

State of 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-

DATE: DECEMBER 7, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (DANDELAKE) *MLD*

RE: DOCKET NO. 001729-TC - EMERGENCY REQUEST FOR TEMPORARY EXEMPTION FROM REQUIREMENT OF RULE 25-24.515, F.A.C., THAT EACH PAY TELEPHONE STATION SHALL ALLOW INCOMING CALLS, BY ETS PAYPHONES, INC.

AGENDA: 12/19/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001729.RCM

RECEIVED-FPSC
00 DEC -7 AM 11:00
RECORDS AND REPORTING

CASE BACKGROUND

ETS Payphones, Inc. has submitted an emergency request for a temporary block of incoming calls at 40 pay telephones at the Raymond James Stadium in Tampa. Each of the requests was submitted on Form PSC/CMU 2 (02/99).

The Commission is vested with jurisdiction over this matter pursuant to Section 364.3375, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

15683 DEC-7 8

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant ETS Payphones, Inc. a temporary exemption from the requirement that each telephone station shall allow incoming calls for the 40 pay telephone numbers at the Raymond James Stadium in Tampa as listed on page 4?

RECOMMENDATION: Yes, the Commission should grant ETS Payphones a temporary exemption to block incoming calls at the pay telephone numbers at the Raymond James Stadium in Tampa from 12:01 a.m., Sunday January 28, 2001 through 12:01 a.m., Monday, January 29, 2001. (Isler)

STAFF ANALYSIS: Rule 25-24.515(13), Florida Administrative Code, states, in part:

Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.

The rule provides that pay telephone companies may petition the Commission for an exemption from the incoming call requirement. The company advised that the National Football League (NFL) has requested that the 40 payphones at the Raymond James Stadium not be allowed to receive incoming calls for Super Bowl XXXV. The NFL advised that it has requested this action due to terrorist threats in the months prior to the Super Bowl a couple of years ago. The NFL believes that a telephone threat could cause panic, serious injury and death if a waiver is not granted. Accordingly, the NFL requests that a temporary waiver be granted from 12:01 a.m., Sunday January 28, 2001 through 12:01 a.m., Monday, January 29, 2001. The company has submitted a Request to Block Incoming Calls form for each of the instruments identified on page 4.

Staff recommends that the exemptions requested in this docket should be granted. The petitioner has demonstrated that granting these exemptions will not impede the continued provision of pay telephone service to the using public as intended by the underlying statute, Chapter 364.345, Florida Statutes.

In addition, the petitioner has demonstrated that granting these exemptions will lift the "substantial hardship" that the rule imposes on law enforcement and the location provider.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. (Dandelake)

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, this docket should be closed upon the issuance of a Consummating Order.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
001729-TC	ETS Payphones, Inc.	(813) 354-0327 354-0335 354-1283 354-8240 354-8241 354-8248 354-9211 354-9214 414-9006 870-0951 870-1371 870-3261 870-6141 872-8609 872-9959 873-1024 873-1319 873-2229 877-3045 879-8202 348-0095 348-0779 348-0783 348-9375 353-0440 353-0441 353-0447 353-1144 353-1146 353-1147 353-8283 353-8285 353-9192 353-9214 353-9215 353-9219 353-9831 353-9847 354-0238 354-0253	Raymond James Stadium 4226 N. Dale Mabry	Tampa