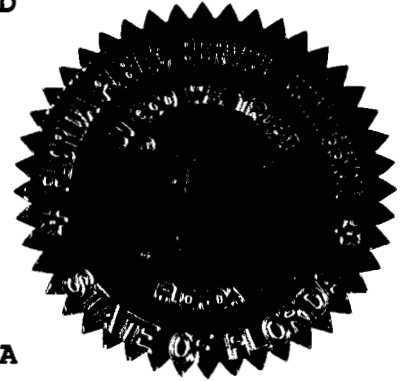


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Relationship between :  
payphones and public safety.:  
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UNDOCKETED



PROCEEDINGS:           **WORKSHOP - MIAMI, FLORIDA**

BEFORE:                   CHAIRMAN JOE GARCIA  
                              COMMISSIONER J. TERRY DEASON  
                              COMMISSIONER JULIA L. JOHNSON  
                              COMMISSIONER E. LEON JACOBS, JR.

DATE:                     **Thursday, May 20, 1999**

TIME:                     Commenced at 10:10 a.m.  
                              Concluded at 11:35 a.m.

PLACE:                   Embassy Suites Hotel  
                              Miami International Airport  
                              3974 South River Drive  
                              Miami, Florida

REPORTED BY:            JOY KELLY, CSR, RPR  
                              FPSC Division of Records & Reporting  
                              Bureau Chief, Reporting

DOCUMENT NUMBER - DATE  
**06545** MAY 24 88

FPSC-RECORDS/REPORTING

1 **IN ATTENDANCE:**

2           **TINA WATTS and WILL COX**, FPSC Division of  
3 Legal Services.

4           **RAY KENNEDY**, FPSC Division of Communications

5

6 **PRESENTERS:**

7           **DAVID HERNANDEZ**, City of Miami

8           **RICK SZYMANSKI**, City of Fort Lauderdale

9           **WILL WAGNER**, Town of Lake Park

10          **ANGELA GREEN**, FPTA

11          **LANCE NORRIS**, FPTA

12          **LESLIE STOUT**, Broward County

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## P R O C E E D I N G S

(Workshop convened at 10:10 a.m.)

CHAIRMAN GARCIA: Good morning. Before I begin, I want to mention that we have an interpreter here. If anyone needs her to help them through this, let us know. And if you need her to talk you through this, if there's one person or a small group -- is there anybody? (No response) All right, just in case, I may run into problems, so we'll keep her around.

The purpose of this workshop is to learn from you, the consumers, city officials, members of law enforcement and payphone providers what the issues are and what the concerns are for the future of the competitive payphone industry.

The Commission has a statutory duty to protect the public safety and welfare by ensuring that all consumers are provided access to telecommunications services on a statewide basis.

We believe telecommunications services, especially emergency communications such as 911, are vital to the health, safety and welfare of residents of this state. In order to protect the public safety and welfare, we must ensure that access to telecommunications services are not impaired by

1 unnecessary regulations.

2           While we believe that access to  
3 telecommunications services is a public safety issue,  
4 we acknowledge that there are other public safety  
5 issues that are related with payphone services.

6           The Commission has addressed the problems  
7 concerning criminal activity associated with pay  
8 telephones by adopting a rule that allows pay  
9 telephone providers to block in-coming calls similar  
10 to the permanent in-coming call blocks used by  
11 payphone telephones in confinement facilities.

12           That said, just so we can put it into  
13 context, we clearly want to hear from you. Myself and  
14 our agency's General Counsel has had numerous meetings  
15 across the state. When Hans was a member of our staff  
16 he travelled across the state and interviewed with  
17 city officials to make sure that the rules that were  
18 being implemented were not in violation of our  
19 jurisdiction or did not step into our jurisdiction  
20 because, clearly, as an agency we have a statutory  
21 obligation to protect our jurisdiction.

22           That said, we clearly want to try to find  
23 some accommodation so that we can all work together to  
24 provide the best service possible for the citizens of  
25 our state, while at the same time ensuring that an

1 industry, like the payphone industry, is able to  
2 continue to provide that essential service that it  
3 does for our communities.

4 We'll have the -- counsel, I guess you want  
5 to read the notice.

6 **MS. WATTS:** Yes, Chairman.

7 By notice issued April 20, 1999, this time  
8 and place has been set for an undocketed Commission  
9 workshop on the relation between pay telephones and  
10 public safety.

11 **CHAIRMAN GARCIA:** Let me just state that  
12 Commissioner Jacobs was unable to catch his flight.  
13 He will be delayed. Nonetheless, we are transcribing  
14 everything that's said, and I know him to be almost as  
15 conscientious as I am in reading these transcripts.  
16 So we will look at it, take a look at what we do here  
17 and it will give us an opportunity.

18 Counsel, are we going to just let people  
19 come up in any particular order? Do you have a --

20 **MS. WATTS:** We're going to give a short  
21 overview of the topics of discussion, and then we'll  
22 have comments.

23 **CHAIRMAN GARCIA:** Are you going to do that  
24 for us?

25 **MS. WATTS:** Yes.

1           **CHAIRMAN GARCIA:** All right. Go right ahead.  
2 Do you want to take appearances just to get an idea  
3 of --

4           **MS. WATTS:** Of Staff and Commissioners, yes.

5           **CHAIRMAN GARCIA:** You know what, I'd like to  
6 get an idea, whether they speak or not, who is here,  
7 so as a preliminary, if you don't mind -- is that all  
8 right?

9           **MS. WATTS:** That's fine.

10          **CHAIRMAN GARCIA:** Okay. Why don't we just  
11 start in this front row.

12                   Are we swearing in witnesses -- or no, since  
13 it's an informal workshop -- so that's fine. So if  
14 you're with a group, I don't need every person to  
15 introduce themselves, but just introduce the group  
16 you're with and who you are representing. And if we  
17 could start with you, ma'am.

18           **FROM THE AUDIENCE:**

19                   Sandy Harris with the Broward Legislation  
20 Delegation.

21                   Laura Ward, Broward County.

22                   Eileen Cudney, Executive Director of the  
23 Broward League of Cities.

24                   Robert Roundtree, Florida League of Cities.

25                   Jesse Varnell, Miami-Dade Police.

1           **THE REPORTER:** I'm sorry, I can't hear you.

2           **CHAIRMAN GARCIA:** You need to speak up  
3 because we're transcribing this. Could you --

4           **FROM THE AUDIENCE:**

5           Jesse Varnell, Captain with the Miami-Dade  
6 Police Department, Assistant 911 Coordinator.

7           **CHAIRMAN GARCIA:** Thank you.

8           **FROM THE AUDIENCE:**

9           Brian Hack, Broward County Engineering,  
10 Utilities Permitting.

11           Leslie Stout, Cable and Telecommunications  
12 Coordinator for Broward County.

13           Dana Hoyle, Davel Communications.

14           Jim Martin, Statewide 911 Coordinator.

15           Jose Camacho, 911 Coordinator, Miami-Dade.

16           Dave Roseman, Sprint.

17           Sandy Khazraee, Sprint.

18           Rhonda Merritt, AT&T.

19           Raquel Egusquiza, AT&T.

20           Rick Szymanski, Captain, Fort Lauderdale  
21 Police Department. Also Captain Lamberti is here.

22           **CHAIRMAN GARCIA:** Okay. Chairman Andy Blank,  
23 who is Chairman of the Nominating Counsel who is here  
24 a tourist, I take it.

25



1                   **FROM THE AUDIENCE:**

2                   Willie Harden, Lieutenant, with the Sanford  
3 Police Department.

4                   **CHAIRMAN GARCIA:** Great, thank you.

5                   **FROM THE AUDIENCE:**

6                   Bill Berg, Assistant to Commissioner Deason.

7                   George Cruz, PSC Staff.

8                   Hans Ottinot, former staff counsel to the  
9 Public Service Commission, now with the law firm of  
10 Heinrich, Gordon, Hargrove & James.

11                   Guy Strempack, First American Telecom.

12                   Jorge Chartrand, City of Miami Beach.

13                   John Korman with 2001 Telecommunications.

14                   Howard Mack, Florida Payphone Systems.

15                   Lance Norris with the Florida Public  
16 Telecommunications Association.

17                   Angela Green. I'm with Lance.

18                   Jim Blyth, Southern Tel, Miami.

19                   Mike Scobie, GTE, with Tony O'Donoghue, GTE  
20 and Eric Edgington.

21                   Lyn Harvey with Phone Tel Technology.

22                   Michael Goggin, BellSouth  
23 Telecommunications.

24                   Julia Russo with BellSouth Public  
25 Communication, Inc.

1 David Cockcroft, vice president, Florida  
2 External Affairs with BellSouth Public  
3 Telecommunications, Incorporated.

4 David Hernandez, City of Miami.

5 Elaine Buza, Telecommunications, City of  
6 Miami.

7 Yanile Trehy, City of Miami, City Attorneys  
8 Office.

9 Will Wagner with the -- Mayor of the town of  
10 Lake Park.

11 Jeff Lindskoog, the Police Chief of Lake  
12 Park.

13 Carl Coffey, North Miami Beach Police  
14 Department.

15 Lila Jaber, aide to Commissioner Johnson.

16 Ralph Vandiver, counsel to the Chairman of  
17 the Commission -- general counsel to the Commission.

18 (Laughter)

19 **MS. WATTS:** Tina Watts, Will Cox and  
20 Ray Kennedy for PSC Staff.

21 **CHAIRMAN GARCIA:** Very good. Why don't you  
22 go ahead and get the issue started.

23 **MS. WATTS:** As the Chairman said, we want to  
24 hear from you all today and we tried to outline some  
25 of the topics that we'd like to hear from you. Of

1 course, any other ideas are also welcome.

2           The first is the jurisdiction of the Public  
3 Service Commission, and our current regulatory power  
4 is pursuant to Chapter 364 Florida Statutes wherein  
5 the Florida Legislature has given the PSC the  
6 exclusive jurisdiction to regulate services provided  
7 by telephone companies. These services include  
8 services provided by pay telephone providers.

9           The municipal ordinances and powers over  
10 rights-of-ways, the only limitations that the  
11 Legislature has imposed on the Commission exclusive  
12 jurisdiction is in relation to municipal authority in  
13 Sections 166.231 and 337.401. And 166.231 provides  
14 that a municipality may levy a tax on the purchase of  
15 telecommunications, and 337 provides municipalities  
16 with the authority to prescribe and enforce rules over  
17 their right-of-ways.

