

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Pro Telecom, Inc. for temporary waiver of Rule 25-24.515(18), F.A.C., which requires conversion of pay telephones for hearing aid compatibility.

DOCKET NO. 990929-TC
ORDER NO. PSC-99-2087-PAA-TC
ISSUED: October 22, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION ORDER
APPROVING TEMPORARY WAIVER OF REQUIREMENT FOR CONVERSION
OF PAY TELEPHONES FOR HEARING AID COMPATIBILITY

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Pro Telecom, Inc. (Pro Telecom) is a provider of pay telephone service, pursuant to Certificate Number 1614 issued on July 14, 1987.

On February 1, 1999, we revised Rule 25-24.515(18)(f), Florida Administrative Code, to require modification, within six months of the effective date of the Rule, of pay phone stations to comply with the American National Standards Institute, Inc. (ANSI) standards dealing with hearing-aid compatibility.

Pro Telecom owns and operates 690 pay stations, of which 522 were manufactured by Teecom. Pro Telecom was able to install the required volume control handsets on the 168 pay stations not manufactured by Teecom. In addition, the company has complied with the hearing-aid compatibility requirement on all 84 of its inside pay stations. They discovered that Teecom was no longer in

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business, so they contacted OTC Telecom, a company which provides technical support and parts to pay stations, and explained Pro Telecom's need for volume control button kits so that it could comply with our rules. The button control set that OTC Telecom provided the company was not compatible with the Teecom pay stations.

Pro Telecom then contacted another company, TEK, which provided the company with amplified volume control kits. After testing, Pro Telecom found that these kits were also not compatible with the Teecom pay stations. Pro Telecom recently contacted another supplier, Communications Connection, for its amplified volume control kits. The new kits worked properly and 500 kits have been ordered. Pro Telecom advised that the cost of the amplified volume control kit and installation charges is \$50 per phone, or approximately \$25,000. The company has developed a schedule and is now in the process of installing the kits on the remaining Teecom pay telephones. In addition, if a consumer complains that a particular payphone is not hearing-aid compatible, Pro Telecom will take that pay station out of turn and modify it immediately.

Pro Telecom began in February, immediately following the effective date of the revised rule, to modify their pay stations. They have operated in good faith and have made all reasonable efforts to comply with the rule. Their failure to meet the deadline has been due to circumstances beyond their control. Not granting the petition would create a great hardship on Pro Telecom, Inc. Accordingly, Pro Telecom's Petition for Waiver of Rule 25-24.515(18)(f), Florida Administrative Code, until December 31, 1999, should be granted.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Pro Telecom, Inc.'s request for temporary waiver of Rule 25-24.515(18)(f), Florida Administrative Code, is hereby approved through December 31, 1999. It is further


ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of October, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 12, 1999.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.