

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of) DOCKET NO. 930916-TL
Rule 25-4.076(6), F.A.C., for a)
certain pay telephone located at)
3750 S. W. First Street in Fort)
Lauderdale, by BELLSOUTH)
TELECOMMUNICATIONS, INC. d/b/a)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)
_____)
In Re: Petition for exemption) DOCKET NO. 930973-TL
from Rule 25-4.074, F.A.C.,) ORDER NO. PSC-93-1664-FOF-TL
respecting certain pay telephone) ISSUED: November 15, 1993
locations, by GTE FLORIDA)
INCORPORATED.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING EXEMPTION FROM RULE 25-4.076(6)
FLORIDA ADMINISTRATIVE CODE

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 15, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed a petition to exempt the telephone station located at the Plaza Motel, 3750 S. W. First Street in Fort Lauderdale from Rule 25-4.076(6), Florida Administrative Code, Incoming Call Requirement. On October 4, 1993, GTE Florida, Incorporated (GTEFL) filed a similar petition to exempt the pay telephone stations located at Quinn's Mobil, 6601 Harley Road in Tampa.

DUPLICATE DATE

12267 NOV 15 93

ORDER NO. PSC-93-1664-FOF-TL
DOCKETS NOS. 930916-TL, 930973-TL
PAGE 2

Rule 25-4.076(6) requires each telephone station shall allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming local calls. Where incoming calls are not received, intercept shall be provided.

On June 10, 1993, we issued Order No. PSC-93-0878-FOF-TL granting requests by GTEFL and Southern Bell to block incoming from specific pay telephone locations. In that Order we noted "...there are no set standards for evaluating such requests. Accordingly the waivers granted herein shall remain in effect only until we have developed such standards, at which time, the propriety of leaving the waiver in effect shall be reexamined."

In the instant cases exemption from Rule 25-4.076(6) was requested because of concerns regarding alleged illegal activity being conducted from the specific locations. In GTEFL's petition the local law enforcement agency had concurred with the request. The arguments in the instant cases are similar to those made in the previous cases. Furthermore, we recognize that such a waiver may prove problematic as a practical matter. In granting these waivers we are also directing our staff to investigate the need to initiate relemaking.

As in previous cases we reserve the option to revisit these waivers should that prove appropriate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company voted September 15, 1993 for waiver of Rule 25-4.076(6), Florida Administrative Code is hereby granted as outlined in the body of this Order. It is further

ORDERED that the petition by GTE Florida, Incorporated filed October 4, 1993 requesting exemption from Rule 25-4.076(6) is hereby granted as outlined in the body of this Order. It is further

ORDERED that any protest of this Order shall be filed pursuant to the requirements set forth below. It is further

ORDER NO. PSC-93-1664-FOF-TL
DOCKETS NOS. 930916-TL, 930973-TL
PAGE 3

ORDERED that if no protest is filed this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of November, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

Commissioner Susan F. Clark dissented.

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

ORDER NO. PSC-93-1664-FOF-TL
DOCKETS NOS. 930916-TL, 930973-TL
PAGE 4

Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 6, 1993.

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 adversely 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.