

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption
from requirement of Rule 25-
24.515(3), F.A.C., that each pay
telephone station shall allow
incoming calls, by Alfred
Oruwariye d/b/a A & O
Communications.

DOCKET NO. 031058-TC
ORDER NO. PSC-04-0019-PAA-TC
ISSUED: January 7, 2004

The following Commissioners participated in the disposition of
this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING EXEMPTION FROM REQUIREMENT THAT EACH
TELEPHONE STATION SHALL ALLOW INCOMING CALLS

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.

Under Rule 25-24.515(13), Florida Administrative Code, pay
telephones must allow incoming calls to be received unless they are
located at a confinement facility, hospital, school, or another
location specifically exempted by this Commission. Requests for an
exemption from this requirement must be accompanied by an
attestation by the owner of the pay telephone, the location
provider, and the chief of the responsible law enforcement agency
that the request is made to deter criminal activity at that pay
telephone.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Alfred Oruwariye d/b/a A & O Communications (A & O) has filed a Request for Exemption from the requirement that each telephone station shall allow incoming calls from each of the pay telephones listed below. A & O's request includes an attestation by A & O, the location provider, and the chief of police that the request is made in order to deter criminal activity facilitated by incoming calls being received at the pay telephones.

<u>NAME OF LOCATION</u>	<u>STREET ADDRESS</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
D & G Auto Detail	4401 40th Street	Tampa	813-664-1390
Church of Living God	4601 N. 22nd Avenue	Tampa	813-232-6231
Terri Lee Café	3001 E. Osborne Ave.	Tampa	813-232-0362
Eagle Tires	3816 N. Nebraska Ave.	Tampa	813-273-6475
Deeper Life Christian Church	3300 N. Nebraska Ave.	Tampa	813-221-5137
Deeper Life Christian Church	3300 N. Nebraska Ave.	Tampa	813-314-0427
Deeper Life Christian Church	3300 N. Nebraska Ave.	Tampa	813-314-0221

Upon consideration, we find it appropriate to grant A & O's request. A & O has demonstrated that these waivers are in the public interest under Sections 364.01 and 364.3375, Florida Statutes, in an effort to prevent criminal activity. Pursuant to Rule 25-24.515(13), Florida Administrative Code, A & O must provide central office based intercept at no charge to the end user and must display a notice on each affected pay telephone stating, "Incoming calls blocked at the request of law enforcement."

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Pursuant to Rule 25-24.515(13), Florida Administrative Code, the exemption from the requirement to receive incoming calls shall not exceed a period of two years from the effective date of this Order. The provider may request another exemption by filing another request. We are vested with jurisdiction over this matter pursuant to 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alfred Oruwariye d/b/a A & O Communications' requests to block incoming calls at the pay telephone(s) listed in the body of this Order is hereby approved for a period of two years from the issuance date of the Consummating Order. It is further

ORDERED that Alfred Oruwariye d/b/a A & O Communications shall provide central office based intercept at no charge to the end user at the pay telephones where incoming calls cannot be received. It is further

ORDERED that Alfred Oruwariye d/b/a A & O Communications shall display a notice on each pay telephone at which incoming calls are blocked stating, "Incoming calls blocked at the request of law enforcement." It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

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

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By ORDER of the Florida Public Service Commission this 7th Day
of January, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

LHD

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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 28, 2004.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.