

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

MEMORANDUM

April 2, 1997

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING  
FROM : DIVISION OF COMMUNICATIONS (HAWKINS) *assst*  
DIVISION OF LEGAL SERVICES (COX) *NRG*  
RE : REQUEST FOR WAIVER FROM REQUIREMENT THAT EACH TELEPHONE  
STATION SHALL ALLOW INCOMING CALLS

DOCKET NO. 970112-TC - PHONETEL TECHNOLOGIES, INC.  
DOCKET NO. 970139-TC - PEOPLES TELEPHONE COMPANY, INC.  
DOCKET NO. 970169-TL - BELL SOUTH TELECOMMUNICATIONS  
DOCKET NO. 970190-TL - BELL SOUTH TELECOMMUNICATIONS  
DOCKET NO. 970191-TC - TELALEASING ENTERPRISES, INC.

AGENDA: 04/14/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 04/24/97, 05/05/97, 05/07/97 and 05/13/97

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970112.RCM

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CASE BACKGROUND

The providers listed on page 4 have submitted one or more requests to block incoming calls at their pay telephones. Each of the requests were submitted on a properly completed Form PSC/CMU 2 (12/94).

1.) Docket #970112-TC - Phonetel Technologies, Inc. - The Waiver Petition was filed on January 24, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly January 29, 1997. No comments were submitted during the comment period, which ended February 14, 1997. The statutory deadline for the Commission's decision regarding this petition is April 24, 1997.

DOCUMENT NUMBER-DATE

03363 APR-25

FPSC-RECORDS/REPORTING

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2.) Docket #970139-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on February 4, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly February 12, 1997. No comments were submitted during the comment period, which ended February 24, 1997. The Statutory Deadline for the Commission's decision regarding this petition is May 5, 1997.

3.) Docket #970169-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on February 6, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly February 18, 1997. No comments were submitted during the comment period, which ended March 7, 1997. The Statutory Deadline for the Commission's decision regarding this petition is May 7, 1997.

4.) Docket #970190-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on February 12, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly February 26, 1997. No comments were submitted during the comment period, which ended March 21, 1997. The Statutory Deadline for the Commission's decision regarding this petition is May 13, 1997.

5.) Docket #970191-TC - Telaleasing Enterprises, Inc. - The Waiver Petition was filed on February 12, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly February 26, 1997. No comments were submitted during the comment period, which ended March 14, 1997. The Statutory Deadline for the Commission's decision regarding this petition is May 13, 1997.

Staff believes the following recommendations are appropriate.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant each of the providers listed on page 4 a waiver from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

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**RECOMMENDATION:** Yes, the Commission should grant the providers listed on page 4 a waiver from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed.

**STAFF ANALYSIS:** Rules 25-24.515(8), and 25-4.076(6), Florida Administrative Code, provide in pertinent part;

Each telephone station shall allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls. Requests for exemption from the requirement that each telephone station allow incoming calls shall be accompanied by a completed FORM PSC/CMU-2 (12/94), which is incorporated into this rule by reference.

Each company has submitted a properly completed Request to Block Incoming Calls form for each of the instruments identified on page 4. Staff has reviewed each form and found each to have been signed by the owner or officer of the pay telephone company, the location owner, and the chief of the law enforcement agency of the jurisdiction in which the pay telephone is located.

By signing FORM PSC/CMU-2 (12/94), each pay telephone company has agreed to provide central office based intercept at no charge to the end-user and to prominently display a written notice directly above or below the telephone number which states "Incoming calls blocked at the request of law enforcement." Furthermore, there is language on the form above each of the three party's signatures which states "I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree."

Staff recommends that the waivers requested in these dockets should be granted. The providers have demonstrated the need to waive Rule 25-24.515(8) and 25-4.076(6), Florida Administrative Code, pursuant to the waiver provisions therein and to the waiver provisions of Chapter 120.542(2), Florida Statutes.

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**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, this docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action.

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, these dockets should be closed. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
970112-TC	PHONETEL TECH.	954/752-8195	7891-8021 W SAMPLE RD	CORAL SPRINGS
970139-TC	PEOPLES TELEPHONE	954/721-9178	7200 W MCNAB RD	N LAUDERDALE
970169-TC	BELLSOUTH	305/865-9360	2050 71st STREET	MIAMI BEACH
970169-TC	BELLSOUTH	305/866-9201	2050 71st STREET	MIAMI BEACH
970169-TC	BELLSOUTH	305/866-9200	2050 71st STREET	MIAMI BEACH
970169-TC	BELLSOUTH	305/866-9111	2050 71st STREET	MIAMI BEACH
970190-TC	BELLSOUTH	352/332-9130	6725 SW 4th PLACE	GAINESVILLE
970191-TC	TELALEASING	813/328-4176	3710 CENTRAL AVE	ST. PETERSBURG
970191-TC	TELALEASING	813/328-4177	3710 CENTRAL AVE	ST. PETERSBURG
970191-TC	TELALEASING	941/499-0139	321 N MASSACHUSETTS	LAKELAND
970191-TC	TELALEASING	941/499-0112	321 N MASSACHUSETTS	LAKELAND