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FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

April 18, 1996

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Dji*
DIVISION OF LEGAL SERVICES (EDMONDS) *LR*

RE: DOCKET NO. 960350-TC - ADTEC COMMUNICATIONS, INC. -
INITIATION OF SHOW CAUSE PROCEEDINGS FOR VIOLATION OF
RULES 25-24.515, F.A.C., PAY TELEPHONE SERVICE, AND 25-
4.043, F.A.C., RESPONSE REQUIREMENT.

AGENDA: APRIL 30, 1996 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\960350.RCM

CASE BACKGROUND

- Adtec Communications, Inc. (Adtec) is a provider of pay telephone service and was certified by this Commission August 12, 1985. According to local exchange company records, Adtec owns and operates approximately 927 pay telephones in Florida. Adtec reported gross operating revenues of \$637,856 on its latest Regulatory Assessment Fee Return. As a provider of pay telephone service in Florida, Adtec is subject to the rules and regulations of the Florida Public Service Commission (Commission).
- From 1994 through 1995, staff evaluated 65 pay telephones operated by Adtec. Of the 65 pay telephones, all had at least one service violation, and 57 of the phones had two or more violations.
- There were 18 instances where a pay telephone was not wheelchair accessible and one case in which a payphone was unable to receive incoming calls.

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- Adtec was notified of each violation and given 15 days to bring the instruments into compliance with Commission rules. In addition, staff's notices suggest that it inspect all of its payphones for the same violations.

- Adtec was previously show caused for lack of wheelchair accessibility for instruments located at the Bal Harbour Mall, Sunrise, Florida, in Docket No. 910880-TC. On October 20, 1992, the Commission issued Order No. PSC-92-1191-AS-TC, which accepted the company's settlement offer of \$1,000 after it had relocated the instruments to bring them into compliance with the Commission's service standards.

- In addition to the service standards violations, Adtec was late in responding to staff's notices in every case except three. Staff issued 17 notices to Adtec of violations over the last two years and in eight cases, certified letters had to be mailed to get a response from the company. Adtec responded timely to three notices, and in six cases, Adtec responded after 15 days but before certified letters were mailed.

- Due to the number of apparent violations found during routine service evaluations, staff opened this docket to recommend that Adtec be ordered to show cause why it should not be fined or have its certificate cancelled for numerous violations of the Commission's pay telephone service standards (Rule 25-24.515, Florida Administrative Code) and violations of the Commission's response requirement (Rule 25-4.043, Florida Administrative Code).

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DISCUSSION OF ISSUES

ISSUE 1: Should Adtec Communications, Inc. be ordered to show cause why a fine should not be imposed or certificate number 100 should not be cancelled for violation of Rule 25-24.515, Florida Administrative Code?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Rule 25-24.515 (13), F.A.C., requires each telephone station installed after January 5, 1987 to conform to subsections 4.29.2 through 4.29.4 and 4.29.7 through 4.29.8 of the standards published by the American National Standards Institute, Inc. (ANSI A117.1-1986).

To ensure compliance with the Rules, staff evaluated a total of 65 pay telephones operated by the company in 1994 and 1995. Staff found 18 instruments to be in apparent violation of Rule 25-24.515 (13), F.A.C., wheelchair accessibility. Based on staff's evaluations, a twenty-eight percent (28%) violation rate of this rule was found.

While Adtec advises staff it is repairing/correcting the instruments found in violation of Commission rules, it apparently has no policy in place to check its existing pay telephones for compliance. Instead, it appears Adtec waits for staff's evaluation notices before checking for compliance.

In addition, Rule 25-4.043, F.A.C., states that "The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry." Staff noticed Adtec 17 times in the past two years and 14 of the 17 times, the company responded after the 15-day requirement.

Violation of many other service standards were also found by staff in routine evaluations. For example, Rule 25-24.515 (5), F.A.C., requires each pay telephone to have a legible sign, card, or plate of reasonable permanence identifying the telephone number and location address of the pay phone. In 16 instances, the telephone number was not identified and in 25 instances, the address of the pay telephone location was not displayed.

Another example is Rule 25-24.515 (11), F.A.C., which requires a telephone directory to be maintained. Adtec failed to comply with this rule 91% of the time on the pay phones evaluated by staff, i.e., 59 out of 65.

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The pay telephone numbers and corresponding violations that staff recorded between January 1, 1994 and December 31, 1995 are listed below.

1995 EVALUATIONS

TELEPHONE NUMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
305-370-8776													X						
305-451-8051													X	X					
407-965-5876											X		X						
305-581-9709													X						
305-581-8737													X						
305-581-8975													X						
305-371-8108	X												X		X				1 2 3
305-451-9368													X			X			
305-293-9749													X			X	X		
305-292-6575	X					X							X			X	X	X	
305-296-1642	X												X						
305-296-1640	X												X						
305-292-3675	X					X							X			X			2
305-294-4841	X		X										X						3
305-294-5022	X		X						X				X	X					
305-294-5206													X						
305-294-4762													X						2
305-294-9874			X			X			X				X			X		X	
305-294-9375													X			X		X	
305-294-9738	X		X			X							X					X	3
305-294-9757	X		X										X					X	
305-294-9188													X				X	X	

