

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by BellSouth Public Communications, Inc.

DOCKET NO. 990480-TC

In re: Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by BellSouth Public Communications, Inc.

DOCKET NO. 990507-TC
ORDER NO. PSC-99-1460-PAA-TC
ISSUED: July 27, 1999

The following Commissioners participated in the disposition of this matter:

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

Pursuant to Rule 25-24.515(13), Florida Administrative Code, pay telephones must allow incoming calls to be received unless they are located at a confinement facility, hospital, school, or another

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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.

BellSouth Public Communications, Inc. has filed Requests for Exemption from the requirement that each telephone station allow incoming calls for each of the pay telephones listed below. Each of BellSouth Public Communications, Inc.'s request includes an attestation by BellSouth Public Communications, 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>
Lil Champ #197 5098 Minton Road NW	Palm Bay	(407) 724-9458
Lil Champ #197 5098 Minton Road NW	Palm Bay	(407) 768-9931
Lil Champ #197 5098 Minton Road NW	Palm Bay	(407) 768-9970
Lil Champ #197 5098 Minton Road NW	Palm Bay	(407) 768-9967
Plum Bay Pool 9710 S. Grand Duke Cir.	Tamarac	(954) 724-8239
Plum Harbor Pool 5957 Golden Beauty Ln.	Tamarac	(954) 726-9159

The Request for Exemption for Docket No. 990480-TC was filed on April 13, 1999. The Notice of Request for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly pursuant to Section 120.542, Florida Statutes. No comments were submitted during the comment period, which ended May 21, 1999.

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The Request for Exemption for Docket No. 990507-TC was filed on April 21, 1999. The Notice of Request for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly pursuant to Section 120.542, Florida Statutes. No comments were submitted during the comment period, which ended May 28, 1999.

Upon consideration, it appears appropriate to grant BellSouth Public Communications, Inc.'s waiver requests. BellSouth Public Communications, 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, BellSouth Public Communications, Inc. has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for BellSouth Public Communications, 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, BellSouth Public Communications, 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 BellSouth Public Communications, Inc.'s requests to block incoming calls at the pay telephones listed in the body of this Order is hereby approved. It is further

ORDERED that BellSouth Public Communications, 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 BellSouth Public Communications, 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

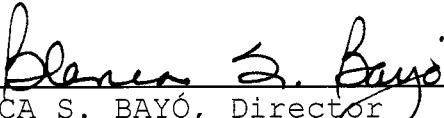
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the

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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, these Dockets shall be closed.

By ORDER of the Florida Public Service Commission, this 27th day of July, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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 that is available under Section 120.57, 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 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

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Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 17, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

M E M O R A N D U M

July 26, 1999

RECEIVED-FPSC

JUL 26 PM 3:56

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS, CALDWELL) *DWC*

RE: DOCKET NO. 990480-TC - REQUEST FOR EXEMPTION FROM
REQUIREMENT OF RULE 25-24.515(13), F.A.C., THAT EACH PAY
TELEPHONE STATION SHALL ALLOW INCOMING CALLS, BY
BELLSOUTH PUBLIC COMMUNICATIONS, INC. *CB*

DOCKET NO. 990507-TC - REQUEST FOR EXEMPTION FROM
REQUIREMENT OF RULE 25-24.515(13), F.A.C., THAT EACH PAY
TELEPHONE STATION SHALL ALLOW INCOMING CALLS, BY
BELLSOUTH PUBLIC COMMUNICATIONS, INC.

1460-PAA

Attached is an 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)

KMP/anc
Attachment
cc: Division of Communications
I: 990507.kmp

See 2+3

*boxed - 2/1
mailed -*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 5 / Date 7/28/99 Copies Per Original 17

Requested By [Signature] Item Presented _____

Agenda For (Date) _____ Order No. 99-1460 In Docket No. 950480

Notice of _____ For (Date) _____ In Docket No. _____

Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>11</u>	<u>Commission Offices</u>		
<u>10</u>	<u>Docket Mailing Lists Mailed</u>		
<u>10</u>	<u>Docket Mailing Lists Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 286 Verified By [Signature]

Date and Time Completed 7/29 Job Checked For Correctness and Quality (Initial) [Initials]

Mail Room Verification

Date Mailed 7/29 Verified By [Signature]