

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from requirement of Rule 25-24.515(8), F.A.C., that each pay telephone station shall allow incoming calls, by Sprint-Florida, Incorporated.

DOCKET NO. 971312-TC
ORDER NO. PSC-97-1602-FOF-TC
ISSUED: December 22, 1997

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
APPROVING EXEMPTION FROM REQUIREMENT
THAT EACH TELEPHONE STATION SHALL
ALLOW INCOMING CALLS

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.

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

DOCUMENT NUMBER-DATE

13063 DEC 22 97

FPSC-RECORDS/REPORTING

Sprint Florida, Incorporated (Sprint) has filed a Request for Exemption from the requirement that each telephone station shall allow incoming calls from the pay telephone listed below. Sprint's request includes an attestation by Sprint, the location provider, and the chief of police that the request is made in order to deter criminal activity facilitated by incoming calls being received at the pay telephone.

<u>LOCATION</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
1760 Park Avenue	Fort Myers	(941) 337-9744

The Request for Exemption was filed on October 10, 1997. The Notice of Request for Exemption was submitted to the Secretary of State on October 15, 1997, for publication in the Florida Administrative Weekly. No comments were submitted during the comment period, which ended November 7, 1997.

Upon consideration, it appears appropriate to grant Sprint's request. Sprint has demonstrated that this waiver is in the public interest under Sections 364.01 and 364.3375, Florida Statutes, in an effort to prevent criminal activity. Further, Sprint has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for Sprint as the requirement would allow the payphone to be used for continuing criminal activity. Pursuant to Rule 25-24.515(8), Florida Administrative Code, Sprint must provide central office based intercept at no charge to the end user and must display a notice on each affected pay telephones stating, "Incoming calls blocked at the request of law enforcement."

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sprint Florida, Incorporated's request to block incoming calls at the pay telephone listed in the body of this Order is hereby approved. It is further

ORDERED that Sprint Florida, Incorporated shall provide central office based intercept at no charge to the end user at the pay telephone where incoming calls cannot be received. It is further

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ORDERED that Sprint Florida, Incorporated shall display a notice on each pay telephone at which incoming calls are blocked stating, "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 22nd day of December, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JRB

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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 January 12, 1998.

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.

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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.