18           Another issue is the in-coming call  
19 blocking. Local governments and payphone providers  
20 expressed a concern to the Commission of criminal  
21 activities associated with pay telephones. The  
22 Commission has adopted a rule that allows payphone  
23 providers to block in-coming calls to deter the use of  
24 payphones for criminal activities. We've granted over  
25 800 in-coming call block waivers to payphone

1 providers.

2           Although the intent to call blocking was to  
3 deter crime, has this method been really effective in  
4 deterring crime is what we want to hear from you.  
5 Another issue is misuse of waivers to block in-coming  
6 calls.

7           In order to receive a rule waiver, the  
8 petitioner must demonstrate that the underlying  
9 statute would be achieved by other means and that they  
10 would create substantial hardship.

11           The form to request a call blocking requires  
12 attestation from the owner of the payphone, the owner  
13 of the location of the payphone and chief of the  
14 responsible law enforcement agency that request is  
15 sought in order to deter criminal activity.

16           It has become a concern that the rule waiver  
17 is being misused to systematically get rid of  
18 payphones in certain areas and discourage in-coming  
19 call blocks in lower socioeconomic areas.

20           The impact on E911. The Commission has a  
21 statutory duty to protect the public safety and  
22 welfare by ensuring that all consumers are provided  
23 with telecommunications services. In emergency  
24 situations it sometimes becomes necessary for an E911  
25 operator to call back a citizen in distress. Although

1 the payphone may clearly denote that a particular  
2 payphone does not receive in-coming calls, it may not  
3 be feasible for the distressed citizen to search for a  
4 payphone that does receive in-coming calls.

5 Therefore, the Commission is concerned that its duty  
6 to the citizens of Florida to ensure that the access  
7 to telecommunications services is not impaired by  
8 unnecessary regulations.

9           And, finally, abandoned payphones, the  
10 removal of such equipment and notice on inoperative  
11 phones. The Commission has routinely performed  
12 service evaluations and notified payphone providers of  
13 inoperative pay telephones. If a certificated pay  
14 telephone provider does not remove the abandoned phone  
15 in a timely manner, the Commission may order the  
16 provider to Show Cause why they shouldn't be fined for  
17 violations of our rules.

18           **CHAIRMAN GARCIA:** Very good.

19           What we're going to do, then, is listen from  
20 all of you. I just wanted to tell you where we're at,  
21 at the Commission, in terms of payphones.

22           A few months ago, I guess at my direction --  
23 and because we had so much interest from local  
24 municipalities about abandoned payphones, our Staff  
25 has begun a more intense evaluation of payphones. I

1 want you all to understand that we're in one way or  
2 another associated with this issue, but I think we  
3 have somewhere in the neighborhood of 110,000 phones  
4 statewide. I think we have usually only four people  
5 who work on checking these payphones. So clearly it's  
6 a tough job. So we count a lot of times on people  
7 reporting phones. However, we had certain areas where  
8 we felt there was a problem. We've done some pretty  
9 exhaustive investigations in certain areas; one of the  
10 areas was the Fort Lauderdale area; another area was  
11 the Dade County area. And that has produced some  
12 corrections and problems, and it also has produced  
13 probably a series of Show Causes on these companies,  
14 which are a preliminary step to taking away their  
15 certificate and their right to do business in the  
16 state. Likewise, those companies that have had a long  
17 tradition before this Commission also seem to be  
18 having some problems.

19           Recently we fined -- the largest fine in the  
20 state of Florida history to one pay telephone  
21 provider, which was \$75,000 for not being in  
22 compliance with our Commission rules.

23           So, clearly, we think this is important  
24 issue. We worry about how we enforce this and how we  
25 can work closer with you to try to achieve some type

1 of a working relationship with the cities, with the  
2 companies, and to the benefit of consumers.

3           With that said, we're going to -- I guess we  
4 can just have them go in order. We have a list of  
5 those who are going to speak. We'll call you up.  
6 Please try to limit your comments because there are a  
7 lot of us here, and try to speak to the issues that  
8 are relevant at hand. Clearly, Staff has mentioned  
9 that. It will make for a better discussion, and,  
10 clearly, if we have some time towards the end, maybe  
11 we can go a little bit of back-and-forth if some  
12 people have some issues they want to address that  
13 other speakers have touched upon. Ms. Watts.

14           Yanile Trehy.

15           **FROM THE AUDIENCE:** That's okay. I'll give  
16 my time to David.

17           **MS. WATTS:** Okay. Mr. Hernandez.

18           **MR. HERNANDEZ:** Hi. David Hernandez, City of  
19 Miami.

20           Basically, my job in the city is basically  
21 to regulate -- have these payphones permitted within  
22 the public right-of-way.

23           One of our biggest problems --

24           **CHAIRMAN GARCIA:** Let me ask you, just so I  
25 can basically understand your side --

1           **MR. HERNANDEZ:** City of Miami --

2           **CHAIRMAN GARCIA:** No, no. I understand.

3 I'm going to ask you some questions before you --

4           **MR. HERNANDEZ:** Go ahead.

5           **CHAIRMAN GARCIA:** This is a building permit  
6 that you grant them to build on your right-of-way?

7           **MR. HERNANDEZ:** No. This is -- We've  
8 adopted a city code, our city code, which is basically  
9 the City of Miami. And what we've done is we  
10 establish rules and regulations for the placement and  
11 installation of a public payphone in the public  
12 right-of-way. So we charge them a fee. And there's a  
13 permit process.

14           **CHAIRMAN GARCIA:** Okay.

15           **MR. HERNANDEZ:** My main concern is the  
16 following -- and this is just two concerns.

17           **CHAIRMAN GARCIA:** Before you get off that  
18 topic, can I ask you a favor: Could you send the  
19 packet, or the information that's required to  
20 establish it, just so we have it so we can understand.

21           **MR. HERNANDEZ:** Our rules and regulations?

22           **CHAIRMAN GARCIA:** Exactly.

23           **MR. HERNANDEZ:** That's not a problem.

24           Okay. Number one, we have an issue here  
25 that -- there's two issues where I work in the City of



1 Miami. Number one is most of the payphones, they  
2 don't -- they don't have the, you know, the right  
3 lighting; they don't have books, I mean -- that's the  
4 majority of it. And then we also have a major problem  
5 that some payphone providers don't comply with our  
6 rules. In other words, they just go ahead and put a  
7 payphone wherever they decide to put a payphone,  
8 wherever they think it's fit. It could be in the  
9 public right-of-way or on private property. We have a  
10 major problem with that type of enforcement. Number  
11 two --

12           **CHAIRMAN GARCIA:** Can I stop you there real  
13 quick? Let me ask you, when you say they don't comply  
14 with your rules, I understand the permitting of  
15 getting permits to build -- and there's a whole  
16 jurisdictional issue of public safety on your  
17 right-of-way -- give me an example of some of what  
18 your rules are, just so that I understand.

19           **MR. HERNANDEZ:** They're put in next to a  
20 fire hydrant, next to a handicapped stall; not near a  
21 parking metered area. There are certain rules. And  
22 what they do is they just go ahead and they put it --  
23 regardless of where it is without --

24           **CHAIRMAN GARCIA:** All right. That's part of  
25 what you'll give us also is the rules.

1           **MR. HERNANDEZ:** Right.

2           **CHAIRMAN GARCIA:** Let me give you another  
3 suggestion. I don't want to take you off of your --  
4 but I just want to understand so that I can have a  
5 better -- our rules in terms of lighting, in terms of  
6 height, in terms of phone books, those are rules that  
7 we enforce just so you know. So in any of those cases  
8 I believe that it's already part of our system. We  
9 have a 1-800 system where you can literally report and  
10 it records automatically any payphone in violation,  
11 so -- I'm just telling you so if you want to crack  
12 down on this system, what you do is you simply call us  
13 and say, "Look, there's payphone X." Do you want to  
14 walk them through it?

15           **MR. HERNANDEZ:** What's the 1-800.

16           **MR. KENNEDY:** That's correct.

17           **CHAIRMAN GARCIA:** 1-800-342-3552 is our  
18 number and it has a quick prompt early on, and then it  
19 asks you if this is about a payphone, press a number,  
20 and then you go into a recording and you tell us the  
21 location, the number of the phone, is that it --

22           **MR. KENNEDY:** The location number and the  
23 problem, and we check that daily, and immediately,  
24 within two days or so, in writing notify the payphone  
25 provider.

1           **CHAIRMAN GARCIA:** Which is the first  
2 process, the first step to actually going there and  
3 inspecting because it's a fair warning that you are in  
4 violation. If the company then gets back to us and  
5 says, "No, we're not in violation." Or if we have a  
6 violation and we correct it, and if they don't, we  
7 begin the process to Show Cause. Show Cause would be,  
8 I guess, equivalent to your fining them -- I think it  
9 goes a little bit further. We can actually remove  
10 their license and --

11           **MR. HERNANDEZ:** We pull it out. We have a  
12 process of pulling --

13           **CHAIRMAN GARCIA:** Maybe you shouldn't tell  
14 me all that. But go right ahead. (Laughter)

15           **MR. HERNANDEZ:** And then the second part is  
16 the graffiti on the payphones. There's just so much  
17 graffiti; it's getting out of control.

18           **CHAIRMAN GARCIA:** And that's an issues that  
19 we also control, if I'm not mistaken.

20           **MR. KENNEDY:** Cleanliness of payphones.

21           **CHAIRMAN GARCIA:** Is one of the issues that  
22 we also inspect.

23           **MR. HERNANDEZ:** That you also inspect. For  
24 now those are my concerns.

25           **CHAIRMAN GARCIA:** Mr. Hernandez, maybe the

1 other Commissioners --

2           **COMMISSIONER DEASON:** Yeah, I have a  
3 question.

4           Do you permit all payphones or just those on  
5 public right-of-ways?

6           **MR. HERNANDEZ:** Right. There's two types of  
7 permits: One, public right-of-way, and then there's  
8 another which is private property. But what we do in  
9 the city of Miami, it's established in the zoning  
10 process, which I don't have any control over the  
11 zoning. That's another thing that a lot of these  
12 payphone providers do, is that they go ahead and they  
13 put a payphone on private property but abutting the  
14 right-of-way.

15           What they -- they do it on purpose because  
16 they know that the volume of people that are walking  
17 on the sidewalk, where the phone is more exposed is  
18 closer to the sidewalk, so a lot of times to avoid the  
19 city regulation, what they do is put a payphone right  
20 abutting private property; abutting the right-of-way.  
21 And that's another problem that we have because then  
22 we really lose control. Because what you end up  
23 having is maybe a payphone on the corner, two  
24 payphones on private property abutting each other  
25 maybe 20, 30 feet away, and then you have another

1 payphone three, four hundred feet away. But then it  
2 looks like there's four or five payphones on one side  
3 of the street.

