

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 931185-TC
from Rule 25-24.515(8), F.A.C.,) ORDER NO. PSC-94-0124-FOF-TC
concerning blocking incoming) ISSUED: February 2, 1994
calls to payphones at the Punta)
Gorda Housing Authority, by)
COLLEEN KATRANIS)
_____)

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 APPROVING REQUEST FOR EXEMPTION FROM RULE

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 December 6, 1993, Ms. Colleen Katranis, filed a request for an exemption from Rule 25-24.515(8), Florida Administrative Code. This provision requires all pay telephones to allow incoming calls to be received unless specifically exempted by this Commission.

In support of her request Ms. Katranis states that the Punta Gorda Housing Authority has asked her to install between 1 and 4 pay payphones at a residential housing complex. As a condition of installing the phones, the Housing Authority wants incoming calls to the payphones blocked. According to Ms. Katranis, the Housing Authority will not allow the installation of any payphones if incoming calls cannot be blocked because of fears that the payphones will become centers for illegal activities. As mitigation for the blocking, Ms. Katranis states that there are two other payphones within two blocks of the housing complex that do have incoming call capabilities. One is operated by Southern Bell and the other is operated by her company and she does not plan to request an exemption for it.

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Upon consideration, we find it appropriate to grant the request for waiver subject to the following conditions. In accordance with our current rules, an intercept shall be provided where incoming calls are not received. In addition, a written notice that incoming calls cannot be received shall be prominently posted on the pay telephones subject to the waiver. Consistent with our current policy regarding incoming call waivers, the waiver is granted with the caveat that the exemption might be reconsidered and modified or eliminated once the Commission adopts specific standards for reviewing exemption requests. We note that specific standards are currently under development.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for waiver of Rule 25-24.515(8), Florida Administrative Code, filed by Colleen Katranis is granted subject to the restrictions set forth in the body of this Order. It is further

ORDERED that if no timely protest to this Order is filed in accordance with the requirements set forth below, this docket shall be closed at the end of the protest period.

By ORDER of the Florida Public Service Commission, this 2nd day of February, 1994.

STEVE TRIBBLE, Acting Director
Division of Records and Reporting

(S E A L)

TWH

by: Kay Hagan

Chief, Bureau of Records

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 23, 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.