

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption ) DOCKET NO. 961000-TL  
from Requirement that Each ) ORDER NO. PSC-96-1336-FOF-TL  
Telephone Station Shall Allow ) ISSUED: November 5, 1996  
Incoming Calls by BellSouth )  
Telecommunications, Inc. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING TO BLOCK INCOMING CALLS AT PAY TELEPHONES

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.

On August 28, 1996, BellSouth Telecommunications, Inc. (BellSouth) filed requests with this Commission for exemption from Rule 25-24.515(8), Florida Administrative Code, which requires that telephones allow incoming calls. BellSouth is seeking exemption for the following 29 pay telephones, all of which are located in Fashion Square Mall at 3201 East Colonial Drive, Orlando, Florida:

Telephone Numbers

407/894-9218	407/895-6055	407/894-9849
407/894-9348	407/894-9347	407/894-9128
407/894-9127	407/894-9329	407/895-7294
407/895-7295	407/895-7293	407/894-9227
407/894-9349	407/894-9222	407/894-9120
407/894-9118	407/894-9209	407/895-5668
407/895-5667	407/895-5531	407/895-5556
407/898-7943	407/898-7948	407/898-7938
407/895-5238	407/895-7373	407/895-4648
407/896-9708	407/895-6044	

DOCUMENT NUMBER-DATE

11815 NOV-5 1996

FPSC-RECORDS/REPORTING

In previous dockets, the Commission has expressed the opinion that blocking incoming calls at all pay telephones at one particular location, such as a shopping mall, is not appropriate in most cases. Consequently, the Commission staff attempted to obtain additional information regarding BellSouth's request by writing the Police Department of the City of Orlando, with a copy sent to BellSouth. The letter asked Chief William E. Kennedy, Jr. if, to his knowledge, there are other pay telephones available to the public in the Mall; what type of criminal activity is the Police Department seeking to deter by blocking incoming calls at the 29 pay telephones; has the Police Department been called to the location as a result of criminal activity caused by people waiting for telephone calls; and was the request initiated by Fashion Square Mall or the Police Department.

By letter dated October 7, 1996, Chief William E. Kennedy, Jr., responded to the Commission staff's request. According to Chief Kennedy there are nine additional pay telephones in various locations on the mall property, plus two located at courtesy booths. Both courtesy booths have free telephones available to the public. Chief Kennedy also stated that blocking all incoming calls at the 29 locations was initiated by mall management and not the Police Department.

Rule 25-24.515(8), Florida Administrative Code, requires that pay telephones allow incoming calls unless the instrument is located at a hospital, school, confinement facility, or other location specifically exempted by this Commission. Any requests for an exemption from this requirement must be accompanied by an attestation by the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is made to deter criminal activity at that pay telephone.

Although BellSouth submitted a properly completed Request to Block Incoming Calls form for each of the 29 instruments, such submission does not guarantee that the request will be granted. There are many situations where both adults and minors may need to receive a call back, such as to make transportation arrangements, comparison shop or coordinate other activities. Although Chief Kennedy provided additional information, it was not sufficient to show that blocking incoming calls at the pay telephones listed herein would serve to deter criminal activity. In fact, in response to staff's question as to whether the Police Department had been called to the location as a result of criminal activity caused by people waiting for telephone calls, Chief Kennedy was unable to provide statistical documentation of such activity.

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In view of the foregoing, we do not find that BellSouth's request is in the public interest. Therefore, BellSouth's request to block incoming calls at the 29 locations listed in this order, is denied.

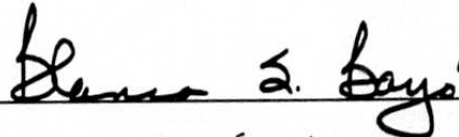
It is, therefore,

ORDERED by the Florida Public Service Commission that the request of BellSouth Telecommunications, Inc. for exemption from the requirement of Rule 25-4.076(6), Florida Administrative Code, that each pay telephone station shall allow incoming calls for the 29 pay telephones located in the Fashion Square Mall, 3201 East Colonial Drive, Orlando, Florida, is hereby denied. 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 25-22.036, 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 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 5th day of November, 1996.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 25-22.029(4), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 26, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an 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. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.