

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of)	DOCKET NO. 950555-TL
outstanding violations of Rule)	
25-4.076(9), F.A.C., Handicapped)	
Access Standards, by United)	
Telephone Company of Florida.)	
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In Re: Resolution of)	DOCKET NO. 950556-TL
outstanding violations of Rule)	ORDER NO. PSC-95-0972-FOF-TL
25-4.076(9), F.A.C., Handicapped)	ISSUED: August 9, 1995
Access Standards, by Central)	
Telephone Company of Florida.)	
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER RESOLVING HANDICAPPED ACCESS RULE VIOLATIONS

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On July 3, 1995, we issued Order No. PSC-95-0810-FOF-TL imposing fines against BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company, United Telephone Company of Florida (United), and Central Telephone Company of Florida (Centel) and accepting settlement offers from Vista-United Telecommunications and GTE Florida Incorporated for violations of Rule 25-4.076(9), Florida Administrative Code. Rule 25-4.076(9), Florida Administrative Code, sets standards for making pay telephones accessible to handicapped persons. Pursuant to the Rule, pay telephone stations installed prior to January 5, 1987 were exempt from the Rule's requirements until the exemption expired on January 1, 1995. For violations of the Rule, we imposed a \$19,200 fine against United and a \$11,850 fine against Centel.

DOCUMENT NUMBER-DATE

07575 AUG-9 1995

FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-0972-FOF-TL
DOCKETS NOS. 950555-TL, 950556-TL
PAGE 2

We imposed a fine of \$50 for each pay telephone the companies reported as not in compliance with the Rule on January 1, 1995. We were concerned, however, that some companies might not have used the January 1, 1995 date when determining the number of pay telephones in violation of the Rule. We directed our staff to determine the correct number with each company and report any discrepancies. United and Centel submitted revised figures to include additional pay telephones not previously reported.

United revised its list to show that 226 pay telephones not previously identified were not in compliance with Rule 25-4.076(9), Florida Administrative Code, on January 1, 1995. Centel's revised list showed an additional 131 pay telephones not in compliance with the Rule. Accordingly, we order United to pay a penalty of \$11,300 and Centel to pay a penalty of \$6,550. This amount is in addition to the penalty imposed by Order No. PSC-95-0810-FOF-TL.

We do not believe that the original numbers were an attempt to misled the Commission. It appears they were the result of a misunderstanding about which date should have been used. Therefore, we do not believe further action against either company is appropriate at this time.

It is, therefore,

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida pay a penalty of \$11,300 for violations of Rule 25-4.076(9), Florida Administrative Code. It is further

ORDERED that Central Telephone Company of Florida pay a penalty of \$6,550 for violations of Rule 25-4.076(9), Florida Administrative Code. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order will become final and this docket shall be closed.

ORDER NO. PSC-95-0972-FOF-TL
DOCKETS NOS. 950555-TL, 950556-TL
PAGE 3

By ORDER of the Florida Public Service Commission, this 9th
day of August, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LMB

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 25-22.029(4), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 30, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

ORDER NO. PSC-95-0972-FOF-TL
DOCKETS NOS. 950555-TL, 950556-TL
PAGE 4

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.