

Original

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 Southwest Pay Telephone Corporation.

DOCKET NO. 991614-TC
ORDER NO. PSC-00-0079-PAA-TC
ISSUED: January 10, 2000

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 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 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

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FPSC-RECORDS/REPORTING

Southwest Pay Telephone Corporation has filed a Request for Exemption from the requirement that each telephone station shall allow incoming calls for each of the pay telephones listed below. The request includes an attestation by Southwest Pay Telephone Corporation, 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>
Circle K Store #7193 2612 Manatee Avenue	Bradenton	(941) 747-4082
Circle K Store #7193 2612 Manatee Avenue	Bradenton	(941) 747-5115

The Request for Exemption was filed on October 15, 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 November 19, 1999.

Upon consideration, it appears appropriate to grant Southwest Pay Telephone Corporation's request. Southwest Pay Telephone Corporation 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, Southwest Pay Telephone Corporation has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for Southwest Pay Telephone Corporation as the requirement would allow the pay phones to be used for continuing criminal activity. Pursuant to Rule 25-24.515(13), Florida Administrative Code, Southwest Pay Telephone Corporation 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." Pursuant to Rule 25-24.515(13), Florida Administrative Code, the exemption from the requirement to receive incoming calls shall not exceed a period of

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two years from the effective date of this Order. The provider may request another exemption by filing another request.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southwest Pay Telephone Corporation's request to block incoming calls at the pay telephones listed in the body of this Order is hereby approved for a period of two years from the issuance date of the Consummating Order. It is further

ORDERED that Southwest Pay Telephone Corporation 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 Southwest Pay Telephone Corporation 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 or Judicial Review" 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 10th day of January, 2000.



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 January 31, 2000.

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

December 29, 1999

RECEIVED-FPSC

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (STERN)MKS *72*

RE: DOCKET NO. 991614-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
SOUTHWEST PAY TELEPHONE CORPORATION.

0079-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 - 4)

MKS/anc
Attachment
cc: Division of Communications
I: 991614pa.mks

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1m