4 **COMMISSIONER DEASON:** So the rules and  
5 regulations that you have primarily apply to those on  
6 the public right-of-way?

7 **MR. HERNANDEZ:** That's correct.

8 **COMMISSIONER DEASON:** You do require -- even  
9 though they may not always comply, but you do require  
10 them to at least notify you and get a permit to  
11 install one on the public property as well?

12 **MR. HERNANDEZ:** No. And that's one of the  
13 biggest problems that we have; the private property/  
14 public right-of-way issue. You know, of placement.

15 **COMMISSIONER DEASON:** Thank you.

16 **COMMISSIONER JOHNSON:** Mr. Hernandez, in the  
17 past have you had the occasion to work with the Public  
18 Service Commission with respect to any of your  
19 payphone issues?

20 **MR. HERNANDEZ:** Yes.

21 **COMMISSIONER JOHNSON:** You raised the issue  
22 of they don't seem to have appropriate lighting or  
23 books. How do you traditionally handle that? Do you  
24 try to work directly with the provider yourself? Or  
25 do you work through the Commission?

1           **MR. HERNANDEZ:** I'm going to be very sincere  
2 with you; I'm going to be very honest with you.

3           I have a lot of work, so I just -- if it's a  
4 major problem, I first deal directly with the payphone  
5 provider. I then, in my second step, I deal with the  
6 payphone association, which I have a very good  
7 relationship with the payphone association. I think  
8 that I've worked with Lance Norris. I mean, him and I  
9 can sit down and talk when there's a problem in  
10 reference to a particular payphone provider.

11           And then third of all, then I crack down on  
12 the payphone provider himself if he doesn't try to  
13 comply, or ignore our work.

14           **COMMISSIONER JOHNSON:** Have you ever --

15           **MR. HERNANDEZ:** But I have dealt -- to  
16 answer your question -- I have dealt with -- and I  
17 can't remember now but I think the name is Barbara --

18           **MR. KENNEDY:** Bailey.

19           **MR. HERNANDEZ:** I've dealt with her before  
20 when there's a problem.

21           **COMMISSIONER JOHNSON:** And I guess, as the  
22 Chairman stated, too, a part of this process, at least  
23 for me is to better understand how we can work  
24 together. And I understand you're saying your  
25 resources are limited and the time is limited.

1           **MR. HERNANDEZ:** Very limited.

2           **COMMISSIONER JOHNSON:** Ours are, too, but  
3 we're here to complement and help, to the extent we  
4 can, and I guess we could even review our rules and  
5 your rules and have some discussions to the extent  
6 there are any conflicts in some of those requirements.

7           But it's good to hear that you're handling  
8 it well and working well with the industry and using  
9 the resources of the Commission, too, when necessary.

10          **MR. HERNANDEZ:** Right. Thank you.

11          **CHAIRMAN GARCIA:** I guess that's it.

12          **MR. HERNANDEZ:** Okay.

13          **CHAIRMAN GARCIA:** You do have though -- it's  
14 a zoning provision when it's on public right-of-way,  
15 so it's --

16          **MR. HERNANDEZ:** On private property there's  
17 a zoning provision. On public right-of-way we have  
18 established some rules and regulations -- what we call  
19 an ordinance establishing rules and regulations for  
20 the placement of a public payphone on a public  
21 right-of-way. And then we receive a certain --  
22 there's an application fee, and so on and so forth.  
23 Any questions?

24          **MR. KENNEDY:** You had mentioned a second  
25 issue. I don't know if you covered that or not.

1           **MS. WATTS:** Yeah. Graffiti.

2           **MR. KENNEDY:** The graffiti. That was the  
3 only --

4           **MR. HERNANDEZ:** My major, major problem is  
5 that today anybody could get a certificate and fly  
6 into Miami, call BellSouth, get a line and put a  
7 payphone wherever they choose. And what happens is  
8 that -- I think -- that you're limited, I'm limited.  
9 And then what happens is that there's a few rotten  
10 apples, I believe, in the industry that really, really  
11 have a impact on the rest of the people.

12                   So that's basically my biggest gripe, is  
13 that there's only a few rotten apples in the industry  
14 and it's hard to keep -- you're running after these  
15 people constantly.

16           **CHAIRMAN GARCIA:** Well, let me make the  
17 suggestion again of calling us when you find they are  
18 in violation. Likewise, I'm going to make sure Staff  
19 sends you -- we've got Mr. Hernandez's address --  
20 we're going to send you our rules, and the specific  
21 checkpoints that our investigators look at in the  
22 phone, our inspection teams look at when they go out  
23 there. You'll probably find that will be an easier --  
24 easier than actually pulling-the-phone-up-out-of-the-  
25 ground way of having us regulate them because they



1 can't do business without a certificate with us.

2           And on those points, any one of those  
3 points, you just let us know which one they violated.  
4 It makes it much easier for us to begin the  
5 investigative process. And certainly we rely on tips  
6 from people in the field.

7           Thank you, Mr. Hernandez.

8           **MR. HERNANDEZ:** Okay.

9           **MR. KENNEDY:** And I have the rules here if  
10 you'd like to take a look.

11           **CHAIRMAN GARCIA:** We might also send him our  
12 checklist.

13           **MR. KENNEDY:** I'll send it.

14           **MR. HERNANDEZ:** And what we'll do is -- I'll  
15 go ahead and send you the -- we don't have it with me,  
16 our rules and regulations.

17           **CHAIRMAN GARCIA:** Great. Fantastic.

18           **MS. WATTS:** Rick Szymanski.

19           **MR. SZYMANSKI:** Good morning, Commissioner  
20 Garcia, I'd like to thank you and your fellow  
21 Commissioners for coming down and having this hearing.

22           I've spoken before the Commission before and  
23 I have been dealing with the law enforcement aspect of  
24 dealing with payphones since 1995.

25           At that time the City of Fort Lauderdale

1 started working with community leaders and industry  
2 representatives to address local concerns when the  
3 City began talking about writing an ordinance. We  
4 first learned of the PSC's power to regulate payphones  
5 there but did not have much contact with the PSC for  
6 several years directly, as we worked out our problems  
7 through a system of applying our local ordinances,  
8 zoning ordinances and such, and building codes and  
9 working with the payphone industry. Both the FPTA and  
10 BellSouth were very instrumental in resolving the  
11 immediate problems we faced at that time.

12           Currently, I think we remained in the  
13 leadership role in law enforcement in working with the  
14 Commission. We currently have plans to train several  
15 of our police officers in conducting the cursory  
16 inspections you just spoke about. So they will be out  
17 there as additional eyes and ears for the PSC in  
18 reporting those violations to the Commission, along  
19 with using that as a tool to address problem  
20 payphones.

21           We have a code enforcement program where we  
22 strictly enforce building codes and permits required  
23 for placing phones on private property in the city of  
24 Fort Lauderdale.

25           Three topics I'd like to bring to the

1 Commission's attention to the floor today for other  
2 people to address, is I'd like to encourage the PSC to  
3 get the jurisdictional disputes settled. We've spent  
4 a lot of time in the past, I know you've had to come  
5 out and take a position on a lawsuit that was filed,  
6 and I think has since been settled. But it's time for  
7 the Commission and local governments and the League of  
8 Cities to work together and not be at the opposite  
9 end. As a law enforcement officer I've stood on  
10 street corners and had jurisdictional disputes, and it  
11 was the victim of the accident or the crime that's  
12 suffered. And that's what's happening here; is the  
13 public is going to suffer as long as these  
14 jurisdictional disputes continue.

15           Secondly, the PSC must, if they are going to  
16 be the regulatory body, provide the leadership,  
17 provide education to both the citizenry and  
18 governments -- because I've learned all of this from  
19 the bottom up as we've dealt with the problems. Also  
20 take an approach to addressing local neighborhood  
21 concerns. Homeowners groups -- HOGs, as I refer to  
22 them in a polite way -- they are a powerful local  
23 force. They generate a lot of demands and demand a  
24 lot of resources, and they do get the attention of our  
25 local City Commissioners, who then, in their

1 profession, feel that enacting a law is probably the  
2 best way for them to address these concerns and  
3 resolve the problems of the constituency.

4 I think if the Commission takes a closer  
5 look at dealing with and providing access and  
6 education for neighborhood groups how to report phone  
7 problems, probably some of these issues will be  
8 resolved earlier on.

9 Finally, I just wanted to encourage both the  
10 Commission and local officials to take full advantage  
11 of existing ordinances, laws and regulations. We have  
12 enough law books. My officers have thick books they  
13 have to carry around with them, and we found that  
14 there's enough tools for us to deal effectively with  
15 almost every payphone problem we come cross.  
16 Certainly there are the exception to the rule, and  
17 very obstinate provider that is going to require a  
18 little special attention and some unique enforcement  
19 applications. But there's enough tools out there, I  
20 think, for us to do our job. You may hear different  
21 opinions later, but that's what I've come up with over  
22 the past 4-1/2 years of dealing with this.

23 I thank you for your time and I'd be happy  
24 to answer any questions.

25 **CHAIRMAN GARCIA:** Do you have some

1 questions?

2           **COMMISSIONER JOHNSON:** Not really a  
3 question, maybe more of a comment. You stated that  
4 the officers in your area are actually working with  
5 us, or using our rules when you go out to ensure that  
6 the payphones -- that's a wonderful service. I just  
7 wanted to better understand how it worked.

8           **MR. SZYMANSKI:** After Commissioner Garcia  
9 did an inspection of the City of Fort Lauderdale we  
10 talked about the basic rules that a payphone has to  
11 have, the lighting -- the access and such.

12           **CHAIRMAN GARCIA:** Let me just interrupt  
13 here. The officers and City Councilman Moore --

14           **MR. SZYMANSKI:** Yes.

15           **CHAIRMAN GARCIA:** -- took us around the city  
16 and I think with my untrained eye about 95% of the  
17 phones were not in compliance. It was a very serious  
18 issue. And so we sort of sent a spot group check  
19 there, and then gave them the rules. And they have  
20 been -- you take it from there. That was a fantastic  
21 tour.

22           **MR. SZYMANSKI:** What we're doing is --  
23 Captain Lamberti, who is going to be taking this issue  
24 over at the City of Fort Lauderdale Police Department,  
25 is working with PSC Staff to have some training done

1 for several of other officers so they will be able to  
2 conduct those inspections, complete the forms and send  
3 them up to the PSC for review to help out those four  
4 inspectors you have that have to do all that work.

