

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Waiver of) DOCKET NO. 931094-TC
Rule 25-24.515 (8), F.A.C., for) ORDER NO. PSC-94-0077-FOF-TC
Four Pay Telephones Located at) ISSUED: January 24, 1994
602 South Dixie Highway in Lake)
Worth, by Adtel Communications,)
Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING PETITION FOR WAIVER OF RULE
25-24.515(8), FLORIDA ADMINISTRATIVE CODE

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.

By letter dated October 29, 1993, the Lake Worth Police Department (LWPD) informed the owner of the Chevron gasoline Station at 602 S. Dixie Highway, Lake Worth, that it appeared that pay telephones located on its premises were being used to further drug and prostitution activities. These telephones are owned and operated by Adtel Communications, Inc. (Adtel). The LWPD's letter further suggested that, unless something was done to curb these alleged activities, such as removing the instruments or blocking incoming calls it would attempt, pursuant to Section 893.138, Florida Statutes, to have the Chevron station declared a public nuisance and closed for one year. Accordingly, by petition dated November 12, 1993, Adtel requested a waiver of Rule 25-24.515(8), Florida Administrative Code, which requires all pay telephone stations to accept incoming calls, except for those instruments located at confinement facilities, hospitals, schools, or other locations specifically exempted by the Commission.

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Upon consideration, it appears appropriate to grant Adtel's request. We note that this decision is consistent with other recent decisions regarding similar requests by GTE Florida Inc. and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company. We also note that our Staff is currently examining this issue on an industry-wide basis. Accordingly, if and when specific industry standards are adopted, we may revisit our decision herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that the petition by Adtel Communications, Inc. for a waiver of Rule 25-24.515(8), Florida Administrative Code, is granted. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 24th day of January, 1994.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

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.

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 February 14, 1994.

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 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.