

MEMORANDUM

November 23, 1998

RECEIVED PSC

93 NOV 23 PM 1:38

REC. AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW MCB*

RE: DOCKET NO. 980763-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 Peoples Telephone Company, Inc.

1567-FOF-TC

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER DENYING EXEMPTION FROM REQUIREMENT THAT EACH TELEPHONE STATION SHALL ALLOW INCOMING CALLS to be issued in the above-referenced docket.
(Number of pages in order - 4)

CBW/slh
Attachment
cc: Division of Communications
I:980763.CBW

See 2

faxed - 2
mailed - 1
RAM.

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 Peoples Telephone Company, Inc.

DOCKET NO. 980763-TC
ORDER NO. PSC-98-1567-FOF-TC
ISSUED: November 23, 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 DENYING 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(8), 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.

On June 17, 1998, Peoples Telephone Company, Inc. submitted a Request for Exemption from Rule 25-24(515)(8), Florida Administrative Code, to block incoming calls from the pay telephone station at 1521 Lake Bradford Road, Tallahassee, Florida. Rule 25-24.515(8), Florida Administrative Code, states in part that:

DOCUMENT NUMBER-DATE

13201 NOV23 98

FPSC REG-REG/REPORTING

ORDER NO. PSC-98-1567-FOF-TC
DOCKET NO. 980763-TC
PAGE 2

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), entitled Request to Block Incoming Calls, which is incorporated into this rule by reference.

The Notice of Request for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly pursuant to Section 120.54, Florida Statutes. No comments were submitted during the comment period, which ended July 31, 1998.

After the waiver request was filed, we asked for additional information about the need to block incoming calls at this location. We did not receive a response to our inquiries. Our primary responsibility is to insure that telephone service, including incoming calls to pay telephones, is available to the citizens of Florida. We must review all requests to block incoming calls with that primary responsibility in mind. In this case, our concerns about the pay telephone location in question were not answered, and thus we find it necessary and appropriate to deny this waiver request.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Peoples Telephone Company, Inc.'s request for exemption of Rule 25-24(515)(8), to block incoming calls, is denied. 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.

ORDER NO. PSC-98-1567-FOF-TC
DOCKET NO. 980763-TC
PAGE 3

By ORDER of the Florida Public Service Commission, this 23rd
day of November, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CBW

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 14, 1998.

ORDER NO. PSC-98-1567-FOF-TC
DOCKET NO. 980763-TC
PAGE 4

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.