

Talbott  
Vandiver

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

March 7, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (K. LEWIS) *KL*  
DIVISION OF LEGAL SERVICES (PIERSON) *HP for RSP*

RE: DOCKET NO. 960286-TC - EXCEL TELECOMMUNICATIONS, INC. OF  
GEORGIA - INITIATION OF SHOW CAUSE PROCEEDINGS FOR  
VIOLATION OF RULE 25-24.515, F.A.C., PAY TELEPHONE  
SERVICE REQUIREMENTS.

AGENDA: 03/19/96 - REGULAR AGENDA - INTERESTED PERSONS MAY  
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\960286.RCM

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CASE BACKGROUND

Excel Tele-Communications, Inc. of Georgia (Excel) received a certificate (No. 3784) to provide pay telephone service on June 25, 1994. According to the 1995 annual report filed by the company, it operates 39 pay telephones in Florida. Excel earned \$2,240 in intrastate gross revenues according to its regulatory assessment fee filing for the period July 1, 1995 through December 31, 1995. During recent service evaluations performed in Escambia county, Staff discovered numerous violations at pay telephones owned and operated by Excel. The violations were so numerous and of such a serious nature that staff believes that the Commission should take action immediately to protect consumers and enforce the pay telephone service rules.

DOCUMENT NUMBER-DATE

02817 MAR-78

FPSC-RECORDS/REPORTING

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**ISSUE 1:** Should Excel Tele-Communications, Inc. of Georgia be ordered to show cause why it should not be fined and/or have its certificate cancelled for repeated violations of Rule 25-24.515, Florida Administrative Code?

**RECOMMENDATION:** Yes, Excel Tele-Communications, Inc. of Georgia should be ordered to show cause why it should not be fined and/or have its certificate cancelled for repeated violations of Rule 25-24.515, Florida Administrative Code.

**STAFF ANALYSIS:** Staff evaluations conducted on February 14 and 15, 1996, revealed violations at all fifteen of the pay telephones inspected. Each of the violations and the corresponding telephone numbers are detailed in Attachment A (page 1). Page 2 of Attachment A is the key for the violation codes. The number of violations of each rule and service requirement are as follows:

<u>VIOLATION</u>	<u>PAYPHONES</u>
<b>Rule 25-24.515(1)</b> Insufficient light to read instructions at night	1
<b>Rule 25-24.515(2)</b> Automatic coin return function not working	1
<b>Rule 25-24.515(4)</b> Coin free number for repairs/refunds did not work	5
<b>Rule 25-24.515(5)</b> Legible/correct telephone number not displayed	13
Responsible party for refunds/repairs not displayed	15
Correct address of pay telephone location not displayed	15
Certificated name of provider not displayed	11
LEC responsibility disclaimer not displayed	15
Clear and accurate dialing instructions not displayed	7
Statement of services not available not displayed	14
<b>Rule 25-24.515(6)</b> Access to all available IXCs was not available	15
<b>Rule 25-24.515(7)</b> No direct free service to local operator	12
0+ local calls do not go to LEC operator	15
<b>Rule 25-24.515(8)</b> Incoming calls cannot be received	3
<b>Rule 25-24.515(11)</b> Current directory not available	14

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**Rule 24-24.515(13)**

Not accessible to physically handicapped 2

**Miscellaneous service problems not covered by Rule**

Not in service 2

Combinations of nickels and dimes did not work 1

Staff is extremely concerned that all fifteen of the pay telephones inspected were improperly routing 0+ local calls to Amnex rather than the local exchange company operator as required by Rule 25-24.515(7), Florida Administrative Code. In addition, all fifteen did not allow access to available interexchange carriers which is an apparent violation of Rule 25-24.515(6), Florida Administrative Code. In eleven of the fifteen cases, when the evaluator dialed AT&T's access code (10288+0), the call was routed to the Amnex operator rather than AT&T. In the case of the four remaining pay telephones, 950 access to long distance carriers was not available. Also troubling to Staff is the discovery that 0- calls went to Amnex rather than the local exchange company operator.

In addition, few of the pay telephones had such basic information posted as the name of the provider, and the pay telephone number and street address. At least four of the pay telephones requested a \$.25 deposit to place a call to the repair/refund number and only one of fifteen pay telephones had a directory available.

Staff has notified Excel of the apparent violations and requested a written response. Staff believes that a show cause order is warranted due to the serious nature of the violations and the fact that all fifteen of the pay telephones inspected had multiple violations. When it applied for a certificate to provide pay telephone service, a copy of the Commission's rules and requirements was provided to Excel. The applicant signed a statement acknowledging receipt and understanding of the Commission's rules regarding the provision of pay telephone service. In addition, a person representing himself as an owner or officer of Excel signed a separate statement agreeing to abide by all current and future Commission requirements regarding pay telephone service.

Especially troubling to staff is that many of the violations referenced above, and detailed further in Attachment A, had to be programmed into the pay telephones, and did not simply result from negligence or poor maintenance. Staff believes that ordering the company to show cause why it should not be fined or have its

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certificate cancelled for violation of the pay telephone service rules is appropriate under the circumstances. Fines and penalties paid by other pay telephone providers for similar violations have ranged from \$500 to \$60,000.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** No, this docket should remain open pending resolution of the show cause process.

**STAFF ANALYSIS:** If the Commission approves the staff recommendation on Issue 1, an order to show cause will be issued. Excel must respond, in writing, to the allegations set forth in the show cause order within 21 days of the issuance of the order. The response must contain specific allegations of facts and law.

Failure to respond to the order shall be deemed an admission of all facts contained in the show cause order pursuant to Rule 25-22.037(3), Florida Administrative Code and a waiver of the company's right to a hearing. Any penalties imposed in Issue 1 would then become due and must be paid within 30 days of the date the order becomes final.



NON-LEC PAY TELEPHONE EVALUATION ITEMS

ITEMS	DESCRIPTION
1	Telephone was not in service.
2	Telephone was not accessible to the physically handicapped.
3	Telephone number plate was not displayed.
4	Address of responsible party for refunds/repairs was not displayed.
5	Coin free number for repairs/refunds did not work properly.
6	Current directory was not available.
7	Extended Area Service and Local calls were not \$.25 or less.
8	Wiring not properly terminated or in poor condition.
9	Address of pay phone location was not displayed.
10	Instrument was not reasonably clean.
11	Enclosure was not adequate or free of trash.
12	Glass was chipped or broken.
13	Insufficient light to read instructions at night.
14	Name of provider (as it appears on certificate) was not displayed.
15	Local Telephone Company responsibility disclaimer not displayed.
16	Clear and accurate dialing instructions were not displayed.
17	Statement of services not available was not displayed.
18	Automatic coin return function did not operate properly.
19	Incoming calls could not be received/or bell did not ring loud enough
20	Direct coin free service to the local operator did not work.
21	Direct coin free service to local Directory Assistance did not work.
22	Access to all available interexchange carriers was not available.
23	Coin free service to 911 did not work.
24	911 center could not verify the street address of the pay phone.
25	Transmission was not adequate or contained noise.
26	Did not comply with 0+ interLATA Toll rate cap - AT&T + opr chg + \$.25
27	Combinations of nickels and dimes did not operate correctly.
28	Dial pad did not function after call was answered.
29	0 + area code + local number did not go to LEC operator as required.