5           **COMMISSIONER JOHNSON:** That's a great  
6 service. Thank you.

7           **MR. SZYMANSKI:** It was a way to take the  
8 initiative, and, again, to use some of your rules and  
9 power. Because we're out there. We have to go out  
10 and respond to these calls. We get complaints about  
11 pay telephone locations all the time. And that's  
12 something that I hope everybody keeps in mind because  
13 it came out earlier on in our meetings: There are no  
14 bad payphones, just bad payphone locations. The  
15 payphone is not committing the crime; the people  
16 hanging around and things like that are the problem.  
17 And that's what we've tried to address were some of  
18 the rules. And I think that we'll hear about some  
19 additional things -- tools we'd like to see from other  
20 speakers today.

21           **COMMISSIONER JOHNSON:** Appreciate your  
22 assistance.

23           **CHAIRMAN GARCIA:** Thank you.

24           **MS. WATTS:** David Cockcroft.

25           **MR. COCKCROFT:** Good morning. I'd like to

1 express my appreciation to Chairman Garcia and the  
2 Commissioners present and the Commission Staff for the  
3 opportunity to offer a few comments at today's  
4 workshop.

5           The issues under discussion today are  
6 important for my own company, BellSouth; are keenly  
7 important to the communities we serve. It goes  
8 without saying that we're committed to our local  
9 communities, and we want to work with them on any  
10 cause that alleviates any concern over payphones which  
11 advances the issue of public safety in our  
12 communities. I want to commend the Commission for its  
13 interest in addressing community and public safety  
14 concerns over the use of payphones.

15           As we all are aware, the Public Service  
16 Commission has the exclusive jurisdiction in this  
17 state over the placement of payphones on private  
18 property. I think today's workshop provides a natural  
19 link between the jurisdictional responsibility of the  
20 Public Service Commission and the concerns of some of  
21 our communities.

22           What I would like to discuss today are the  
23 proposed safeguards that I believe will greatly assist  
24 the Commission in addressing any community concerns.  
25 They deal with the methods by which payphones are

1 placed on private property and how payphones are  
2 allowed to operate in the areas where concerns over  
3 public safety have arisen.

4           Just a couple of months ago I had the  
5 opportunity, like many of the folks in the audience  
6 behind me, to tour payphones in the Fort Lauderdale  
7 area with Fort Lauderdale Commissioner Carlton Moore.  
8 During this tour, we were troubled by the number of  
9 payphones that were located on abandoned property.

10           From a public safety standpoint, this is a  
11 practice that concerns many of our community leaders  
12 and law enforcement agencies. It can place certain  
13 public safety risk upon communities and often  
14 endangers the well-being of those who use payphones to  
15 make payphone telephone calls. A rule prohibiting the  
16 placement of payphones on abandoned property will only  
17 help our communities here in Florida.

18           It's important that in drafting any proposed  
19 language for this rule, the Florida Public Service  
20 Commission work with companies like BellSouth and  
21 other industry stakeholders to properly define the  
22 term "abandoned property." Any existing payphone or  
23 property defined as abandoned would have to be removed  
24 within 60 days notice from the Public Service  
25 Commission.



1           I just talked briefly about the placement of  
2 payphones on abandoned properties in our communities.  
3 Now I want to focus on another area, a more defined  
4 set of guidelines for the placement of payphones in  
5 residential neighborhoods.

6           We're aware of some of the communities'  
7 concern over the placement of payphones in  
8 single-family or duplex-family residential areas.  
9 Quite simply, payphones should not be located in such  
10 areas. As such, we're interested in working with the  
11 Public Service Commission in developing a set of  
12 guidelines that would prohibit the placement of public  
13 telephones on private property in these areas. These  
14 same guidelines would clearly allow placement of  
15 payphones on commercial properties within these areas,  
16 such as convenience stores or neighborhood grocery or  
17 neighborhood pharmacy. We would also suggest these  
18 new rules state any public payphone located on private  
19 property in these areas has to be removed within 60  
20 days after notice from the Public Service Commission.  
21 As payphone providers, that's a responsibility we all  
22 need to be willing to fulfill through the spirit of  
23 cooperation with your communities.

24           I've talked about proposed restrictions on  
25 how payphones are placed in our communities. Now I

1 want to focus on another area: The operation of  
2 payphones in areas with public safety concerns.

3           Many times in the past few years BellSouth  
4 has worked with the Florida Public Service Commission,  
5 local law enforcement agency, community leaders and  
6 our own location customer providers to block in-coming  
7 calls on certain payphones. We've worked especially  
8 hard with the Fort Lauderdale Police Department. We  
9 found that this can be helpful in situations where  
10 loitering at payphones has become a community concern.  
11 It's an excellent tool that assists our cities and one  
12 that requires the cooperation of a number of parties  
13 to implement. However, it's also been a process  
14 that's been slow at times to move through. It often  
15 requires as many as four months from the day we  
16 receive the request for outward-only service until the  
17 time the payphone is equipped with this restriction.  
18 That's entirely too long as it stands. We need to  
19 work with the Public Service Commission to simplify  
20 this process and to shorten the time it takes us to  
21 respond to the specific request for the service.

22           Ideally, it should be simplified where  
23 approval is immediate upon the receipt of the Public  
24 Service Commission of the approved forms that are  
25 required to request the service. Outward-only service

1 is one tool used to address public safety concerns in  
2 the local community. Another that should be  
3 considered is a time-of-day restriction for selected  
4 payphones where serious problems exist.

5           A time-of-day restriction will allow certain  
6 payphones to be turned off during late night hours or  
7 other problem hours, eliminating the risk of these  
8 payphones being used for the wrong purposes.

9           As an example of where time-of-day  
10 restrictions might be appropriate is a payphone in the  
11 parking lot of a fast food restaurant that is closed  
12 from 12 midnight to 5 a.m. Of course, 911 emergency  
13 service would still be available even when the  
14 payphone is turned off. This ensures the calling  
15 public has access at all times to emergency assistance  
16 service as required by this Commission and federal  
17 regulations.

18           BellSouth is interested in working with the  
19 Florida Public Service Commission in adopting  
20 guidelines that permit time-of-day restrictions to be  
21 placed on selected payphones. We believe such a  
22 restriction is needed on certain payphones in our  
23 communities. And we'd like to see it adopted as an  
24 additional safety measure for our payphone customers.

25           Finally, I would encourage the Florida

1 Public Service Commission to help educate local  
2 communities, perhaps through a liaison role through  
3 such groups as the Florida League of Cities. These  
4 groups can help in educating our local communities  
5 about some of the tools the Public Service Commission  
6 has to offer.

7           BellSouth has for many years worked hard on  
8 behalf of our payphone customers to provide high  
9 quality service at our payphones. Pay telephones are  
10 important to the travelling public and may be the only  
11 telecommunications link for people who don't have  
12 telephone service in their homes. Our goal is to  
13 ensure that our payphones are available and working  
14 whenever our customers need to use them.

15           Payphones are often used as a critical link  
16 in times of emergency. They play a vital role in  
17 ensuring the public safety of our communities.

18           Thank you.

19           **COMMISSIONER JOHNSON:** I'm sorry to wait on  
20 you to sit down to come up with my question.

21           The one point that you made, you said there  
22 should be a rule that in public areas that are  
23 residential, including duplexes, that phones shouldn't  
24 be allowed there. Maybe it was just -- this is  
25 educational for me. What's the problem?

1           **MR. COCKCROFT:** What we found is in meeting  
2 with the community leaders is that most of those homes  
3 already have home telephone service, with the  
4 exception of the commercial establishments located in  
5 those areas. If the folks already have phones, why is  
6 there a need for a phone?

7           **COMMISSIONER JOHNSON:** And I guess -- and  
8 maybe we'll hear from some of those individuals that  
9 live in those kind of dwelling units -- but if you  
10 wanted to call up in one of those dwelling units and  
11 couldn't get in -- I'm thinking of multifamily -- but  
12 be simple like --

13           **MR. COCKCROFT:** "Multi" wouldn't be  
14 included; only single and duplex.

15           **COMMISSIONER JOHNSON:** Okay. But duplexes  
16 would be?

17           **MR. COCKCROFT:** Yes.

18           **COMMISSIONER JOHNSON:** And the rationale  
19 there is that there's a belief they are not needed  
20 because --

21           **MR. COCKCROFT:** What we're hearing from  
22 community groups like Fort Lauderdale is they are not  
23 needed. Now, if there's a commercial establishment in  
24 that area, a convenience store, a drug store,  
25 et cetera, there could be a payphone there.

1           **COMMISSIONER JOHNSON:** Help me understand  
2 that, too, because who is using the telephones then?  
3 I'm assuming this is market driven so payphones --

4           **MR. COCKCROFT:** Since I don't have any  
5 phones there, I can't answer that question.

6           **COMMISSIONER JOHNSON:** Maybe some the  
7 providers would provide that. Because you would think  
8 it would be market driven and they would put the  
9 phones places where people would use them that needed  
10 them.

11           **MR. COCKCROFT:** Really can't answer that.

12           **COMMISSIONER JOHNSON:** Okay. Thank you.

13           **COMMISSIONER DEASON:** I have a question for  
14 you.

15                   Your recommendation that there be  
16 time-of-day restrictions for certain locations, is  
17 that something that can be done at the switch to  
18 eliminate calling between certain hours, or how is  
19 that physically done?

20           **MR. COCKCROFT:** If the payphone is an  
21 intelligent payphone, it can be done at the payphone  
22 on an individual-case basis.

23           **COMMISSIONER DEASON:** So that would be  
24 something then for the provider -- if that were a  
25 requirement it would be the provider to implement

1 that.

2           **MR. COCKCROFT:** Yes. With the necessary  
3 approval or authority.

4           **COMMISSIONER DEASON:** And you also mentioned  
5 a speedier streamlined process for blocking in-coming  
6 calls.

7           **MR. COCKCROFT:** Yes. From the time a  
8 customer expresses concern to my company, or the local  
9 law enforcement, it takes an average of around four  
10 months to get it all the way through to where we can  
11 actually go out and make the phone restricted.

12           **COMMISSIONER DEASON:** As you're probably  
13 aware, there are certain legal requirements that have  
14 to be met in that process. Have you spoken about that  
15 with our own in-house attorneys?

16           **MR. COCKCROFT:** I have been speaking about  
17 this since the rule was originally adopted.

