

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Exemption) DOCKET NO. 960839-TL
from Requirement That All) ORDER NO. PSC-96-1119-FOF-TL
Telephone Stations Allow) ISSUED: September 4, 1996
Incoming Calls by BellSouth)
Telecommunications, Inc.)
_____)

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 GRANTING 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.

In July, 1996, BellSouth Telecommunications, Inc., (BellSouth) filed a request with this Commission for exemption from Rules 25-24.515(8) and 25-4.076(6), Florida Administrative Code, which require that pay telephones allow incoming calls. BellSouth is seeking exemption for the following pay telephones:

Docket No. 960839-TL
BellSouth Telecommunications, Inc:

<u>Phone Number</u>	<u>Address</u>	<u>City</u>
407-282-9761	3100 S. Semoran Boulevard	Orlando
407-282-9705	2255 S. Semoran Boulevard	Orlando

DOCUMENT NUMBER-DATE

09319 SEP-4 86

FPSC-RECORDS/REPORTING

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. Each request for an exemption from this requirement must be accompanied by a completed Request to Block Incoming Calls form (Form PSC/CMU-2 (12/94)), signed by the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency.

BellSouth has submitted properly completed forms for each of the pay telephones listed herein. The forms have been reviewed and found to be signed by the owner or officer of the pay telephone company, the location owner, and the chief of the law enforcement agency of the jurisdiction in which the pay telephone is located attesting that the request is made to deter criminal activity at that pay telephone.

By signing Form PSC/CMU-2 (12/94), BellSouth has agreed to provide central office based intercept at no charge to the end-user and to prominently display a written notice directly above or below the telephone number which states "Incoming calls blocked at the request of law enforcement." In addition, BellSouth has also acknowledged that it is aware of the provisions of Section 837.06, Florida Statutes, which states, in part, "whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree."

Based on the foregoing, we find that it is in the public interest to grant the request of BellSouth for exemption from the requirements of Rules 25-24.515(8) and 25-4.076(6), Florida Administrative Code, that each pay telephone shall allow incoming calls. We further find that BellSouth shall provide central office based intercept at no charge to the end-user and shall prominently display a written notice above or below the telephone number which states "Incoming calls blocked at the request of law enforcement."

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of BellSouth Telecommunications, Inc. for exemption from the requirement of Rules 25-24.515(8) and 25-4.076(6), Florida Administrative Code, that each pay telephone station listed herein shall allow incoming calls is hereby granted. Such exemption is granted only for the pay telephones listed in the body of this order. It is further

ORDER NO. PSC-96-1119-FOF-TL
DOCKET NO. 960839-TL
PAGE 3

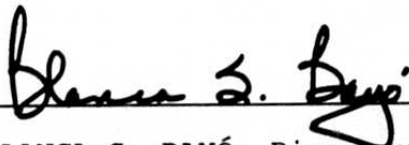
ORDERED that BellSouth Telecommunications, Inc. shall provide central office based intercept at no charge to the end-user of the pay telephones listed in the body of this order. It is further

ORDERED that BellSouth Telecommunications, Inc. shall prominently display a written notice directly above or below the telephone number on each pay telephone listed herein, which states "Incoming calls blocked at the request of law enforcement." It is further

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 4th day of September, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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 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 September 25, 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.