

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for limited generic waiver of, or in the alternative temporary abatement of, enforcement of Rules 25-24.515(3) and (6), F.A.C., in non-screening territories, by FLORIDA PAY TELEPHONE ASSOCIATION, INC.)	DOCKET NO. 900616-TC
)	ORDER NO. 23529
)	ISSUED: 9-24-90
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

ORDER GRANTING REQUEST TO WITHDRAW PETITION AND CLOSING DOCKET

BY THE COMMISSION:

On July 6, 1990, the Florida Pay Telephone Association, Inc. (FPTA) filed a Petition for Limited Generic Waiver Of, Or In the Alternative, Temporary Abatement Of Enforcement Of Rules 25-24.515(3) and (6), In Non-Screening Territories (Petition). Rules 25-24.515(3) and (6) provide:

(3) Each telephone station shall permit access to the universal telephone number "911" where operable, without requiring the use of a coin, paper money or a credit card. Where such number is not operable, the station shall permit access to a local exchange company toll operator under the same conditions.

(6) Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

As grounds for its Petition, FPTA asserted that compliance with Rules 25-24.515(3) and (6) would subject its member pay telephone service (PATS) providers to a substantial financial risk of fraud in local exchange company (LEC) areas that do not provide originating operator call screening. Without this type of screening, the LEC operator cannot distinguish a nonLEC PATS access line from a regular access line. As a result, if an end user informs the operator of difficulty in completing a call, the operator could complete the call and bill it to the PATS access

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line without realizing that the end user was at a pay telephone. Consequently, the nonLEC PATS provider would be billed for the call and the phone's coin box would be bypassed. FPTA also asserts that the same problem exists relative to interexchange carrier (IXC) operators. Additionally, FPTA asserts that where equal-access is not available, access to AT&T poses a serious problem, since this particular IXC does not have an 800 or 950 number for reaching the IXC and 10XXX access codes are not available.

Our staff has advised FPTA that there are at least five alternatives available to its members which include: (1) program pay telephone to internally generate a recording notifying the operator that the call is originating from a pay telephone; (2) program pay telephone to internally generate the conversion of end user dialed 10288+0 calls to zero minus (0-) or zero zero minus (00-) to allow end user access to AT&T; (3) subscribe to LEC semi-public service to meet contractual obligations; (4) assume the risk of fraud; or (5) remove phones and await equal access conversion and/or screening availability.

This Petition was scheduled for consideration at our August 28, 1990, Agenda Conference. At that time, counsel for FPTA announced that FPTA had been trying to work with the alternatives specified by our staff and believed it had found a satisfactory resolution to its problem. In light of these recent developments, FPTA requested to withdraw its Petition and agreed to comply with our rules. Accordingly, we find it appropriate to grant FPTA's request to withdraw its Petition.

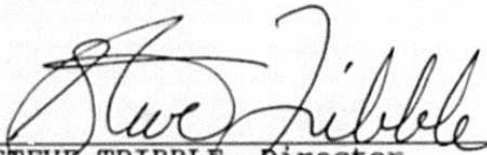
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by the Florida Pay Telephone Association, Inc. to withdraw its Petition for Limited Generic Waiver Of, Or In the Alternative, Temporary Abatement Of Enforcement of Rules 25-24.515(3) and (6), In Non-Screening Territories, filed July 6, 1990, is hereby granted as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 24th
day of SEPTEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of

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Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.