18           **COMMISSIONER DEASON:** Okay. I don't think  
19 there's any reluctance on the Commission's part to try  
20 to expedite those things, but at the same time there's  
21 certain due process, rights and protections in that,  
22 and in comparison to a lot of things government does,  
23 four months is a speedy operation so --

24           **MR. COCKCROFT:** I understand that,  
25 Commissioner, and it's not my company that wants it;

1 it's these folks that are asking for help. It's not  
2 BellSouth saying, "I want to make my phone  
3 outward-only." It's BellSouth saying, "I want to help  
4 the folks in this room with a problem." And it takes  
5 four months for the problem; that's all we're saying.

6 **CHAIRMAN GARCIA:** It has been moving faster  
7 since I have been Chairman, because I haven't been  
8 objecting as often. (Laughter)

9 It's clearly we have a concern,  
10 historically, and one of the reasons we've kept it, I  
11 guess -- we haven't even put it in the consent  
12 language and the format, which might be a little bit  
13 quicker, in other words -- is that every once in a  
14 while we've got these cases. We had one city where we  
15 had a payphone outside of a police station. And they  
16 said for public safety, they wanted to remove the --  
17 you know -- and it worries us greatly. One of the  
18 payphone areas worries -- when I took a tour with the  
19 company was payphone stations at the Fort Lauderdale  
20 Bus Terminal, which is -- by chance is located right  
21 next to the homeless shelter of Fort Lauderdale. And  
22 next to the payphones is a police officer. I mean,  
23 literally; there's a box and a police officer behind  
24 the glass wall that can see the payphones. And those  
25 payphones are blocked. And, you know -- I guess, you



1 know, some of the officers that are going to speak can  
2 speak to this. But it troubles me greatly. If  
3 there's anybody that ever needed an in-coming call  
4 it's those folks. Likewise, when we were there  
5 checking the phone, the police officer came out and  
6 said, "Look, the reason we've got call blocking is  
7 precisely the issue you touched about, loitering. If  
8 I didn't have call blocking, people would sit here all  
9 day waiting for a call and I wouldn't have a reason to  
10 move them on.

11           Clearly, I have been educated to the process  
12 and I want to try to do something. But it worries me  
13 greatly we sort of make this as automatic process.

14           **MR. COCKCROFT:** Again, Commissioner, for the  
15 record, it's BellSouth policy outside of an  
16 institution for inmates to provide two-way service.

17           What we're responding to, Commissioner --

18           **CHAIRMAN GARCIA:** I understand.

19           **MR. COCKCROFT:** -- are our customers and the  
20 people we all serve. BellSouth doesn't want to make  
21 everything outward-only.

22           I agree with you: It's a degradation of  
23 service but the communities want them, law enforcement  
24 wants it. And we're trying to respond to the needs of  
25 our customers; not only the end users but the location

1 providers in the communities we serve.

2 **CHAIRMAN GARCIA:** Okay. Thank you.

3 **MR. COCKCROFT:** Thank you.

4 **MS. WATTS:** Will Wagner.

5 **MR. WAGNER:** Good morning, Commissioners,  
6 and thank you for having this hearing. I'm one of the  
7 communities that you heard something about this  
8 morning. We're the ones that had the lawsuit. And  
9 you all were kind enough to provide us with a forum  
10 in June of '98, I believe it was, where we could all  
11 sit down and talk about the problems, specifically the  
12 ordinance in Lake Park, which was the cause of the  
13 lawsuit.

14 We're in the process of doing a major  
15 redevelopment in our little town. We just celebrated  
16 our 75th anniversary. The town was planned by the  
17 Holmstead brothers, and we have spent about \$3 million  
18 on a three-block area for redevelopment.

19 I'm also certified in Crime Prevention for  
20 Environmental Design. And one of the things that lead  
21 to our ordinance was a crime that had been committed  
22 at just the type of location you heard described this  
23 morning.

24 **CHAIRMAN GARCIA:** Let me ask you a question  
25 you. You said you're certified --

1           **MR. WAGNER:** Yes. The State Attorney  
2 General's Office ran a series of seminars back in the  
3 late '80s and early '90s and provided training, which  
4 they certificated, for crime prevention and  
5 environmental design; law enforcement officers and  
6 public official were invited to go. It's a  
7 planning --

8           **CHAIRMAN GARCIA:** Right. And are payphones  
9 part of that?

10           **MR. WAGNER:** Payphones were discussed as a  
11 part of this program. And there's some very  
12 interesting observations in the national CPED manuals.  
13 And I'll leave it to the law enforcement people to  
14 give you more information on that since --

15           **CHAIRMAN GARCIA:** Maybe we could get a copy  
16 of how they address this.

17           **MR. WAGNER:** Well, one of the things they  
18 stated are things that are commonsense rules.  
19 Payphones should be located in well-lighted areas that  
20 are heavily trafficked so that they are constantly  
21 under eyes. Where possible, they should be located in  
22 a lobby or in a lighted enclosed area where someone is  
23 monitoring the area. You heard someone talk about a  
24 policeman monitoring the phones at a bus station. Our  
25 ordinance required that instead of payphones being

1 placed on the unlighted side of, for example, a  
2 convenience store, that the payphone be located inside  
3 the store where someone manning the cash register  
4 could see it. It in no way restricted the number of  
5 phones. It simply required that payphones be placed  
6 in an area of natural observation. The second part of  
7 that ordinance was never enacted.

8           We contacted Mr. Vandiver, who is in the  
9 back, regarding the question of how we could implement  
10 it. Not surprisingly, I disagree with the well-spoken  
11 gentlemen from Southern Bell. We believe that having  
12 phones in areas where stores are closed on the outside  
13 and where there's less traffic is not safe. And we  
14 wanted to have a mandatory requirement that at least  
15 one payphone be installed in multifamily properties of  
16 eight or more.

17           Clearly, and I have a letter here that you  
18 all I'm sure have seen, it was written to Craig Kahn  
19 from the Florida League of Cities from Mr. Vandiver  
20 that basically says that, you know, the jurisdiction  
21 is exclusively yours. The intent was to provide  
22 additional access. And it was; that was clearly our  
23 intent. But you all need to be the ones that make  
24 those decisions.

25           I referred to a crime that occurred as a

1 result of this deficiency. A young lady who worked  
2 with the Palm Beach County Sheriff's Department,  
3 single mother of two children walked half a block from  
4 her approximately 16 or 18-unit apartment house to a  
5 corner sandwich shop where there was a phone on the  
6 outside of the sandwich shop, where she was accosted  
7 by two juveniles and killed over the keys to her car.  
8 It was not well-lighted, and because she had no phone  
9 service and there was none available at the  
10 multifamily site, she was required to leave the  
11 security of her own apartment complex.

12           The other thing I have learned, and repeated  
13 here this morning, is that you all have over 100,000  
14 payphones in the state of Florida and a very small  
15 staff to do the inspections. It occurs to me that  
16 siting is something you all might want to work in  
17 cooperation with the local governments in some way to  
18 delegate wherever there's a request for Commission  
19 approval for a site.

20           As I understand it now, basically the  
21 granting of a certificate allows the provider to put a  
22 payphone just anyplace he wants to, provided that he  
23 meets the approval of the property owner. And I think  
24 that perhaps that it lacks some wisdom in the fact  
25 that, as you say, it's market driven, and greed may

1 outweigh the concerns of public safety. And I know  
2 "greed" is a bad word to use but I used it anyway.

3           That's basically all I have to say. I  
4 brought our police chief with us. He can address some  
5 of the issues of the crimes that have been committed  
6 in and around the area. We actually logged them over  
7 a one-year period and found that the crimes around the  
8 banks of phones at areas like shopping centers that  
9 were closed were much higher, and, again, they were  
10 usually where they were close by to access. They were  
11 provided to you at the hearing last June. All of that  
12 data was provided to you.

13           **CHAIRMAN GARCIA:** Any questions?

14           **COMMISSIONER JACOBS:** Hi, how are you?  
15 First, of all, let me apologize for being late this  
16 morning. Something took a war on with my stomach this  
17 morning before I left.

18           You indicated that at multi-unit dwellings  
19 you felt that at least one unit --

20           **MR. WAGNER:** At least one phone should be  
21 present at -- medium to large single-family complexes.  
22 I don't know that a duplex or a triplex would require  
23 that, but certainly at a unit or complex having six or  
24 eight or more units, certainly should be at least one  
25 payphone. Somewhere in an area, again, that's of

1 natural observation and well-lighted.

2           **COMMISSIONER JACOBS:** And I guess -- let's  
3 speak about the guideline that came out of the  
4 certification program. Would there be any  
5 requirements -- environmental requirements or  
6 recommendations as to how those phones would be sited  
7 in those units?

8           **MR. WAGNER:** Wherever they could be  
9 interior, that was the preferred location. And that  
10 theme is carried throughout the discussions regarding  
11 payphones, because of the fact that generally on an  
12 inside hallway there's people moving up and down the  
13 hallways, that type of thing.

14           Florida tends to build multifamily  
15 properties that don't have interior hallways. But  
16 that was the preferred thing. Failing that, obviously  
17 there's always some sort of a common porch or pathway  
18 that is normally well-lighted -- we all hope it is, at  
19 least -- somewhere centrally where there would be  
20 natural observation would be the location for a phone.

21           **COMMISSIONER JACOBS:** In the course of your  
22 research in this -- and this is something that  
23 interests me more and more on this subject -- is it  
24 your opinion that it is the existence of the phones  
25 that attracts -- unfortunately attracts criminal

1 behavior, or is it the location -- is the --

2 **MR. WAGNER:** It's not the phone itself; it's  
3 a combination.

4 Preferably in an area where there are stores  
5 that are closed, where they can sit unobserved, either  
6 in a car, motorcycle or some other conveyance, yeah,  
7 that works real well for them because they can sit for  
8 long periods of time and conduct their business.

9 **COMMISSIONER JACOBS:** So the more -- you  
10 could develop -- and I'm really interested in the  
11 provision that may have come out of your discussions  
12 with the Attorney General because it appears to me  
13 that there have to be some provisions, some ways you  
14 could construct or develop sound locations.

15 **MR. WAGNER:** I agree. I agree,  
16 Commissioner. And, again, I will emphasize -- just so  
17 that everyone understands -- the town never intended  
18 for people to be cut off from the phones. We're a  
19 very small town; 7,000 people, approximately two  
20 square miles. We have five phones. When BellSouth  
21 removed all of their phones at their option -- they  
22 were then Southern Bell -- because they weren't making  
23 enough money from public areas, such as our park,  
24 marina, police department and town hall -- the town  
25 took over and paid for the presence of five phones at



1 those locations that are available on a 24-hour basis.  
2 And, again, they were all sited with CPED principles.

