

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  
Southeast Pay Telephone, Inc.

DOCKET NO. 990717-TC  
ORDER NO. PSC-99-1705-FOF-TC  
ISSUED: September 1, 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.

Under 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  
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.

DOCUMENT NUMBER-DATE

10450 SEP-18

FPSC-RECORDS/REPORTING

Southeast Pay Telephone, Inc. (Southeast) has filed Requests for Exemption from the requirement that each telephone station shall allow incoming calls from each of the pay telephones listed below. Each of Southeast's requests include an attestation by Southeast, 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>NAME OF LOCATION</u>	<u>STREET ADDRESS</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
Burns Linton Shell	380 W. Linton Blvd.	Delray Beach	(561)272-9071
Burns Linton Shell	380 W. Linton Blvd.	Delray Beach	(561)272-9397
Burns Linton Shell	380 W. Linton Blvd.	Delray Beach	(850)272-9604
Burns Linton Shell	380 W. Linton Blvd.	Delray Beach	(850)272-9676
Burns Linton/ Congress Shell	2100 W. Linton Blvd.	Delray Beach	(850)272-9287
Burns Linton/ Congress Shell	2100 W. Linton Blvd.	Delray Beach	(850)272-9622
Burns Linton/ Congress Shell	2100 W. Linton Blvd.	Delray Beach	(850)272-9892

The Request for Exemption for Docket No. 990717-TC was filed on June 4, 1999. The Notice of Request for Exemption was submitted to the Secretary of State on June 16, 1999 for publication in the

ORDER NO. PSC-99-1705-FOF-TC  
DOCKET NO. 990717-TC  
PAGE 3

Florida Administrative Weekly, pursuant to Section 120.542, Florida Statutes. No comments were submitted during the comment period, which ended July 9, 1999.

Upon consideration, it appears appropriate to grant Southeast's requests. Southeast 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, Southeast has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for Southeast as the requirement would allow the payphones to be used for continuing criminal activity. Pursuant to Rule 25-24.515(13), Florida Administrative Code, Southeast 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 Southeast Pay Telephone, Inc.'s requests to block incoming calls at the pay telephones listed in the body of this Order are hereby approved. It is further

ORDERED that Southeast Pay Telephone, 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

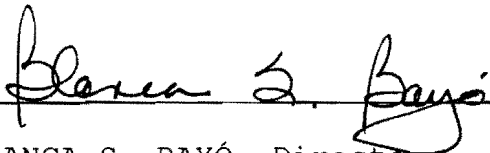
ORDERED that Southeast Pay Telephone, Inc. shall display a notice on each pay telephone at which incoming calls are blocked stating, "Incoming calls blocked at the request of law enforcement." It is further

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 close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

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

ORDER NO. PSC-99-1705-FOF-TC  
DOCKET NO. 990717-TC  
PAGE 4

By ORDER of the Florida Public Service Commission this 1st day of September, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

DMC

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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 22, 1999.

ORDER NO. PSC-99-1705-FOF-TC  
DOCKET NO. 990717-TC  
PAGE 5

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.