

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. 000763-TC  
ORDER NO. PSC-00-1570-PAA-TC  
ISSUED: August 31, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
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.

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.

BellSouth Public Communications, Inc. (BellSouth) 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 BellSouth, the location provider, and the chief of police that the request is

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FPSC-RECORDS/REPORTING

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>
Groovin' Noovin's 4515 Mobile Hwy	Pensacola	(850)455-9302
Groovin' Noovin's 4515 Mobile Hwy	Pensacola	(850)458-9452

The Request for Exemption for Docket No. 000763-TC was filed on June 23, 2000. The Notice of Request for Exemption was submitted to the Secretary of State on July 19, 2000, for publication in the Florida Administrative Weekly pursuant to Section 120.542, Florida Statutes. No comments were submitted during the comment period, which ended August 8, 2000.

Upon consideration, it appears appropriate to grant the request of BellSouth Public Communications, Inc. BellSouth Public Communications, Inc. 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 Public Communications, Inc. has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for BellSouth Public Communications, Inc. as the requirement would allow the payphone to be used for continuing criminal activity. Pursuant to Rule 25-24.515(13), Florida Administrative Code, BellSouth Public Communications, Inc. 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 the request of BellSouth Public Communications, Inc. to block incoming calls at the pay telephones listed in the body of this Order is

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hereby approved for a period of two years from the issuance date of this 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

ORDERED that BellSouth Public Communications, Inc. shall display a notice on the pay telephones 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 31st day of August, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( 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 September 21, 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.

MEMORANDUM

August 30, 2000

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) *C.P.F.* *P/L*

RE: DOCKET NO. 000763-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  
BELLSOUTH PUBLIC COMMUNICATIONS, INC.

1570-PAA

Attached is a 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)

CLF/anc

Attachment

cc: Division of Competitive Services (Isler)

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