

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 930087-TC
proceedings against LONDON) ORDER NO. PSC-93-0534-FOF-TC
COMMUNICATIONS, INC. for) ISSUED: 04/08/93
violation of Rule 25-4.515(14),)
F.A.C., Access by Physically)
Handicapped People, and Rule 25-)
4.043, F.A.C., Timely Response)
to Staff Inquiries.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER TO SHOW CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED
FOR VIOLATION OF RULE 25-4.515, F.A.C., ACCESS BY PHYSICALLY
HANDICAPPED PEOPLE, AND RULE 25-4.043, F.A.C.,
TIMELY RESPONSE TO STAFF INQUIRIES

London Communications, Inc. (London) has been a certificated pay telephone service (PATS) provider since December 4, 1989. As a certificated PATS provider, London is subject to our jurisdiction.

On July 7, 1992 a pay telephone operated by London at 2009 West Pensacola Street, Tallahassee, Florida was evaluated. On October 9, 1992 another pay telephone operated by London at 4394 Blountstown Highway, Tallahassee, Florida was evaluated. Both instruments were found to be in violation of Rule 25-24.515(14), Florida Administrative Code. Rule 25-24.515(14) provides:

(14) . . . each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2-4.29.4 and 24.29.7-4.29.8 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), which is incorporated into this rule. Each telephone station installed prior to January 5, 1987 shall conform to the above standard by January 1, 1995.

DOCUMENT NUMBER-DATE

03811 APR-88

FPSC-RECORDS/REPORTING

The instrument located on West Pensacola was wheelchair accessible only by using a ramp located at the back of the building behind the dumpster and trash enclosure. The instrument at the Blountstown Highway location was located on an island. This instrument was found to be six inches above the side approach limit set forth in the ANSI standards.

London was notified of both these apparent violations. When no response was received, a second notice was sent on October 30, 1992 via certified mail. London responded on November 20, 1992. Rule 25-4.043, Florida Administrative Code, requires "The necessary replies to inquiries propounded by Staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen days from the date of the Commission inquiry."

In London's response, the company made assurances that corrective actions were being taken to ensure compliance. Subsequent evaluations, as late as January 14, 1992 revealed no actions had been taken.

During 1992, 53 evaluations were performed on pay telephones operated by London Communications, Inc. Of these, 49 indicated violations of service standards. Twelve regular service evaluation letters were sent and London failed to respond in a timely manner 9 times. In such instances second letters were sent via certified mail. Of 9 certified letters, London failed to timely respond 3 times resulting in a third letter again sent via certified mail. A regulated company which fails to communicate with the regulators has created an impossible task for the regulatory agency. We find this to be a grave situation which must be remedied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that London Communications, Inc. shall show cause, in writing why it should not be fined \$2,000 for violation of Rule 25-24.515(14), Florida Administrative Code, as outlined in the body of this Order. It is further

ORDERED that if any response to this Order shall be filed pursuant to the requirements set forth below. It is further

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ORDERED that if London Communications, Inc. pays the \$2,000 penalty this docket shall be closed. It is further

ORDERED that failure to respond to this Order shall be deemed an admission to the allegations set forth above, a default and a waiver to the right to a formal hearing. It is further

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

By ORDER of the Florida Public Service Commission, this 8th day of April, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

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 April 28, 1993.

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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 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.