

M E M O R A N D U M

April 21, 1998

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC MKB*

RE: DOCKET NO. 980236-TC - REQUEST FOR EXEMPTION FROM REQUIREMENT OF RULE 25-24.515(8), F.A.C., THAT EACH PAY TELEPHONE STATION SHALL ALLOW INCOMING CALLS, BY PEOPLES TELEPHONE COMPANY, INC.

98-0572-FOF-TC

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING EXEMPTION FROM REQUIREMENT THAT EACH TELEPHONE STATION SHALL ALLOW INCOMING CALLS, to be issued in the above referenced docket. (Number of pages in order - 5)

WPC:slh
Attachment
cc: Division of Communications
I: 980236.WPC

See 2

*boxed - 2/1.
waited -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from requirement of Rule 25-24.515(8), F.A.C., that each pay telephone station shall allow incoming calls, by Peoples Telephone Company, Inc.

DOCKET NO. 980236-TC
ORDER NO. PSC-98-0572-FOF-TC
ISSUED: April 23, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING EXEMPTION FROM
REQUIREMENT THAT EACH TELEPHONE STATION
SHALL ALLOW 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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Under Rule 25-24.515(8), Florida Administrative Code, pay telephones must allow incoming calls to be received unless they are located at a confinement facility, hospital, school, or another location specifically exempted by this Commission. Requests for an exemption from this requirement must be accompanied by an attestation by the owner of the pay telephone, the location provider, and the chief of the responsible law enforcement agency that the request is made to deter criminal activity at that pay telephone.

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Peoples Telephone Company, Inc. has filed a Request for Exemption from the requirement that each telephone station shall allow incoming calls from each of the pay telephones listed below. The request includes an attestation by Peoples Telephone Company, Inc., the location provider, and the chief of police that the request is made in order to deter criminal activity facilitated by incoming calls being received at the pay telephones.

| <u>LOCATION</u> | <u>CITY</u> | <u>TELEPHONE NUMBER</u> |
|---------------------|--------------|-------------------------|
| 8090 Atlantic Blvd. | Jacksonville | 904/ 721-6030 |
| 8090 Atlantic Blvd. | Jacksonville | 904/ 721-6002 |
| 8090 Atlantic Blvd. | Jacksonville | 904/ 721-5950 |
| 8090 Atlantic Blvd. | Jacksonville | 904/ 743-2492 |

The Request for Exemption was filed on February 12, 1998. The Notice of Request for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly pursuant to Section 120.54, Florida Statutes. No comments were submitted during the comment period, which ended March 20, 1998.

Upon consideration, it appears appropriate to grant Peoples Telephone Company, Inc.'s request. Peoples Telephone Company, Inc. has demonstrated that these waivers are in the public interest under Sections 364.01 and 364.3375, Florida Statutes, in an effort to prevent criminal activity. Further, Peoples Telephone Company, Inc. has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for Peoples Telephone Company, Inc. as the requirement would allow the payphones to be used for continuing criminal activity. Pursuant to Rule 25-24.515(8), Florida Administrative Code, Peoples Telephone Company, Inc. 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."

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Peoples Telephone Company, Inc.'s request to block incoming calls at the

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pay telephones listed in the body of this Order is hereby approved. It is further

ORDERED that Peoples Telephone Company, Inc. 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 Peoples Telephone Company, Inc. shall display a notice on each pay telephone at which incoming calls are blocked stating, "Incoming calls blocked at the request of law enforcement." It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of April, 1998.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

wpc

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 May 14, 1998.

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 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

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notice of appeal must be in the form specified in Rule 9.900(a),
Florida Rules of Appellate Procedure.