3           **COMMISSIONER JACOBS:** Finally, are you aware  
4 of any statistics that say for a certain size  
5 population of a community there's a recommended  
6 certain number of --

7           **MR. WAGNER:** No. The argument has always  
8 been that if it's not profitable, the payphone  
9 provider won't provide it. Unfortunately, in some  
10 cases I have been told that the deal they cut with a  
11 business to put a phone there is that there is a  
12 payment made for that.

13           I've also heard it the other way, that they  
14 require the property owner to pay a minimum to  
15 guarantee the presence of a phone. If I were that  
16 property owner I'd want some say-so over where it was  
17 located and I'd want it a lot safer. Again, if it's  
18 in a poorly lighted area, not only do we have people  
19 conducting businesses we wish wouldn't be conducted,  
20 but in case people who need to use a phone because  
21 they have to go to these areas that are poorly  
22 surveyed, they then fall victims to people who use  
23 those as locations for muggings and other things.

24           **CHAIRMAN GARCIA:** Thank you.

25           **MR. WAGNER:** Thank you.

1           **MR. KENNEDY:** Just to comment, I think the  
2 property owner has the negotiation rights right now  
3 with the payphone provider where it's going to be on  
4 his property.

5           **CHAIRMAN GARCIA:** Yes, he does.

6           **MR. WAGNER:** Yes.

7           **MS. WATTS:** There's a gentlemen from the  
8 Lake Park Police Department. Jeff --

9           **MR. LINDSKOOG:** Jeff Lindskoog. I'm the  
10 Police Chief for the town of Lake Park, and I want to  
11 thank you for having this opportunity to speak before  
12 you. My comments will be brief.

13           The whole issue for me is your ability as a  
14 Commission and a regulatory body with which to oversee  
15 the problem with payphones. What I would suggest is  
16 similar to certain provisions that are in Florida at  
17 this time concerning building codes in that you  
18 acquiesce enforcement, or allow the adoption of  
19 enforcement opportunities for municipalities to  
20 enforce your rules for you, and leave any subsequent  
21 appeal concerning the decision of the local  
22 municipalities to you from us.

23           **CHAIRMAN GARCIA:** Because I was going to  
24 state this towards the end of this -- clearly our  
25 legal has been looking at this, and there is a

1 conflict not only with what our jurisdiction is in the  
2 state, but what the federal laws are. In other words,  
3 how much can anyone restrict the building of  
4 payphones.

5           With that said, when we finish this hearing  
6 one of my hopes is -- I know Ms. Watts has been  
7 looking at this comprehensively -- for us to sit down  
8 and perhaps open a docket specifically on this issue  
9 and try to come up with some type of consensus on how  
10 we can do this. And if that requires, perhaps, going  
11 to the Legislature and asking the Legislature to  
12 change the process that we have in place, or the law  
13 that we have in place, or for some type of a way that  
14 we can promulgate our rules in a more efficient manner  
15 to the City, so they can help us enforce them, I don't  
16 know. But, clearly, this is a much more complex issue  
17 than I first saw.

18           I've gotten into a discussion with my local  
19 officials, since I live in the city of Miami Beach,  
20 and their conflict with how they perceive our  
21 jurisdiction. But what I want to try to do is try to  
22 develop some type of consensus and then have another  
23 one of these, perhaps in docketed format so that we  
24 can try to understand exactly how far we can each go.

25           We realize we're in a tough spot. We have

1 an obligation under law in Florida to regulate  
2 payphones, yet we don't have the amount of people  
3 necessary to regulate those phones and within  
4 everything we do we try.

5           That said, there may be some middle ground  
6 which you just spoke about -- and I have been sort of  
7 thinking about -- that we can come to an agreement on  
8 or consensus on. Then if it requires statutory change  
9 and we have a majority of the Commission that's  
10 committed to that, clearly that's the way we go and  
11 then we can work with your representatives in  
12 Tallahassee, which I would assume is the League of  
13 Cities and what other persons are there, and I would  
14 assume the law enforcement would probably help us and  
15 they are listened to very strongly.

16           **MR. LINDSKOOG:** I think you'll hear today  
17 and you've heard already that we're willing to take on  
18 that responsibility because this is a problem.

19           Another point I just wanted to make was the  
20 whole issue of the timeliness, and that's another  
21 reason why I would raise the concern about letting us  
22 be part of the loop.

23           If I have a complaint about a payphone, I  
24 dial this 800 number or I send a letter to you  
25 requesting you address it and you send a letter to

1 them, and somebody tosses out a 60-day time period or  
2 something along those lines. My question then is: If  
3 they fail to comply with that, then who follows up on  
4 this? And how much more time is lost in between the  
5 back and forth that will developed up until the point  
6 somebody actually goes and that's that payphone out?

7           From a public safety standpoint, we've  
8 identified a public issue and now we're under the  
9 oh, -- the restraint of certain time limits, and we're  
10 going to see this problem just continue to exist for  
11 months on end, with possibly no foreseeable end in  
12 sight. I mean, I don't know how it gets resolved if  
13 they don't comply with your letter.

14           **CHAIRMAN GARCIA:** It does make sense that we  
15 should at least inform the local zoning officials or  
16 the local law enforcement official when we remove  
17 someone's certificate to provide this. One of the  
18 things we found when we toured Lauderdale is that --  
19 there must have been four, five phones that were  
20 literally located against an abandoned building and  
21 had no phone. I mean, the whole box was there but  
22 they just weren't working. Phones had no receivers.  
23 They weren't working but they had been abandoned  
24 there.

25           And the problem with that is I believe --

1 and I'm sure you believe -- that it's a hazard for you  
2 to get out of your car to a phone that doesn't even  
3 work. So there's not even a way to dial 911. So  
4 perhaps something that we could look at under existing  
5 rules is to, perhaps, whenever we Show Cause a  
6 payphone, that we let the local municipality know when  
7 they have lost their certificate so they can take  
8 appropriate action, because, clearly, it doesn't fall  
9 under our jurisdiction any longer that may be your  
10 concern at that point.

11 **MR. LINDSKOOG:** And the last point I would  
12 like to is this issue over public convenience and the  
13 rationale for the proliferation of payphones for  
14 public convenience. It would seem to me if that's  
15 truly the case -- and the Mayor touched based on that,  
16 a small community like Lake Park, we've identified  
17 over 15 private vendors that have just popped up  
18 payphones overnight, literally overnight, without  
19 applying for occupational license or without paying  
20 their dues to the community.

21 **CHAIRMAN GARCIA:** Let me ask you something.  
22 Don't you have -- What is your jurisdiction under  
23 that? It strikes me that if they have a  
24 responsibility to pay an occupational license or they  
25 have some zoning process and they don't -- I assume

1 you have fining authority --

2           **MR. LINDSKOOG:** Can you imagine the dilemma  
3 we would be in -- most of these providers are out of  
4 town, if not out of state, to being with. And could  
5 you imagine the dilemma we would be in if, in fact, we  
6 brought them in front of our Code Board for violating  
7 an ordinance for not paying their occupational license  
8 and the Code Board gives them 30 days to comply; they  
9 fail to comply. What's our alternative? Trying to do  
10 something with their service to put them out business.  
11 Well, can you imagine the dilemma the town like  
12 Lake Park would be the minute that we, on our own,  
13 reached out and disconnected this payphone because of  
14 failure to comply -- basic local rules, which we  
15 expect all businesses in the town to comply with, no  
16 matter if you're working out of your home or if you  
17 have a business in our business district. And the  
18 payphones seem to be outside the scope of this  
19 responsibility and fail to respond, and yet I'm going  
20 to be -- and we've already experienced in Lake Park,  
21 you know -- when we face this lawsuit, and I'll make  
22 this point, the -- it was -- we were approached by a  
23 representative, whatever association that they have  
24 for individual payphone providers -- and basically  
25 stated that the reason why they are doing this to

1 Lake Park, need to do this, is because philosophically  
2 they can't allow Lake Park to prevail in having this  
3 ordinance on the books because they see the bigger  
4 picture. So, obviously, they said "We'll devote all  
5 resources, whatever resources we have, to defeat  
6 Lake Park in this endeavor." And we have come in --  
7 you know, it has been resolved.

8 But that puts us back in the same dilemma.  
9 We're powerless with which to do something about the  
10 proliferation of -- and the problem phones that pop up  
11 in our communities. Where's it all end?

12 **CHAIRMAN GARCIA:** But I obviously want you  
13 to understand, because clearly there's a process in  
14 place. It's simply the same way that you guys pick up  
15 someone -- we got to give them a trial. And then we  
16 are in the same procedural mode -- maybe a little bit  
17 different -- but clearly we have a series of steps  
18 that have to be taken before we can take away  
19 someone's rights or someones' --

20 **MR. LINDSKOOG:** And we understand. We don't  
21 want to do that either. But we would just like to be  
22 earlier in the loop.

23 **CHAIRMAN GARCIA:** Part of the loop.

24 **MR. LINDSKOOG:** And part of the solution,  
25 instead of sitting back and watching the problem.



1 Thank you very much. I appreciate your  
2 time.

3 **MS. WATTS:** Angela Green.

4 **CHAIRMAN GARCIA:** Had Angela not signed up,  
5 I would have asked her to speak anyway.

6 **MS. GREEN:** Thank you. Chairman,  
7 Commissioners, members of the Staff, I'm Angela Green.  
8 I represent the Florida Public Telecommunications  
9 Association. And for the benefit of some of those  
10 here in the group today that may not know who we are,  
11 we are a nonprofit trade association. We represent  
12 probably a little over 200 people who are in the  
13 business of owning and operating payphones. That is  
14 not the majority of the providers in this state, but  
15 as far as the number of lines that they have, we do  
16 represent the vast majority of independent operators;  
17 and by that I mean people other than traditional local  
18 exchange company.

19 I want to thank the Commissioners and the  
20 Staff for coming here today, for scheduling this  
21 workshop and for all of the work that has gone into  
22 it, and the work I can see that will be coming out of  
23 this.

24 This is a seminal event in the history of  
25 pay telephones and it is an important issue to the

1 public; it's important for our industry; it's  
2 important to the communities.

3 I want to start by saying that our members  
4 provide a valuable public service. Their businesses  
5 contribute to our society in many ways, not the least  
6 of which is the substantial economic impact, including  
7 the tax contributions that they make to local  
8 government and the jobs that they create; jobs that  
9 are way above minimum wage that involve skills and  
10 career opportunities.

