

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for exemption) DOCKET NO. 940555-TL
from Rule 25-4.076, F.A.C.,) ORDER NO. PSC-94-0825-FOF-TL
respecting certain pay telephone) ISSUED: July 6, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING EXEMPTION FROM RULE 25-4.076(6), F.A.C., FOR
SPECIFIED PAY TELEPHONE LOCATIONS, TO GTE FLORIDA INCORPORATED

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.

On May 17, 1994, GTE Florida Incorporated (GTE) filed a request for exemption from the Rule 25-4.076(6), Florida Administrative Code, requirement that pay telephones receive incoming calls for three pay telephones located at Pick Kwik No. 60, 2099 Highland Avenue, North, in Clearwater. Rule 25-4.076(6), Florida Administrative Code, states, "Each telephone station shall allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission." The location owner requested that incoming calls be blocked and the Clearwater Police Department supported that request. The location owner and the police department believe the telephones are being used for illegal activities.

In Order No. PSC-93-0878-FOF-TL, issued June 10, 1993, we granted the request of GTE Florida Incorporated and BellSouth Telecommunications, Inc. to block incoming calls at certain pay telephone locations. In that order we also noted that, "[T]here

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are no set standards for evaluating such a request. Accordingly, the waiver granted herein shall remain in effect only until we have developed such standards, at which time, the propriety of leaving the waiver in effect shall be reexamined." Proposed standards are currently being reviewed by the Commission staff but are not yet in place, so we evaluated this request according to available information and our action on previous requests.

We find GTE's petition to have merit and grant its request to exempt the pay telephones located at 2099 Highland Avenue, North, in Clearwater from the requirement that pay telephones receive incoming calls. GTE is required to place written notice on each phone stating that incoming calls cannot be received at that location. As in previous cases, we reserve the option to revisit this exemption should that prove appropriate.

It is, therefore,

ORDERED, by the Florida Public Service Commission that GTE's Petition for Exemption from the Rule 25-4.076(6), Florida Administrative Code, requirement that pay telephones receive incoming calls is hereby granted. It is further

ORDERED that, GTE place written notice on each affected phone stating that incoming calls cannot be received at that location. 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, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 6th day of July, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

LMB

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 July 27, 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.