

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation to ) DOCKET NO. 960230-TP  
determine if restricting ) ORDER NO. PSC-96-0659-FOF-TP  
outgoing calls from pay ) ISSUED: May 10, 1996  
telephone instruments during )  
certain time-of-day periods is )  
in the public interest. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER CLOSING DOCKET

BY THE COMMISSION:

On February 15, 1996, BellSouth Telecommunications, Inc. (BellSouth) filed a tariff to restrict calls from being placed at designated public telephones during certain time of day periods, at the location provider's request, and at BellSouth's option. The tariff specifies that access to 911 emergency services will not be prevented at any time. In addition, signs will be placed on each affected instrument stating the hours the instrument is operational and that 911 is available 24 hours a day. Since BellSouth is a price regulated company, we did not approve this tariff and it became effective March 1, 1996. The tariff prompted a staff investigation to determine if restricting outgoing calls from pay telephone instruments is in the public interest.

According to BellSouth, its filing was made in the interest of public safety and welfare. BellSouth, location owners and law enforcement officials believe that criminal activity and loitering could be deterred if outgoing calls are allowed to be restricted during certain time of day periods.

We understand the concern for public safety that prompted BellSouth to file a tariff and provide its customers with the option of restricting outgoing calls. Law enforcement officials

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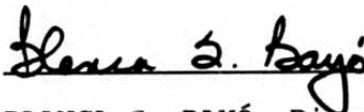
and location providers are pressuring pay telephone providers to exert greater control over public pay telephones in an attempt to reduce loitering and criminal activity. This same concern for public safety caused us to develop specific guidelines and conditions under which we will allow incoming calls to be blocked. See Rules 25-24.515(8) and 25-4.076(6), Florida Administrative Code. However, we are also concerned that blocking outgoing calls at pay telephones may endanger public safety. Also, blocking outgoing calls may limit law abiding citizens' access to telephone service in high crime areas.

We are not ready at this time to decide whether or not blocking outgoing calls at pay telephones is in the public interest. Therefore, we will close this docket. The questions raised by BellSouth's tariff are better addressed in a rulemaking proceeding. A rulemaking docket will be opened to determine whether allowing blocking outgoing calls is in the public interest and, if so, under what conditions it should be allowed. We note that at the April 16, 1996 Agenda Conference, BellSouth agreed to delete this service from its tariff.

It is, therefore,

ORDERED by the Florida Public Service Commission that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 10th day of May, 1996.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

LMB

COMMISSIONER GARCIA dissents from the Commission's decision in this docket.

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.