11 We do support abiding by the law. And I  
12 just heard some comments about occupational licenses.  
13 That's a requirement. We try to educate our members  
14 on what their legal requirements are and encourage  
15 them to meet these responsibilities. We're not their  
16 mother and we're not the police, and we can't make  
17 them do everything they need to do. But sometimes  
18 it's difficult for people to understand what it is  
19 they need to do. I can walk into 400 cities and I  
20 will get 400 different versions of what it is I need  
21 to do to place a pay telephone there.

22 Also, I heard some comments about ability to  
23 enforce some of these local laws or the time it takes  
24 to enforce the Commission rules. Due process is rough  
25 to go through, but it's a foundation of our laws and

1 our society and it has a purpose, and it will  
2 eventually -- it will eventually take care of the  
3 people who don't follow the rules if you are vigilant  
4 in enforcing the rules that you have.

5           This Commission has a history of requiring  
6 compliance with its rules and we don't have any  
7 objection to that. We welcome that. We welcome the  
8 cities working cooperatively with the Commission to  
9 ensure that all providers follow those rules.

10           Competition is a difficult subject. Captain  
11 Symanski brought up the jurisdictional issue. I  
12 believe that that is the crucial issue that faces you  
13 today and going forward. We need to get the  
14 information out to local government and we need to all  
15 be working cooperatively, because in the end we all  
16 want the same thing. Yes, I represent people who are  
17 in business. I'm not ashamed of that. There's  
18 nothing wrong with that. It's a good business. It's  
19 a valuable service. And again, it's the foundation of  
20 our society: Competition in the marketplace. But  
21 that's not an easy thing.

22           There are many individuals, some of whom who  
23 are here today with you, that would prefer to have a  
24 simpler world where we had one provider and we didn't  
25 have all of these competitive issues. That is one

1 reason that the Commission must remain steadfast in  
2 its resolve and its mission to promote competition and  
3 ensure the widespread availability of pay telephones  
4 for public used.

5 I have worked with many people from local  
6 government and many of them have been very  
7 cooperative. And they've worked exceptionally hard to  
8 balance the rights of everyone concerned. But not  
9 everyone will do that. That is why this state and the  
10 federal government have stated that the policy will be  
11 competition and widespread availability. Does that  
12 mean that it's just a frontier out there where people  
13 can put payphones anywhere they want in any kind of  
14 condition? No. It doesn't have to be that way.

15 The Commission has a number of rules already  
16 that allow it to control some of this. BellSouth has  
17 proposed some additional rules that you could put into  
18 your arsenal. We support most of the concepts that we  
19 heard mentioned, but, of course, we would have to look  
20 at those to see what would be the appropriate language  
21 for the rules. But, particularly, abandoned phones  
22 themselves; that's an issue. Residential neighbors,  
23 we've got no problem with the Commission restricting  
24 that. Or also the ability to impose some appropriate  
25 time-of-day restrictions on the pay telephones. These

1 are things that we've heard from the customers and the  
2 cities that would help them.

3           Mayor Wagner mentioned the environmental --  
4 I don't know the acronym -- but the siting standards  
5 for pay telephones. That's something that could come  
6 from the Commission, and we believe that's where it  
7 should come from, and we would be willing to work with  
8 that.

9           Another idea would be a model ordinance for  
10 the cities on their right-of-way issues. Many of them  
11 have come looking for guidance, and in some ways we  
12 work more defensively than we do offensively or  
13 proactively.

14           I anticipate that you may ask me, well, why  
15 don't you, as an association, develop some of these  
16 type things yourself? We have to be careful of the  
17 type of things that we do so that we are not  
18 restraining competition or telling people you can't  
19 put a phone here. You can't put a phone there. But  
20 that's appropriate coming from government to restrain  
21 competition in certain ways. And we could certainly  
22 support some things that might be viewed as some type  
23 of restraint, so long as it's coming from the  
24 appropriate level, and it's done with a balancing of  
25 all of the interests that are involved.

1           We have been out on the pay telephone tours,  
2 too, and I've not always felt proud of what I've seen  
3 there. But I'm proud of my members as a whole, of  
4 what they do, and I'm here today to commit to you --  
5 and that is their commitment, it's not me. I'm here  
6 for them -- but their commitment to work with you, to  
7 work with the cities, to work with the liaison  
8 associations of the cities and law enforcement to  
9 improve telecommunications for the good of everyone.

10           And thank you again for this workshop.

11           **CHAIRMAN GARCIA:** Thank you.

12           Any questions, Commissioners?

13           Let me just say, Angela, I know you've tried  
14 to work with us. I sort of teed it up and I want to  
15 address it. Thank you for being here.

16           We clearly need to do some more work on this  
17 issue. My meetings with the cities have sort of made  
18 that clear. So I expect that we're going to open up a  
19 docket on this and try to look at some of these issues  
20 and see how we can address some of the jurisdictional  
21 issues. And if we have to end up at the Legislature  
22 to sort of share this authority we have because it's  
23 difficult for us to open the field, maybe that's the  
24 way we'll go.

25           **MS. GREEN:** Well, if you will open the

1 docket -- if you build it, we will come and we will  
2 work hard on it. I don't believe you need to hand  
3 over that jurisdiction. But that's a subject for  
4 another day.

5           And there's a lot of ideas out there. We've  
6 got a lot of creative people. And I think that if we  
7 all work together we can find solutions.

8           **CHAIRMAN GARCIA:** Angela, let me ask you  
9 something. There's something that your association  
10 has done before, which I thought was very impressive  
11 when I was trying to avoid in-coming call blocking,  
12 which is the posting on the phones that you will make  
13 available all phones dialed from there. And I have  
14 never seen that implemented in Florida. And it  
15 strikes me as a least -- a less restrictive  
16 alternative. It strikes me that if you put on a phone  
17 where you have criminal activity going on, drug  
18 sales -- I particularly recall one payphone that the  
19 Fort Lauderdale police took us to which was at a  
20 convenience store -- so it clearly had someone  
21 occupying -- it was a 24-hour convenience store -- and  
22 the phone was just littered with little crack bags all  
23 around it. I mean, I wouldn't have spotted them but  
24 the police people pointed them out and explained what  
25 the little baggies were. So we went into this whole

1 discussion.

2           It struck me that if people who called that  
3 payphone, or people who were at that payphone knew  
4 that all the calls were being monitored in the sense  
5 of that the Police Department would be handed these  
6 sheets of the phones that were called, it would  
7 certainly curtail the usage of that phone.

8           **MS. GREEN:** That's another idea. There's  
9 many tools out there. And some of them may be better  
10 suited for certain applications than others. But  
11 that's certainly a good idea.

12           We did try that in the past. We suffered  
13 from -- I guess I would call it defective stickers,  
14 because people who stand at phones start picking at  
15 everything that's there, and unless you really get  
16 yourself a high quality sticker, it's gone in no time.  
17 But it's certainly worth looking at again.

18           **CHAIRMAN GARCIA:** All right.

19           **COMMISSIONER JACOBS:** I did have one  
20 question. I'm sorry, Ms. Green?

21           **MS. GREEN:** Yes.

22           **COMMISSIONER JACOBS:** What's your view -- I  
23 assume when we do a Show Cause and a payphone provider  
24 loses their certificate, that our jurisdiction is  
25 gone. So that if the equipment remains, we may be out



1 of the picture. What's your view of extending our  
2 jurisdiction until that equipment is gone?

3 **MS. GREEN:** I think you have jurisdiction  
4 over telecommunications services. And we need to look  
5 at that a little further. But the issue of the  
6 abandoned phones, we do need to address that.

7 **CHAIRMAN GARCIA:** But, clearly, once a  
8 certificate is done, we have no jurisdiction there, do  
9 we? Or you believe that if it's a payphone, it's  
10 still in our jurisdiction.

11 **MS. GREEN:** I think we need to look at how  
12 we approach that. I believe the cities already have  
13 plenty of weapons within their arsenal to deal with  
14 abandoned property. And if you want to prove that,  
15 park a car on the right-of-way and leave it. It won't  
16 stay there forever. It will eventually be taken away.  
17 And in that respect, I don't think the payphone is any  
18 different than any other type of, quote, "abandoned  
19 property."

20 Now, you publish a list periodically of  
21 certificates that have been cancelled because I get  
22 that, and perhaps we could put that on the Web site so  
23 that's available.

24 **CHAIRMAN GARCIA:** We should go ahead and do  
25 that; put that on the Web site. But it strikes me

1 that we should also look at our rule and let the  
2 cities know. I mean, if someone is operating without  
3 a certificate, clearly that's it. We fine them or we  
4 take away their certificate. That's as hostile as we  
5 could get. It would be good to let --

6 **MS. GREEN:** That list also goes to the local  
7 exchange companies and they proceed to terminate  
8 service based on that as well, since they cannot  
9 provide service to uncertificated entities.

10 **COMMISSIONER CLARK:** Do we track all  
11 locations that a certificate holder has phones?

12 **MR. KENNEDY:** Basically we get the  
13 information from the LECs.

14 **COMMISSIONER JACOBS:** The LECs tell us that.

15 **MR. KENNEDY:** That's correct. However,  
16 we're not getting the information from the ALECs, so  
17 we don't have it all, no, but the majority.

18 **COMMISSIONER JACOBS:** Because I don't think  
19 it does the city much good just to know that the  
20 certificate has been cancelled unless they know it's  
21 within their boundaries. So perhaps -- I don't know  
22 if we can put that on the Internet, but certainly if  
23 they contact us, I'd like to have that information  
24 available.

25 **CHAIRMAN GARCIA:** It just strikes me that a

1 payphone has an address associated with it. And if it  
2 has an address, there's got to be a corresponding  
3 government to that address. So if the City of  
4 Miami -- I guess Miami is a bad example because  
5 there's a lot of cities in the City of Miami but  
6 everybody writes "Miami, Florida" so that may be a bad  
7 example. But if the City of Margate, for example, has  
8 a payphone that we have pulled a certificate, it would  
9 strike me as a logical step for us, as we send that  
10 certificate of cancellation, to also let the City of  
11 Margate know the payphone at this location no longer  
12 has a certificate.

13 **MS. GREEN:** But that's something we can  
14 certainly address through this process, and you can  
15 put some guidelines on how that would work.

16 **CHAIRMAN GARCIA:** Thank you, Angela.

17 That's it of the people that signed up to  
18 speak. The mike is open. If you want to speak to us,  
19 if you have some comment you want to add, something we  
20 missed, clearly this a good opportunity. Step up.

21 **MR. NORRIS:** I guess Angela and I will do  
22 the one-two show here. I'm Lance Norris. I'm  
23 President of the FPTA.

