

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

**M E M O R A N D U M**

March 20, 1997

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

DOCKET NO. 970066-TC - BELLSOUTH TELECOMMUNICATIONS, INC.  
DOCKET NO. 970088-TC - PEOPLES TELEPHONE COMPANY, INC.  
DOCKET NO. 970094-TL - BELLSOUTH TELECOMMUNICATIONS, INC.  
DOCKET NO. 970095-TC - BELLSOUTH TELECOMMUNICATIONS, INC.  
DOCKET NO. 970111-TL - GTE FLORIDA INCORPORATED  
DOCKET NO. 970118-TL - BELLSOUTH TELECOMMUNICATIONS, INC.  
DOCKET NO. 970124-TC - BELLSOUTH TELECOMMUNICATIONS, INC.

**AGENDA:** 04/01/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** 04/14/97, 04/21/97, 04/24/97 and 04/29/97

**SPECIAL INSTRUCTIONS:** S:\PSC\CMU\WP\970066.BCM

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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 #970066-TC - BellSouth Telecommunications, Inc., - The Waiver Petition was filed on January 14, 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 March 10, 1997. The statutory deadline for the Commission's decision regarding this petition is April 14, 1997.

DOCUMENT NUMBER-DATE

02956 MAR 20 97

FPSC-RECORDS/REPORTING

**DOCKETS NOS. 970066-TC, 970088-TC, 970094-TL, 970095-TL, 970111-TL,  
970118-TL and 970124-TC  
DATE: MARCH 20, 1997**

2.) Docket #970088-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on January 21, 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 March 17, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 21, 1997.

3.) Docket #970094-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on January 21, 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 March 17, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 21, 1997.

4.) Docket #970095-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on January 21, 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 March 17, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 21, 1997.

5.) Docket #970111-TL - GTE Florida Incorporated - 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 March 16, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 24, 1997.

6.) Docket #970118-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on January 28, 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 March 17, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 29, 1997.

7.) Docket #970124-TC - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on January 29, 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 March 17, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 29, 1997.

DOCKETS NOS. 970066-TC, 970088-TC, 970094-TL, 970095-TL, 970111-TL,  
970118-TL and 970124-TC  
DATE: MARCH 20, 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?

**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,

DOCKETS NOS. 970066-TC, 970088-TC, 970094-TL, 970095-TL, 970111-TL,  
970118-TL and 970124-TC  
DATE: MARCH 20, 1997

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.

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

**RECOMMENDATION:** Yes, 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.

**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.

**DOCKETS NOS. 970066-TC, 970088-TC, 970094-TL, 970095-TL, 970111-TL,  
 970118-TL and 970124-TC  
 DATE: MARCH 20, 1997**

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
970066-TC	BELLSOUTH	352/372-9406	2130 N W 31 AVENUE	GAINESVILLE
970066-TC	BELLSOUTH	352/372-9439	2130 N W 31 AVENUE	GAINESVILLE
970024-TC	BELLSOUTH	352/372-9437	1024 N W 5 AVENUE	GAINESVILLE
970088-TC	PEOPLES TELEPHONE	407/293-9798	5494 CLARCONA/OCOEE RD	ORLANDO
970088-TC	PEOPLES TELEPHONE	407/290-1221	5494 CLARCONA/OCOEE RD	ORLANDO
970088-TC	PEOPLES TELEPHONE	407/290-9538	5494 CLARCONA/OCOEE RD	ORLANDO
970088-TC	PEOPLES TELEPHONE	954/733-4110	4398 N STATE ROAD 7	ORLANDO
970094-TL	BELLSOUTH	407/293-9800	3209 OVERLAND RD	APOPKA
970094-TL	BELLSOUTH	407/299-9700	3209 OVERLAND RD	APOPKA
970095-TL	BELLSOUTH	407/420-9029	431 E CENTRAL BLVD	ORLANDO
970095-TL	BELLSOUTH	407/425-7705	431 E CENTRAL BLVD	ORLANDO
970111-TL	GTE FLORIDA	813/321-9811	3200 MIRIAM ST	ST. PETERSBURG
970118-TL	BELLSOUTH	407/273-9959	5604 E CHENEY RD	ORLANDO
970118-TL	BELLSOUTH	407/273-9910	5604 E CHENEY RD	ORLANDO
970124-TL	BELLSOUTH	407/254-9047	1100 JOHN RODES BLVD	MELBOURNE