

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
Telaleasing Enterprises, Inc.

DOCKET NO. 991425-TC
ORDER NO. PSC-99-2368-PAA-TC
ISSUED: December 6, 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 GRANTING PETITION FOR EXEMPTION

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.

On September 21, 1999, Telaleasing Enterprises, Inc.
(Telaleasing or petitioner) submitted a Petition for Exemption from
Rule 25-24.515(13), Florida Administrative Code, by a properly
completed Form PSC/CMU-2 (02/99). Telaleasing is requesting
authority to block incoming calls to (813)979-2022, which is
assigned to the pay telephone station located at the Salvation Army
Thrift Store, 13910 North Nebraska Avenue, Tampa, Florida.

Rule 25-24.515(13), Florida Administrative Code, provides, in
part:

Each pay telephone station shall allow incoming calls to
be received at all times, with the exception of those
located at hospitals, schools, and locations specifically

DOCUMENT NUMBER-DATE

14826 DEC-6 99

PSC-REG/DICE/REPORTING

exempted by the Commission. There shall be no charge for receiving incoming calls.

The rule further provides that pay telephone companies may petition us for an exemption from the incoming call requirement. The exemption is, however, limited to two years. If necessary, however, companies may request subsequent two-year exemptions by filing a properly completed Form PSC/CMU-2 (02/99).

The Notice of Telaleasing's Petition for Exemption was timely submitted to the Secretary of State for publication in the Florida Administrative Weekly October 6, 1999. The comment period ended October 29, 1999. No comments were submitted. The statutory deadline for our decision regarding this petition is December 20, 1999.

Upon review, the form has been signed by the owner or officer of the pay telephone company, the location owner, and the chief of the law enforcement agency of the jurisdiction in which the pay telephone is located. It has, therefore, been properly completed.

By signing the form, Telaleasing has agreed to provide central office-based intercept at no charge to the end-user and to prominently display a written notice directly above or below the telephone number which states "Incoming calls blocked at the request of law enforcement." Furthermore, there is language on the form above each of the three parties signatures which states, "I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree."

Based on the foregoing, Telaleasing's Petition for Exemption in this docket shall be granted. The exemption has been requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner 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. In addition, the petitioner has demonstrated that granting this exemption will lift the "substantial hardship" that the rule imposes on law enforcement and the location provider.

It is therefore

ORDERED by the Florida Public Service Commission that the Petition for Exemption filed by Telaleasing Enterprises, Inc. is granted. It is further

ORDER NO. PSC-99-2368-PAA-TC
DOCKET NO. 991425-TC
PAGE 3

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.

By ORDER of the Florida Public Service Commission this 6th day of December, 1999.



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.

ORDER NO. PSC-99-2368-PAA-TC
DOCKET NO. 991425-TC
PAGE 4

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 December 27, 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.

RECEIVED-FPSC

M E M O R A N D U M

99 DEC -6 AM 10:54

December 3, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *DMC
SR*

RE: DOCKET NO. 991425-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
TELALEASING ENTERPRISES, INC.

2368-PAA

Attached is a PROPOSED AGENCY ACTION ORDER GRANTING PETITION
FOR EXEMPTION to be issued in the above-referenced docket.
(Number of pages in order - 4)

DMC/anc
Attachment
cc: Division of Communications
I: 991425or.dmc

*boxed
inserted 2/11*