

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 950305-TL
from requirement that each) ORDER NO. PSC-95-0855-FOF-TL
telephone station shall allow) ISSUED: July 17, 1995
incoming calls, by BellSouth)
Telecommunications, Inc. d/b/a)
Southern Bell Telephone and)
Telegraph Company (Broward)
County).)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION ORDER
APPROVING BLOCKING OF INCOMING CALLS AT PAY TELEPHONES

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 March 17, 1995, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed requests for exemptions from the Rule 25-4.076(6), Florida Administrative Code, requirement that each telephone station allow incoming calls, for two pay telephones located at Sunflower Shopping Plaza, 8164 North University Drive in Tamarac, instrument numbers 305-721-9749 and 305-721-9947. Rule 25-4.076(6), Florida Administrative Code, requires incoming calls to be received at all pay telephones unless an exemption from that requirement is granted by this Commission.

Rule 25-4.076(6), Florida Administrative Code, requires that pay telephones receive incoming calls unless the instrument is located at a hospital, school, confinement facility, or other location specifically exempted by this Commission. Any requests

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for an exemption from this requirement must be accompanied by an attestation by the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is made to deter criminal activity at that pay telephone. To facilitate this process, we have approved a form for requesting exemptions. Southern Bell submitted a Request to Block Incoming Calls form for each pay telephone located at 8164 North University Drive in Tamarac. The original requests did not have the signature of the chief of a law enforcement agency. On May 22, 1995, Southern Bell submitted properly completed forms for each pay telephone. The forms are signed by an officer of Southern Bell, the pay telephone location owner, and the Broward County Sheriff. All parties believe blocking incoming calls at these pay telephones will deter criminal activity.

Accordingly, we approve Southern Bell's requests. Pursuant to Rule 25-4.076(6), Florida Administrative Code, Southern Bell must provide central office based intercept at no charge to the end user and must display a notice on each affected pay telephone stating, "Incoming calls blocked at the request of law enforcement."

It is, therefore

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's request to block incoming calls at the pay telephones described in the body of this Order is approved. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall provide central office based intercept at no charge to the end user at the pay telephones where incoming calls cannot be received. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company display a notice on each pay telephone which states, "Incoming calls blocked at the request of law enforcement." It is further

ORDERED that, unless a person whose substantial interests are 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, below, this Order will become final and this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 17th
day of July, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Lynn
Chief, Bureau of Records

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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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 7, 1995.

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.

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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 substantially 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.