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TELEPHONE NUMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
305-296-8442			X										X			X			
305-296-0022													X			X			
305-293-0582													X			X	X		
305-294-6801	X	X											X						4
305-294-4258						X							X					X	
305-294-9504	X												X			X		X	
305-294-2416													X			X			
305-294-5154			X			X							X			X			
305-294-0752													X				X		
305-294-0874			X			X													
305-294-0695													X				X		
305-294-2250						X							X			X		X	
305-294-6341			X			X							X						
305-294-4177			X			X							X					X	
305-294-4046						X							X					X	1
305-294-4197						X							X						3
305-294-4141						X						X	X						1
305-294-4262						X							X					X	1
305-292-7876						X							X						3
305-451-9957	X					X							X					X	
305-451-9344						X							X					X	
305-451-8019													X			X			
305-294-4028						X							X					X	
305-826-4016				X			X	X	X				X						1
305-826-3776			X	X	X		X	X	X				X			X			
305-826-3696				X	X		X	X	X				X						

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TELEPHONE NUMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
305-826-3973				X	X		X	X	X				X			X			1
305-826-3854				X	X		X	X	X				X			X			
305-620-9052					X					X									
305-620-9296											X								
305-620-9102					X						X								
305-620-9495					X						X								
305-691-9748	X	X	X	X	X	X	X	X	X	X			X						
305-691-9774	X			X		X	X	X	X	X			X						
305-691-9748	X	X	X	X	X	X	X	X	X	X			X						

- A - Rule 25-24.515(1), F.A.C., Insufficient light to read instructions at night.
- B - Rule 25-24.515(2), F.A.C., Automatic coin return function did not operate properly.
- C - Rule 25-24.515(5), F.A.C., Telephone number plate was not displayed.
- D - Rule 25-24.515(5), F.A.C., Address of responsible party for refunds/repairs was not displayed.
- E - Rule 25-24.515(5), F.A.C., Coin free number for repairs/refunds did not work properly.
- F - Rule 25-24.515(5), F.A.C., Address of pay telephone location was not displayed.
- G - Rule 25-24.515(5), F.A.C., Certificated name of provider not displayed.
- H - Rule 25-24.515(5), F.A.C., Local telephone company responsibility disclaimer was not displayed.
- I - Rule 25-24.515(5), F.A.C., Clear and accurate dialing instructions were not displayed.
- J - Rule 25-24.515(5), F.A.C., Statement of services not available was not displayed.
- K - Rule 25-24.515(7), F.A.C., 0 + area code + local number did not go to LEC operator.

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- L - Rule 25-24.515(8), F.A.C., Incoming calls could not be received or bell did not ring loud enough.
- M - Rule 25-24.515(11), F.A.C., Current directory was not available.
- N - Rule 25-24.515(12), F.A.C., Enclosure was not adequate or free of trash.
- O - Rule 25-24.515(12), F.A.C., Glass was chipped or broken.
- P - Rule 25-24.515(13), F.A.C., Telephone was not wheelchair accessible.
- Q - Rule 25-24.516(1)(a), F.A.C., Extended area service and locals calls were not 25¢ or less.
- R - Rule 25-4.076, F.A.C., 911 center could not verify the street address of the pay telephone.
- S - Other miscellaneous items, (1) Telephone was not in service, (2) Wiring was not properly terminated or in poor condition, (3) Transmission was not adequate or contained noise, or (4) Combination of nickels and dimes did not operate correctly.

1994 EVALUATIONS

TELEPHONE NUMBER	A	C	F	G	M	P	Q	R	S
305-245-4958		X		X		X			
407-964-9552			X		X				X
305-245-7574					X				
305-781-9501			X		X			X	
305-860-9309	X	X			X				
305-232-9562		X	X		X		X		
305-254-1994					X				
305-232-9561			X		X				

- A - Rule 25-24.515(1), F.A.C., Insufficient light to read instructions at night.
C - Rule 25-24.515(5), F.A.C., Legible and correct telephone number was not displayed.
F - Rule 25-24.515(5), F.A.C., Correct address of payphone was not displayed.
G - Rule 25-24.515(5), F.A.C., Certificated name of provider not displayed.
M - Rule 25-24.515(11), F.A.C., Current directory was not available.
P - Rule 25-24.515(13), F.A.C., Telephone was not wheelchair accessible.
Q - Rule 25-24.516(1)(a), F.A.C., Extended area service and locals calls were not 25¢ or less.
R - Rule 25-4.076, F.A.C., The 911 center could not verify the correct address of the payphone.
S - Rule 25-24.515(14), F.A.C., Dial pad did not function after the call was answered.

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In previous dockets involving violations of the pay telephone service rules, fines and/or settlements have ranged from \$500 to \$60,400. Factors that have affected previous fine and/or settlement amounts are: the number of occurrences of apparent violations; the severity of the violations; and whether the provider promptly corrected violations when notified. In this case, staff believes the number of occurrences, the seriousness of the violations, and the delay in responding to the Commission warrant a substantial penalty.

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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. Adtec Communications, Inc. must respond, in writing, to the allegations set forth in the show cause order within 21 days of the issuance of the order. The company's response must contain specific allegations of facts and law.

If the company fails to respond to the order, such failure 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 its 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. If the Commission cancels the company's certificate, cancellation will be effective the date the order becomes final. All serving local exchange companies will be directed to discontinue service to Adtec Communications, Inc.