

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

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Heizer
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.

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.

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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.