

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption
from requirement that each
telephone station shall allow
incoming calls, by United
Telephone Company of Florida.

DOCKET NO. 960904-TL
ORDER NO. PSC-97-0596-FOF-TL
ISSUED: May 23, 1997

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PETITION FOR WAIVER OF 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 August 9, 1996, United Telephone Company of Florida, d/b/a
Sprint/United Telephone-Florida (Sprint), submitted a petition
containing four requests for waiver of Rule 25-24(515)(8), Florida
Administrative Code, to block incoming calls from certain pay
telephone stations. Rule 25-24.515(8), Florida Administrative
Code, states in part that:

Requests for exemption from the requirement that each
telephone station allow incoming calls shall be
accompanied by a completed FORM PSC/CMU-2 (12/94),
entitled Request to Block Incoming Calls, which is
incorporated into this rule by reference.

Sprint submitted its requests on forms drafted by the
company, instead of FORM PSC/CMU-2 as required by Rule 25-

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24.515(8), Florida Administrative Code. Our staff brought this to Sprint's attention and also mailed Sprint the correct forms to complete. Our staff then contacted Sprint several times, by telephone and by mail, in the months following to ensure that the proper forms would be submitted.

On December 31, 1996, staff sent the company a final written request for submission of the proper forms. Thereafter, Sprint assured staff that the forms would be submitted no later than January 15, 1997. In February, 1997, staff contacted Sprint again by telephone to request the forms. As of the date of this decision, May 6, 1997, Sprint has not submitted the proper forms to us. Upon consideration, we hereby deny Sprint's waiver requests.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida, d/b/a Sprint/United Telephone-Florida's request for a waiver of Rule 25-24(515)(8), to block incoming calls, is denied. 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.

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By ORDER of the Florida Public Service Commission, this 23rd
day of May, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

(S E A L)

WPC/MES

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 June 13, 1997.

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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.