

MEMORANDUM

December 7, 1998

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DEC-7 PM 1:33

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *Mc MCB*

RE: DOCKET NO. 981204-TC - REQUEST FOR EXEMPTION FROM
REQUIREMENT OF RULE 25-24.515(8), F.A.C., THAT EACH PAY
TELEPHONE STATION SHALL ALLOW INCOMING CALLS, BY COIN-
TEL, INC.

98-1636-FOF

Attached is an NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING
WAIVERS, to be issued in the above-referenced docket. (Number of
pages in order - 5)

BK/anr
Attachment
cc: Division of Communications
I: 981204or.bk

See 43

*boxed
enclosed 2/1*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from requirement of Rule 25-24.515(8), F.A.C., that each pay telephone station shall allow incoming calls, by Coin-Tel, Inc.

DOCKET NO. 981204-TC
ORDER NO. PSC-98-1636-FOF-TC
ISSUED: December 7, 1998

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING WAIVERS

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 September 21, 1998, Coin-Tel, Inc. (Coin-Tel) submitted a request for waiver of Rule 25-24.515(8), Florida Administrative Code, to allow it to block incoming calls to two pay telephone locations. Rule 25-24.515(8), Florida Administrative Code, provides 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.

DOCUMENT NUMBER-DATE

13736 DEC-7 98

FLORIDA PUBLIC SERVICE COMMISSION

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Coin-Tel requested the waivers for the following pay telephones at the locations indicated:

<u>TELEPHONE NUMBER</u>	<u>LOCATION</u>	<u>CITY</u>
(727) 328-0445	4200 15th Ave. South	St. Petersburg, Florida
(727) 328-8217	4200 15th Ave. South	St. Petersburg, Florida

Each request was properly submitted in accordance with Rule 25-24.515(8), Florida Administrative Code.

The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly on October 7, 1998. The comment period ended October 30, 1998. No comments were submitted. The statutory deadline for our decision regarding this petition is December 21, 1998.

We have reviewed each form submitted by Coin-Tel and find that each was 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 as required by our rule.

Upon consideration, it appears appropriate to grant Coin-Tel's requests for waivers at these locations. The waivers for these locations have been requested by Coin-Tel in accordance with the requirements of Chapter 120.542(2), Florida Statutes. Coin-Tel 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. Further, Coin-Tel has demonstrated that the enforcement of the prohibition against incoming call blocking would result in substantial hardship for the petitioner, because the payphones could continue to be used for ongoing criminal activity. Coin-Tel has also demonstrated that granting these waivers will not impede the continued provision of pay telephone service to the using public as intended by the underlying statute, Section 364.345, Florida Statutes. Pursuant to Rule 25-24.515(8), Florida Administrative Code, Coin-Tel must provide central office-based intercept at no charge to the end-user and must prominently display a written notice directly above or below the telephone number, which states "Incoming calls blocked at the request of law enforcement."

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Coin-Tel, Inc.'s request for waiver of the requirements of Rule 25-24.515(8), Florida Administrative Code, are granted for the pay telephones at the locations set forth in the body of this Order. It is further

ORDERED that Coin-Tel, Inc. 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 Coin-Tel, Inc. 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 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 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 7th day of December, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

BK

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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 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.

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 December 28, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.