24 While I agree with a lot of the comments  
25 that were said today, there was a few things that I

1 think that have been missed that I would like to have  
2 the Commission take a look at.

3           One of them is by the sheer number of pay  
4 telephone operators out there, a lot them are coming  
5 out in this because of a business opportunity that  
6 they have been proposed to. And I think a lot of  
7 them, once they get into the business opportunity,  
8 realize that pay telephones are not the promised land  
9 that they might think that it would be, and,  
10 therefore, these people are abandoning these pay  
11 telephones and just walking away from them.

12           If there's some way that the Commission, or  
13 we can do something for these business opportunities,  
14 I think would be very helpful on that. I mean, you  
15 can look in the USA Today, and you can look in the  
16 other newspapers about "Buy five pay telephones and  
17 you expect to retire in the year." Well, that's not  
18 good for this industry at all. And that's where a lot  
19 of these bad apples, I think, come from when it comes  
20 to something like that.

21           **CHAIRMAN GARCIA:** Lance, why don't you help  
22 us there? Why don't you draft something for our  
23 signature and we'll get it to the Attorney General. I  
24 would assume that's probably an area of fraud that he  
25 can look at, which is clearly outside of our

1 jurisdiction. I don't think I can attack someone for  
2 fraud but the Attorney General probably has ample  
3 authority to move into an area like that.

4           **MR. NORRIS:** Commissioner, we have talked to  
5 the AG's Office about that, and they feel like their  
6 hands are almost tied except when it comes to a  
7 situation where someone put in their money and then  
8 was not delivered the product. That's when they will  
9 go after it. But a lot of the advertising that is  
10 supplied upon this is purely not truthful out there.

11           They are saying that the average pay  
12 telephone would do \$350 a month in revenue. Well,  
13 that might have been ten years ago, or 15 years ago,  
14 but because of the number of pay telephones out there  
15 and the general decline of use of pay telephones, you  
16 don't see those high revenue phones out there as much  
17 as you do.

18           And I think whenever you went on your tour  
19 in Fort Lauderdale, a lot of those phones were these  
20 business opportunity applications that were put out  
21 there and then strictly abandoned.

22           Now, while I agree with what Angela said, I  
23 believe municipalities do have the ability to remove  
24 payphones that have been abandoned with no dial tone.  
25 They can be checked. If there's no dial tone, put a

1 sticker on it; take it out just like it would be an  
2 abandoned car or any other type of abandoned property  
3 that's out there.

4           **COMMISSIONER JACOBS:** Maybe what can happen  
5 is you guys -- that would be appropriate -- that whole  
6 analysis would be appropriate for your welfares,  
7 but -- this is kind of a suggestion -- maybe when we  
8 get a certificate holder, we can certainly refer them  
9 to your Web site to say, "If you want more information  
10 about this industry in Florida" -- I've seen that on  
11 many occasions from Enterprise Florida, and other type  
12 entities, where they say "If you want to find out more  
13 about how this industry operates in Florida, please  
14 refer to this reference source."

15           **MR. NORRIS:** We could put that on our Web  
16 page -- and in fact, as we bring that out, I would  
17 like to see it be on the PSC's Web page to the  
18 extent -- be aware that there's these business  
19 opportunities out there, and to investigate them  
20 further before you invest your money.

21           I don't know why Florida seems to be the hot  
22 bed for these types of industries -- and when I say  
23 that, a lot of the resellers of these business  
24 opportunities are based in Florida even though they  
25 are selling pay telephones to people outside of the

1 state of Florida, when it comes to that. And in some  
2 of these situations these phones will not even be  
3 placed inside the state. They just get the person,  
4 they invest their money, and then they will ship the  
5 product and everything outside of the state of  
6 Florida.

7           One of the other things that I wanted to  
8 bring up, and that is, as we move through this  
9 process, sometimes that -- we have been hearing some  
10 rumblings -- in fact, we even had one city that even  
11 started looking at that because not every ordinance  
12 that's being proposed out by the cities is -- I would  
13 say is for purely an economical situation. I mean,  
14 you have some cities that are wanting to do ordinances  
15 to just see how much money they can make from the pay  
16 telephone industry from commissions to be paid to  
17 them, while there are some cities out there that are  
18 truly trying to put an ordinance to limit the number  
19 of pay telephones so they are not all stacked in a row  
20 and have some --

21           **CHAIRMAN GARCIA:** You made the argument,  
22 also, that some cities are trying to make money from  
23 the payphone.

24           **MR. NORRIS:** Oh, very much so. Some are for  
25 the revenue opportunity; others are out there for

1 trying to limit the number of pay telephones.

2           **CHAIRMAN GARCIA:** Let me ask you this  
3 question, because it strikes me that cities do have  
4 control over their right-of-way, and -- as a public  
5 safety issue. The other day when we were in the city  
6 of Miami Beach, my city, and I was walking -- we had a  
7 meeting and I was walking to the beach, and I noticed  
8 there were a lot of payphones that were located  
9 outside of businesses but they were overhanging the  
10 right-of-way; they were overhanging sidewalks and the  
11 like. It struck me that they were almost dangerous  
12 because they interrupted the flow of traffic; if you  
13 were looking down, you'd probably run into one of  
14 these things. You do believe that in those cases the  
15 city does have some authority.

16           **MR. NORRIS:** I agree.

17           **CHAIRMAN GARCIA:** Okay. Because it just --  
18 you made a very good point there --

19           **MR. NORRIS:** -- their rights.

20           **CHAIRMAN GARCIA:** -- and I think I made a  
21 point when I met with the City. For example, the City  
22 of Miami Beach said well, there's hundreds of  
23 payphones. They are ugly and they are out there and  
24 they are not making money. Well, as you and I both  
25 know, they are making money or most of the time they



1 wouldn't be there, in the case of Miami Beach, because  
2 you could see that the phones were well maintained;  
3 they may not have been pretty but they were well  
4 maintained and, clearly, that requires someone coming  
5 up on a regular basis. That is completely different  
6 from what we found in Lauderdale, where they were just  
7 abandoned payphones. I mean, they weren't working,  
8 the receivers were gone. And you obviously all agree  
9 that the city can step in at that point also.

10 **MR. NORRIS:** Yes.

11 But the other thing that's come up on some  
12 of these, there's a South Florida Building Code where  
13 pay telephones are being brought in, saying they are  
14 another structure, and have to meet the guidelines of  
15 the South Florida Building Code. Which means then you  
16 have to have a licensed general contractor pull the  
17 permit. They are wanting to know what the psi  
18 strength of the concrete of which the phone will be  
19 mounted in; the hardness of the bolts that are  
20 associated with it. We even had one city that talked  
21 about that they wanted the enclosure to go through the  
22 South Florida Building Code test.

23 We investigated that, of which in order to  
24 find someone to do it, they required eight enclosures,  
25 \$15,000 fee, of which they would shoot a 2 by 4 at it

1 at 200 miles an hour to see if it would knock the  
2 enclosure over.

3 I mean, these kind of restrictions that some  
4 of municipalities are reaching out to try to regulate  
5 pay telephones, I think, really needs to be addressed  
6 as you move through this process. Because pay  
7 telephones I do not believe can become flying objects  
8 out there. At best, whenever they went through the  
9 storm of Andrew, I don't believe any pay telephone  
10 became a flying object. They just simply fell over  
11 and that was the end of that.

12 So we definitely need some help out there  
13 when it comes to these municipalities. When I'm  
14 saying that, they are not doing it for the wrong  
15 reason. They are doing it because they don't see any  
16 other way they can go about it and they are being very  
17 creative.

18 So when Captain Szymanski talked about we  
19 need to somehow work with the League of Cities; work  
20 with the cities themselves, with the Public Service  
21 Commission and our industry to see how we're going to  
22 resolve these conflicts and come up with something  
23 that we can all work for.

24 And I've already braced our industry to the  
25 extent that if something like this happens, which we

1 hope that it will, we're going to have give a pound of  
2 flesh into it. We're not going to be able to think  
3 that we can come into this and walk out thinking that  
4 we have complete, you know, authority to go stick a  
5 phone anywhere and everywhere that we have; that there  
6 will probably be limitations in regard to the number  
7 of phones on the public right-of-way. And even into  
8 some limitations on what types of zoning requirements  
9 would be allowed on private property on that. So --  
10 thank you.

11 **CHAIRMAN GARCIA:** Thank you, Lance.

12 Is there anyone else that wants to add  
13 something into the record?

14 **MS. STOUT:** Hi. Leslie Stout, Broward  
15 County.

16 Early on in the meeting you talked about --  
17 approximately 110,000 payphones and only four staff  
18 members to actually oversee those payphones.

19 I'd like to make an offer to you, and I'm  
20 hoping that we can work out some kind of a  
21 relationship. I'd like to get a group of local cities  
22 and counties together to possibly come to a central  
23 location with the cooperation of the Commission, where  
24 you could educate us on payphone regulations and to  
25 let our permitting people, who are out everyday, our



1 STATE OF FLORIDA)  
2 COUNTY OF LEON )

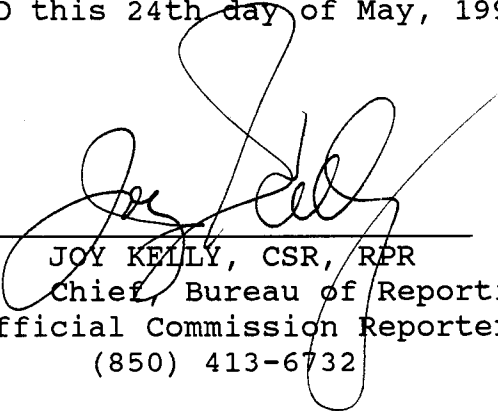
CERTIFICATE OF REPORTER

3 I, JOY KELLY, CSR, RPR, Chief, Bureau of  
4 Reporting, Official Commission Reporter,

5 DO HEREBY CERTIFY that the Workshop on  
6 Payphones and Public Safety was heard by the Florida  
7 Public Service Commission at the time and place herein  
8 stated; it is further

9 CERTIFIED that I stenographically reported  
10 the said proceedings; that the same has been  
11 transcribed by me; and that this transcript,  
12 consisting of 76 pages, constitutes a true  
13 transcription of my notes of said proceedings.

14 DATED this 24th day of May, 1999.

15   
16 \_\_\_\_\_  
17 JOY KELLY, CSR, RPR  
18 Chief, Bureau of Reporting  
19 Official Commission Reporter  
20 (850) 413-6732

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