

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 890147-TC
proceedings against INTERNATIONAL)	
TELE-COIN COMPANY, INC. for continued)	ORDER NO. 21639
violation of Rule 25-24.515, F.A.C.,)	
and misrepresenting compliance with)	ISSUED: 7-31-89
the accessibility to the wheelchair)	
disabled requirement)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER REJECTING OFFER OF SETTLEMENT

BY THE COMMISSION:

By Order No. 20730, issued February 13, 1989, we directed International Tele-Coin Company, Inc. (ITC) to show cause why it should not be fined two thousand dollars (\$2000) for violation of Rule 25-24.515(13), Florida Administrative Code. ITC filed its written response to our Order on March 6, 1989. In its response, ITC disputed the facts and law upon which Order No. 20730 was predicated. Subsequently, this docket was referred to the Department of Administrative Hearings (DOAH) for conduct of the hearing.

On June 9, 1989, before the scheduled DOAH hearing, ITC filed a written settlement offer with staff counsel. Although this offer indicated that ITC still disputed the facts and law upon which Order No. 20730 was based, ITC stated that "to spare both ITC and the Commission the cost and inconvenience of litigation, ITC will acquiesce in the payment of a \$250 penalty to settle the case."

We considered ITC's settlement offer at our July 11, 1989, Agenda Conference. In light of the facts and circumstances surrounding the violation alleged in Order No. 20730, we do not believe that accepting ITC's settlement offer would represent an appropriate resolution of this proceeding. Accordingly, we reject ITC's offer of settlement and will proceed to the DOAH

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hearing. We note that ITC could still elect to pay the fine contemplated by Order No. 20730 and upon doing so, this docket would then be closed.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement submitted by International Tele-Coin Company, Inc. on June 9, 1989, is hereby rejected. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission,
this 31st day of July, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

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.

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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 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 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 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.