

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960285-TC
proceedings against Telephonix,) ORDER NO. PSC-96-0485-FOF-TC
Inc. for violation of Rule 25-) ISSUED: April 8, 1996
24.515, F.A.C., Pay Telephone)
Service Requirements.)
_____)

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

By Order No. PSC-92-1465-FOF-TC, issued December 17, 1992, we granted Certificate No. 3253 to Telephonix, Inc. (Telephonix), by which it is authorized to provide pay telephone service. According to Telephonix's 1995 annual report, it currently operates 171 pay telephones in Florida and earned \$12,629.88 in intrastate gross revenues.

As part of the application process, this Commission provided to Telephonix a copy of the rules and requirements relevant to pay telephone service. The applicant signed a statement acknowledging its receipt and understanding of these rules. In addition, a person representing himself as an owner or officer of Telephonix signed a separate statement agreeing to abide by all current and future Commission requirements regarding pay telephone service.

During recent service evaluations of pay telephones owned and operated by Telephonix, conducted between February 13 and 15, 1996, our staff discovered violations at all thirty-nine of the instruments inspected. The number of violations of each rule and service requirement are as follows:

DOCUMENT NUMBER-DATE

04039 APR-8%

FPSC-RECORDS/REPORTING

<u>VIOLATION</u>	<u>NO. OF TELEPHONES</u>
Rule 25-24.515(1) Insufficient light to read instructions at night	4
Rule 25-24.515(2) Automatic coin return function not working Coins hung in slot or fell through	7 7
Rule 25-24.515(4) Coin free number for repairs/refunds did not work No direct free service to directory assistance	2 1
Rule 25-24.515(5) Legible/correct telephone number not displayed Correct address of telephone location not displayed Clear and accurate dialing instructions not displayed Certificated name of provider not displayed	19 16 3 1
Rule 25-24.515(7) 0+ local calls not routed to LEC operator	20
Rule 24-24.515(11) Current directory not available	34
Rule 25-24.515(12) Enclosure inadequate or contained trash	1
Rule 25-24.515(13) Not accessible to physically handicapped	11
Miscellaneous service problems not covered by Rule	
Telephone not in service	8
Wiring not properly terminated or in good condition	7
Transmission inadequate/static or noise	3
0+ interLATA calls could not be completed	1

We are extremely concerned that twenty of the thirty-nine pay telephones inspected improperly routed 0+ local calls to Opticom, rather than to the local exchange company operator, as required by Rule 25-24.515(7), Florida Administrative Code. The routing of 0+ local calls to Opticom rather than the LEC operator had to be programmed into the pay telephones, and did not simply result from negligence or poor maintenance.

Another serious concern is that eleven of the pay telephones did not meet the requirements for access by physically handicapped

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persons, as required by Rule 25-24.515(13), Florida Administrative Code. In addition, few of the pay telephones had such basic information posted as the pay telephone number and street address. Only five of the thirty-nine pay telephones had a telephone directory available.

Upon consideration of the above, we find it appropriate to require Telephonix to show cause, in writing, within twenty days of the date of this Order, why it should not be fined and/or have its certificate cancelled for these apparent violation of our pay telephone service rules. Penalties paid by other pay telephone providers for similar violations have ranged from \$500 to \$60,000. Telephonix's response must contain specific allegations of facts and law. In accordance with Rule 25-22.037(3), Florida Administrative Code, should Telephonix fail to file a timely response to this Order, such failure shall constitute an admission of all of the facts alleged herein, as well as a waiver of any right to a hearing.

It is, therefore,

ORDERED by the Florida Public Service Commission that Telephonix, Inc. shall show cause, in writing, within twenty (20) days of the date of this Order, why it should not be fined and/or why we should not revoke Certificate No. 3253, for its apparent violations of Rule 25-24.515, Florida Administrative Code. It is further

ORDERED that Telephonix, Inc.'s response must contain specific allegations of fact and law. It is further

ORDERED that, should Telephonix, Inc., fail to respond to this Order to Show Cause, such failure shall constitute an admission of the facts alleged herein and a waiver of any right to a hearing. It is further

ORDERED that this docket shall remain open pending the resolution of these show cause proceedings.

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By ORDER of the Florida Public Service Commission, this 8th
day of April, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

RJP

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 29, 1996.

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 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.