

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Exemption ) DOCKET NO. 931200-TL  
from Rule 25-4.076(6), F.A.C., ) ORDER NO. PSC-94-0153-FOF-TL  
Respecting Certain Pay Telephone ) ISSUED: February 8, 1994  
Locations, by GTE Florida )  
Incorporated )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING PETITION FOR  
EXEMPTION FROM RULE 25-4.076(6),  
FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

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

Under Rule 25-4.076(6), Florida Administrative Code, pay telephone providers must allow incoming calls to be received at all of their pay telephones, unless specifically exempted by this Commission. On December 15, 1993, GTE Florida Incorporated (GTEFL) filed a request for an exemption from Rule 25-4.076(6), Florida Administrative Code, for several pay telephones located at Jerry's Grocery & Deli, 1345 Osborne Avenue E., Tampa, Florida. GTEFL's request is based upon a request by the proprietor of Jerry's Grocery & Deli and an officer of the Tampa Police Department, who believe that the pay telephones are being used to transact illegal drug activities.

We have recently approved a number of requests for the same or similar reasons, with the proviso that this Commission may reconsider the exemptions once we have adopted specific standards for the blocking of incoming calls. Since it appears that the pay

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telephones in question may be being used to transact illegal activities, we believe that it is appropriate to grant GTEFL's request with the same proviso.

Pursuant to Rule 25-4.076(6), Florida Administrative Code, GTEFL must provide intercept where incoming calls are blocked. In addition, we believe that it is appropriate to require GTEFL to post a prominent written notice that incoming calls cannot be received on the pay telephones.

It is, therefore,

ORDERED by the Florida Public Service Commission that the petition by GTE Florida Incorporated for exemption from the incoming call requirement of Rule 25-4.076(6), Florida Administrative Code, for the pay telephones located at Jerry's Grocery & Deli, 1345 Osborne Avenue E., Tampa, Florida, is granted. It is further

ORDERED that GTE Florida Incorporated shall provide intercept for the pay telephones that are subject to this Order. It is further

ORDERED that GTE Florida Incorporated shall post a prominent written notice that incoming calls cannot be received on the pay telephones that are subject to this Order. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 8th day of February, 1994.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP

by: Kay J. [Signature]  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative 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 March 1, 1994.

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.