

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by BellSouth) DOCKET NO. 960250-TL
Telecommunications, Inc. for) ORDER NO. PSC-96-0943-FOF-TL
Exemption From Requirement That) ISSUED: July 19, 1996
Each Telephone Station Shall)
Allow Incoming Calls.)
_____)

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

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING REQUEST TO BLOCK INCOMING
CALLS AT PAY TELEPHONES

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 February 27, 1996, BellSouth Telecommunications, Inc. (BellSouth) filed requests with this Commission for exemption from Rule 25-24.515(8), Florida Administrative Code, which requires that telephones allow incoming calls. BellSouth is seeking exemption for the following pay telephones, all of which are located in Orange Park Mall at 1910 Wells Road, Orange Park, Florida:

Telephone Numbers

904/264-6445	904/264-6110	904/264-6554
904/264-6449	904/264-5448	904/264-5944
904/264-5401	904/264-5228	904/264-6722
904/264-6911	904/264-7117	904/264-7114
904/264-7155	904/264-7406	904/264-7701
904/264-6403	904/269-9875	904/269-9604
904/269-9051	904/269-9870	904/269-9044
904/269-9871	904/269-9872	904/269-9873
904/269-9068	904/278-8738	904/278-8798
904/278-8887	904/278-8832	

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FPSC-RECORDS/REPORTING

In previous dockets, the Commission has expressed the opinion that blocking incoming calls at all pay telephones at one particular location, such as a shopping mall, is not appropriate in most cases. Consequently, the Commission staff attempted to obtain additional information regarding BellSouth's request by writing the Clay County Sheriff's office, with a copy sent to BellSouth. The letter asked Sheriff Scott Lancaster if, to his knowledge, there are other pay telephones available to the public in the Mall; what type of criminal activity is the Sheriff's office seeking to deter by blocking incoming calls at all 29 pay telephones; has the Sheriff's office been called to the location as a result of criminal activity caused by people waiting for telephone calls; and was the request initiated by Simon Property Group d/b/a Orange Park Mall or the Clay County Sheriff's office. To date, no response to the request for information has been received.

Rule 25-24.515(8), Florida Administrative Code, requires that pay telephones allow incoming calls unless the instrument is located at a hospital, school, confinement facility, or other location specifically exempted by this Commission. Any requests for an exemption from this requirement must be accompanied by an attestation by the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is made to deter criminal activity at that pay telephone.

Although BellSouth submitted a properly completed Request to Block Incoming Calls form for each of the 29 instruments, such submission does not guarantee that the request will be granted. There are many situations where both adults and minors may need to receive a call back, such as to make transportation arrangements, comparison shop or coordinate other activities. Since we do not have the information requested by the letter to the Clay County Sheriff's office, we cannot determine if blocking of incoming calls at the 29 locations, as requested by BellSouth, would be in the public interest. Therefore, we find it appropriate to deny BellSouth's request to block the incoming calls at the 29 locations set forth in this order.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of BellSouth Telecommunications, Inc. for exemption from the requirement of Rule 25-4.076(6), Florida Administrative Code, that each pay telephone station shall allow incoming calls for the 29 pay telephones located in the Orange Park Mall, 1910 Wells Road, Orange Park, Florida, is hereby denied. It is further

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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 25-22.036, 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.

By ORDER of the Florida Public Service Commission, this 19th day of July, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
Chief, Bureau of Records

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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.

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

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 9, 1996.

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 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.