

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. 000744-TC  
ORDER NO. PSC-00-1696-PAA-TC  
ISSUED: September 21, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING EXEMPTION FROM RULE 25-24.515(13)

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.

BACKGROUND

BellSouth Public Communications, Inc. has submitted one or more requests to block incoming calls at its pay telephones. Each of the requests was submitted on Form PSC/CMU 2 (02/99). The Exemption Petition was filed on June 20, 2000. The Notice of Petition for Exemption was submitted on June 28, 2000, to the Secretary of State for publication in the Florida Administrative Weekly. The comment period ended July 28, 2000. No comments were submitted.

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

DOCUMENT NUMBER-DATE

11874 SEP 21 8

FPSC-RECORDS/REPORTING

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

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

The company has submitted a Request to Block Incoming Calls form for each of the instruments located at 1665 North Highway A1A, Melbourne, Florida, with telephone numbers (321) 984-9916 and (321) 984-9917. We note that even though the requests were for the Quality Suites Oceanfront Hotel located at 1665 North Highway A1A in Melbourne, one of the forms had the address listed as 1655 North Highway A1A. We requested an amended form showing the correct address, which has been received. We reviewed each form and found each to have 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. By signing the form, the pay telephone company 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."

We find that the exemptions requested in this docket should be granted. These exemptions are being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting these exemptions 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 these exemptions will lift the "substantial hardship" that the rule imposes on law enforcement and the location provider.

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Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that the request for wavier of Rule 25-24.515(13), Florida Administrative Code, filed by BellSouth Public Communications, Inc. for the pay telephones stated in the body of this Order are granted. It is further

ORDERED that unless a timely protest is received as set forth below in the Notice of Further Proceedings or Judicial Review, this Order shall become final and effective upon the issuance of a Consummating Order and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of September, 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 October 12, 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.