

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of) DOCKET NO. 960676-TL
Rule 25-4.076(1), F.A.C., which) ORDER NO. PSC-96-1066-FOF-TL
requires one LEC - provided) ISSUED: August 20, 1996
payphone per exchange, by ALLTEL)
Florida, Inc.)
_____)

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 GRANTING EXEMPTION

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 30, 1996, ALLTEL Florida, Inc. (ALLTEL) filed a petition requesting that it be granted a waiver of Rule 25-4.076(1), Florida Administrative Code, in the Raiford exchange. This rule requires that each local exchange company (LEC) provide at least one coin telephone in each of its exchange areas. The rule states in pertinent part:

25-4.076 Pay Telephone Service Provided by Local Exchange Companies.

(1) Each local exchange company shall, where practical, supply at least one coin telephone in each exchange that will be available to the public on a twenty-four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange. Except as provided herein, a telephone company may not be required to provide pay telephone service at locations where the

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FPSC-RECORDS/REPORTING

revenues derived therefrom are insufficient to support the required investment unless reasonable public requirements will be served.

The original intent of this rule was to ensure that consumers had access to a pay telephone, regardless of where the consumer might reside or travel in Florida. Since the Rule was adopted, the number of pay telephones in the state has increased. For example, there are approximately 20,000 more pay telephones in Florida today than there were 10 years ago.

ALLTEL's petition lists four reasons the company believes the waiver should be granted: (1) excessive vandalism at the location; (2) three non-LEC payphones located within 100 yards of the ALLTEL payphone; (3) no other acceptable locations within the exchange; and (4) the cost of improving the existing location is not justified based upon small amount of revenue generated by the payphone.

We believe the request is more properly termed an exemption, authorized by Rule 25-4.002(2), Florida Administrative Code. We find granting an exemption for the Raiford exchange only to be in the public interest. Doing so will relieve ALLTEL of a requirement that is burdensome and unnecessary at that particular location. Granting the exemption will not harm the public as there are at least four other payphones in the Raiford exchange. Also, granting the exemption may benefit the other payphone providers as they will gain the opportunity to earn additional revenue as customers who might have used the ALLTEL payphone may now use one of their payphones. Finally, we may order ALLTEL to place a payphone at the location in the future if we determine that doing so is in the public interest. With that understanding, we grant ALLTEL's petition.

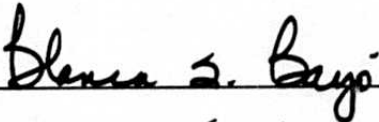
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ALLTEL Florida, Inc.'s petition for exemption from the Rule 25-4.076(1), Florida Administrative Code, requirement that it place a pay telephone in each exchange is granted for its Raiford exchange.

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, this Order shall become final and this docket shall be closed.

ORDER NO. PSC-96-1066-FOF-TL
DOCKET NO. 960676-TL
PAGE 3

By ORDER of the Florida Public Service Commission, this 20th
day of August, 1996.



BLANCA S. BAYÓ, 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 10, 1996.

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.

ORDER NO. PSC-96-1066-FOF-TL
DOCKET NO. 960676-TL
PAGE 4

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.