

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption
from Rule 25-24.515(11), F.A.C.,
which requires directories to be
maintained at pay telephone
stations, by Mark Webb d/b/a A&M
Communications & Payphones.

DOCKET NO. 981269-TC
ORDER NO. PSC-98-1738-FOF-TC
ISSUED: December 21, 1998

The following Commissioners participated in the disposition of
this matter:

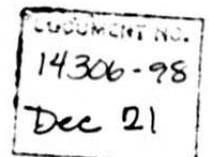
JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING EXEMPTION FROM THE
REQUIREMENT THAT DIRECTORIES
BE MAINTAINED AT PAY TELEPHONE STATIONS

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.

By letter dated October 5, 1998, Mark Webb d/b/a A&M
Communications and Payphones (A&M) filed with this Commission a
petition seeking an exemption from Rule 25-24.515(11), Florida
Administrative Code. The rule requires that a directory for the
entire calling area be maintained at each station where there are
fewer than three telephones located in a group, at every other
station where there are three or more telephones located in a
group, and at each station where telephone stations are fully
enclosed. A&M seeks to begin operation under proposed amendments
to Rule 25-24.515(16)(b), Florida Administrative Code, prior to the
rule's final adoption. The proposed rule will allow payphone



ORDER NO. PSC-98-1738-FOF-TC
DOCKET NO. 981269-TC
PAGE 2

service providers an exemption from supplying directories at pay telephone stations offering free local directory assistance.

The Notice of A&M's Petition for Exemption of Rule 25-24.515(11), Florida Administrative Code, was submitted on October 14, 1998 to the Secretary of State for publication in the Florida Administrative Weekly. The Notice was published in Volume 24, Number 43 of the Florida Administrative Weekly on October 23, 1998. The comment period ended on November 6, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is January 5, 1998.

Rule 25-24.515(11), Florida Administrative Code, states:

Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.

In its petition, A&M offered to abide by the conditions outlined in proposed Rule 25-24.515(16)(b), Florida Administrative Code. In Docket No. 951560-TP, proposed Rule 25-24.515(16)(b), Florida Administrative Code provides:

Pay telephone stations that provide local directory assistance at no charge are exempt from the provisions in (16)(a). A notice must appear on the placard if local directory assistance at no charge is being provided.

We believe that A&M's exemption request is reasonable in that it offers to meet the guidelines outlined in the proposed amendments to Rule 25-24.515(16)(b), Florida Administrative Code.

We also believe that the exemption is being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. By offering to operate in accordance with proposed

ORDER NO. PSC-98-1738-FOF-TC
DOCKET NO. 981269-TC
PAGE 3

amendments to a Commission rule, A&M has demonstrated that granting this exemption will not impede the continued provision of pay telephone service to the using public as intended by the underlying statute, Chapter 364.345, Florida Statutes.

Accordingly, we hereby grant A&M's waiver petition.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Mark Webb d/b/a A&M Communications and Payphones' petition for a waiver of the requirements of Rule 25-24.515(11), Florida Administrative Code, is hereby granted. It is further

ORDERED that Mark Webb d/b/a A&M Communications and Payphones shall provide free local directory assistance at the pay stations it elects not to provide directories. It is further

ORDERED that Mark Webb d/b/a A&M Communications and Payphones shall display on each pay telephone a placard providing notice of local directory assistance at no charge. It is further

ORDERED that the exemption from Rule 25-24.515(11), Florida Administrative Code, will expire when the proposed amendments to Rule 25-24.515, in Docket No. 951560-TC become effective. 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 28-106.201, 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.

ORDER NO. PSC-98-1738-FOF-TC
DOCKET NO. 981269-TC
PAGE 4

By ORDER of the Florida Public Service Commission, this 21st
day of December, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JCM

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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 January 11, 1999.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

ORDER NO. PSC-98-1738-FOF-TC
DOCKET NO. 981269-TC
PAGE 5

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.