

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960358-TC
proceedings against Peoples) ORDER NO. PSC-96-0765-AS-TC
Telephone Company, Inc. for) ISSUED: June 13, 1996
violation of Rule 25-24.515(8),)
F.A.C., Pay Telephone Service)
Requirements, and Rule 25-4.043,)
F.A.C., Response to Commission)
Staff Inquiries.)

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 APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

Peoples Telephone Company, Inc. (PTC) has been certified to provide pay telephone service in Florida since March 14, 1985. According to PTC's 1995 annual report, it operates 8,658 pay telephones in Florida and earned intrastate revenues of \$7,634,749.

A recommendation to require PTC to show cause why it should not be fined for apparent violations of Rules 25-24.515(8), Florida Administrative Code, and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, was originally scheduled to be considered at our April 16, 1996 Agenda Conference. The item was deferred at PTC's request.

Under Rule 25-24.515(8), Florida Administrative Code, "[e]ach telephone station shall allow incoming calls to be received, with the exception of those located at confinement facilities, hospitals and schools, and at locations specifically exempted by the Commission." According to Rule 25-4.043, Florida Administrative Code, responses to Commission staff inquiries regarding service or other complaints are to be furnished, in writing, within fifteen days of the inquiry.

This Commission has granted exemptions from Rule 25-24.515(8), Florida Administrative Code, for fifty-seven of PTC's locations.

DOCUMENT NUMBER-DATE

06406 JUN 13 96

FPSC-RECORDS/REPORTING

Over the past year, routine pay telephone evaluations have revealed that incoming calls could not be received at fifty-four locations for which we had not granted such an exemption.

The Seminole County and Volusia County 911 Centers have also notified this Commission of pay telephones that could not receive incoming calls. The inability to receive incoming calls can have serious consequences for emergency centers. Emergency workers often must return a call to a pay telephone after receiving a call at the 911 center. Being able to call back allows the 911 center to identify the type of emergency and direct an appropriate response.

It should be clarified that when a pay telephone is evaluated, a violation is noted if an incoming call cannot be received for any reason. The evaluator tests for incoming call capability by asking the local operator to call back at the number posted on the pay telephone. If the pay telephone has been programmed to reject or block incoming calls, the operator's call will not go through. Another circumstance that might cause incoming calls not to be received is faulty equipment. For example, if the ringer mechanism is faulty, the pay telephone will not ring when the operator calls back.

On April 26, 1996, PTC filed a settlement offer. On May 7, 1996, PTC filed a supplement to its settlement offer. In the proposed settlement, PTC acknowledged "inadvertent incoming call blocking at a number of our Florida stations. . . ." However, PTC argues that most instances resulted solely from equipment failures. PTC also acknowledged its failure to respond to Commission staff inquiries in a timely manner as required by Rule 25-4.043, Response to Commission Staff Inquiries, Florida Administrative Code.

The following is a summary of PTC's proposed settlement offer:

1. PTC acknowledges that incoming calls were inadvertently blocked or otherwise could not be received at a number of its Florida pay stations.
2. PTC believes it made the necessary corrections to its pay telephones as staff reported specific problems but acknowledges a delay in providing each of the required written responses within fifteen days. Recognizing the importance of providing a timely response to the Commission staff, PTC will rehire additional full time support staff to ensure that responses are provided in a timely manner.

3. PTC will pay a \$5,000 penalty to reflect the field problems it has experienced and the time lag in responding to staff's inquiries.
4. On April 19, 1996, PTC began a state-wide rate table download to ensure that all its pay telephones (approximately 8,000) were programmed to allow incoming calls. PTC then reprogrammed only those pay telephones which had been granted an exemption from the incoming call requirement.
5. On April 19, 1996, PTC began conducting a systematic inspection program to verify that each of its Florida pay telephones is properly processing incoming calls from both a programming and hardware standpoint. Each of these inspections includes a live callback from another technician either in the field or from a technical support office. The expected completion date is May 15, 1996.
6. All keypad/ringer assemblies worked on by PTC in-house refurbishment/repair operations will be tested to assure that the ringer is fully functional before being placed back in service.
7. The "final check list" used by PTC technicians at the time of all new installations will be amended to include a "call receipt" test for ringer functionality and incoming call capability.
8. PTC will conduct periodic incoming call verification tests during regularly scheduled maintenance/collection visits.
9. Equipment suppliers will be contacted to determine whether modifications to the keypad/ringer equipment may offer better reliability and performance in the field.

Upon consideration, it appears that the above procedures should correct the problems that PTC has had with incoming call capabilities. In addition, based upon fines and/or settlements that have been paid by other pay telephone providers for similar service violations, \$5,000 is a reasonable penalty. Accordingly, we approve PTC's proposed settlement offer.

ORDER NO. PSC-96-0765-AS-TC
DOCKET NO. 960358-TC
PAGE 4

It is, therefore,

ORDERED by the Florida Public Service Commission that the settlement offer proposed by Peoples Telephone Company, Inc., as summarized in the body of this Order, is approved. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 13th day of June, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
Chief, Bureau of Records

(S E A L)

RJP

ORDER NO. PSC-96-0765-AS-TC
DOCKET NO. 960358-TC
PAGE 5

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.