

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 Sprint Payphone Services, Inc.

DOCKET NO. 991036-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. 991105-TC  
ORDER NO. PSC-99-2065-PAA-TC  
ISSUED: October 21, 1999

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING EXEMPTIONS 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 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

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that the request is made to deter criminal activity at that pay telephone.

Sprint Payphone Services, Inc. (Sprint) has filed a Request for an exemption that each telephone station shall allow incoming calls for the pay telephone stations listed below. The request includes an attestation by Sprint, the location owner, 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.

<b>LOCATION</b>	<b>CITY</b>	<b>TELEPHONE NUMBER</b>
Lake Pleasant Center 1805 E. Semoran Blvd.	Apopka	407/884-0749
Lake Pleasant Center 1805 E. Semoran Blvd.	Apopka	407/884-0804

The Notice of Petition for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly August 25, 1999. The comment period ended September 17, 1999. No comments were submitted. The statutory deadline for our decision regarding this petition is November 2, 1999.

BellSouth Public Communications, Inc. (BellSouth Public) has also filed a Request for an exemption that each telephone station shall allowing incoming calls for the pay telephone stations listed below. The request includes an attestation by BellSouth Public, the location owner, 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.

<b>LOCATION</b>	<b>CITY</b>	<b>TELEPHONE NUMBER</b>
Lil Champ 310 S. Lane Avenue	Jacksonville	904/786-9917
Lil Champ 310 S. Lane Avenue	Jacksonville	904/786-9916

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Morse Geriatric                      West Palm Beach              561/684-9651  
Center  
4847 Fred Gladstone  
Drive

The Notice of Petition for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly August 25, 1999. The comment period ended September 17, 1999. No comments were submitted. The statutory deadline for our decision regarding this petition is November 8, 1999.

Upon consideration, it appears appropriate to grant Sprint's waiver request and BellSouth Public's waiver request. Both companies have 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 and Sprint have demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for BellSouth Public and Sprint as the requirement would allow the payphones to be used for continuing criminal activity. Pursuant to Rule 25-24.515(13), Florida Administrative Code, BellSouth Public and Sprint 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 request to block incoming calls at the pay telephones listed in the body of this Order is hereby approved. It is further

ORDERED that Sprint Payphone Services, Inc.'s request 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 Sprint Payphone Services, Inc. shall provide central office based intercept at no charge to the end user at the

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pay telephones where incoming calls cannot be received. It is further

ORDERED that both BellSouth Public Communications, Inc. and Sprint Payphone Services, 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

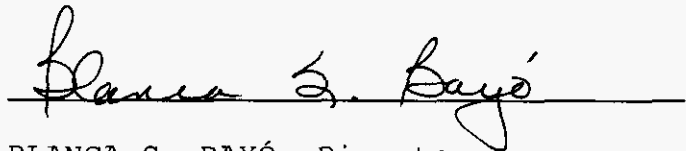
ORDERED that any protest to the action proposed herein shall specify the payphone station to which it applies. It is further

ORDERED that, if a protest is filed as to the granting of an exemption for a particular payphone station, that protest shall not prevent the action proposed herein from becoming final with regard to the remaining payphone stations listed in this Order. 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, these Dockets shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of October, 1999.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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 November 11, 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.