

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for exemption from Rule 25-4.076, F.A.C., regarding incoming calls at certain pay telephone station locations for SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.	)	DOCKET NO. 900618-TL
	)	ORDER NO. 23762
	)	ISSUED: 11-15-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING PETITION IN PART AND DENYING IN PART

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On July 9, 1990, Southern Bell Telephone and Telegraph (Southern Bell or Company) petitioned for waiver of Rule 25-4.076(7), Florida Administrative Code, to permit the company to block calls at five specific locations on behalf of three customers. Rule 25-4.076(7) states "Each telephone station must allow incoming calls to be received, with the exceptions of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. . . . Where incoming calls are not received, intercept shall be provided."

Southern Bell's petition requests waiver of the Rule at the following locations: 1) Connectronics, Inc., a manufacturing entity at 6600 N.W. 15th Avenue, Fort Lauderdale, Florida 33309; 2) Micro Pneumatic Logic, Inc., a manufacturing entity at 2890 N.W. 62nd Avenue, Fort Lauderdale, Florida 33309-1786; and three laundromats owned by Mr. Patrick Collins at 3) 1001 N.W. 36th Street, Miami, Florida; 4) 5327 North Miami Avenue, Miami, Florida; and 5) 400 N.W. 79th Street, Miami, Florida.

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The manufacturers maintain that incoming service is not needed because the factories' access lines serve as an answering point for all employees and alternative incoming service negates any need for pay telephone callback. The manufacturers also contend that ringing at the payphone is disruptive and unnecessary when an alternative means of receiving phone calls is available.

The owner of the laundries maintains that the pay telephones are being used by criminal elements and creating a dangerous environment in and around his businesses. In essence, he alleges that drug dealers and prostitutes are using incoming calls to accept orders and arrange assignments.

In examining the various arguments made by the Company on behalf of the premises owners, we find two distinct arguments. The reasoning behind the petition to block the incoming phone calls made to the private manufacturing facilities is based upon the convenience of the premises owner. While the manufacturing entities are not open to the public, we do not find this to be a compelling argument for waiver of the Rule. There is no evidence that such waiver would benefit the public and alternatives are available to the premises owner. Therefore, in the case of these two manufacturing entities, we find it appropriate to deny Southern Bell's petition for waiver of the Rule.

The predicament faced by the laundry owner demands further scrutiny. In this case, the public may well benefit from waiver of the Rule as a deterrent to illicit trade. In this particular circumstance the public may benefit from blocking incoming telephone calls to make the telephone useless to unsavory individuals while still maintaining a degree of public service. Further, we note that Rule 25-24.919(9), F.A.C., requires the posting of a legible sign with ". . . clear dialing instruction (to include the lack of availability of local or toll services) . . ." and Rule 25-24.919(7) requires intercept on telephones which do not allow incoming calls, thus the recorded announcement identifies the pay telephone to call originators. Such requirements should mitigate the harm to the public while restricting the usefulness to drug dealers and prostitutes. Therefore, we find such waiver to be in the public interest in the case of the laundromat.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition for waiver of Rule 25-4.076, Florida Administrative Code, by Southern Bell Telephone and Telegraph Company is denied with

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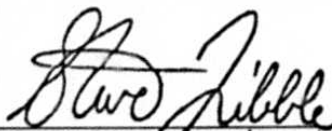
regard to the telephones located at Connectronics, Inc. and Micro Pneumatic Logic, Inc. It is further

ORDERED that the petition of Southern Bell Telephone and Telegraph Company for waiver of Rule 25-4.076, Florida Administrative Code, to permit blocking of incoming calls is granted to certain pay telephones in service at the laundromats located at 1001 NW 36th Street, Miami, Florida; 5327 North Miami Avenue, Miami, Florida and 400 NW 79th Street, Miami, Florida. It is further

ORDERED that the pay telephones at which blocking of incoming calls is permitted must bear a sign or notice that such calls are blocked and be provided with intercept. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 15th day of NOVEMBER, 1990.



STEVE TRIBBLE, 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.

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 6, 1990.

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 adversely 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 sewer 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.