

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. 000064-TC
ORDER NO. PSC-00-0688-PAA-TC
ISSUED: April 12, 2000

The following Commissioners participated in the disposition of this matter:

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

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

ORDER NO. PSC-00-0688-PAA-TC
DOCKET NO. 000064-TC
PAGE 2

BellSouth Public Communications, Inc. (BellSouth) has filed a Request for Exemption from the requirement that each telephone station shall allow incoming calls. The location and phone number of the pay phone for which BellSouth requests this exemption is: Caribbean House, 226 Petronia Street, Key West, FL 33040, (305) 292-1754. The request includes an attestation by BellSouth, 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.

The Request for Exemption was filed on January 21, 2000. 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 February 25, 2000.

Upon consideration, we deem it appropriate to grant BellSouth's request. BellSouth 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 has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for BellSouth 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 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 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 BellSouth Public Communications, Inc.'s request to block incoming calls at the pay telephone 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 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

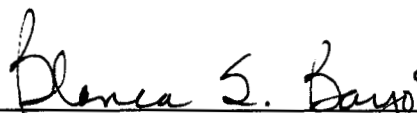
ORDER NO. PSC-00-0688-PAA-TC
DOCKET NO. 000064-TC
PAGE 3

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 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 12th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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MKS

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.

ORDER NO. PSC-00-0688-PAA-TC
DOCKET NO. 000064-TC
PAGE 4

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 May 3, 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.