

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for exemption) DOCKET NO. 930391-TL
from Rule 25-4.076(6), F.A.C.)
for certain pay telephone)
locations, by GTE FLORIDA)
INCORPORATED)

In Re: Petition for waiver of) DOCKET NO. 930427-TL
Rule 25-4.076(6), F.A.C., for) ORDER NO. PSC-93-0878-FOF-TL
certain pay telephones located) ISSUED: June 10, 1993
at 2215 S.E. 4th Avenue in Fort)
Lauderdale by BELLSOUTH)
TELECOMMUNICATIONS, INC. d/b/a)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY)

The following Commissioners participated in the disposition of this matter:

- J. TERRY DEASON, Chairman
- THOMAS M. BEARD
- SUSAN F. CLARK
- JULIA L. JOHNSON
- LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING PETITIONS FOR WAIVER
OF RULE 25-4.076(6), FLORIDA ADMINISTRATIVE
CODE, REGARDING BLOCKING INCOMING CALLS

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On April 16, 1993, GTE Florida Incorporated (GTEFL) filed a petition for exemption from the requirement of Rule 25-4.076, Florida Administrative Code, that local exchange companies allow incoming calls at all pay telephone locations except those located at penal institutions, hospitals, schools, or those locations specifically exempted by the Commission. GTEFL filed its petition at the request of the Tampa Police Department and the Hillsborough County Sheriff's Office.

DOCUMENT NUMBER-DATE

06269 JUN 10 93

FILED-RECORDS/REPORTING

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On April 23, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Bell) filed a similar petition for exemption from the rule requirement at the request of the Poinciana Park Civic Association.

In their petitions, both Bell and GTEFL contend that blocking incoming calls at the specified locations will diminish the usefulness of these telephones for transacting certain criminal activities. Their arguments are not without merit. The petitions filed by Bell and GTEFL are, therefore, granted.

Notwithstanding the above, we note that there are no set standards for evaluating such requests. Accordingly, the waivers granted herein shall remain in effect only until we have developed such standards, at which time, the propriety of leaving the waivers in effect shall be reexamined.

It is, therefore,

ORDERED by the Florida Public Service Commission that the petitions for exemption from Rule 25-4.076(6), Florida Administrative Code, filed by GTE Florida Incorporated and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company are hereby granted. It is further

ORDERED that the waivers provided for herein shall remain in effect until this Commission has developed standards for evaluating requests to block incoming calls, at which time the propriety of allowing these waivers to continue in effect shall be reexamined. It is further

ORDERED that, unless a person whose substantial interests are affected files a protest in the form and prior to the expiration of the date set forth in the Notice of Further Proceedings, below, Dockets Nos. 930391-T1 and 930427-TL shall be closed.

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By ORDER of the Florida Public Service Commission this 10th
day of June, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

Commissioner Susan F. Clark dissents from the Commission's decision in these cases.

Commissioner Julia L. Johnson also dissents from the Commission's decision in these cases. Commissioner Johnson believes that granting waivers without an adequate set of standards can only lead to arbitrary decisions. Commissioner Johnson would, therefore, forgo making a decision in these dockets until such time as the Commission has adopted a specific set of standards for such waivers.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form

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provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 1, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.