

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency request for temporary exemption from requirement of Rule 25-24.515, F.A.C., that each pay telephone station shall allow incoming calls, by ETS Payphones, Inc.

DOCKET NO. 001729-TC
ORDER NO. PSC-01-0058-PAA-TC
ISSUED: January 8, 2001

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
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.

DOCUMENT NUMBER-DATE

00311 JAN-80

FPSC-RECORDS/REPORTING

ETS Payphones, Inc. (ETS) has filed a Request for Temporary Exemption from the requirement that each telephone station shall allow incoming calls from each of the pay telephones listed below. ETS advised that the National Football League (NFL) has requested that these payphones not be allowed to receive incoming calls for the period of 12:01 a.m., Sunday, January 28, 2001 through 12:01 a.m., Monday, January 29, 2001. The NFL advised that it has requested this action due to terrorist threats in the months prior to the Super Bowl a couple of years ago. The NFL believes that a telephone threat could cause panic, serious injury and death if a waiver is not granted. Further, the ETS' request includes an attestation by ETS, 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>NAME OF LOCATION</u>	<u>STREET ADDRESS</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-0327
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-0335
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-1283
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-8240
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-8241
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-8248
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-9211
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-9214
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)414-9006

<u>NAME OF LOCATION</u>	<u>STREET ADDRESS</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 870-0951
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 870-1371
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 870-3261
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 870-6141
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 872-8609
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 872-9959
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 873-1024
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 873-1319
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 873-2229
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 877-3045
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 879-8202
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 348-0095
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 348-0779
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 348-0783
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 348-9375

<u>NAME OF LOCATION</u>	<u>STREET ADDRESS</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-0440
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-0441
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-0447
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-1144
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-1146
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-1147
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-8283
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-8285
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-9192
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-9214
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-9215
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-9219
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-9831
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 353-9847
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813) 354-0238

<u>NAME OF LOCATION</u>	<u>STREET ADDRESS</u>	<u>CITY</u>	<u>TELEPHONE NUMBER</u>
Raymond James Stadium	4226 N. Dale Mabry	Tampa	(813)354-0253

Upon consideration, we find it appropriate to grant ETS' request. ETS 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, ETS has demonstrated that the enforcement of the incoming call requirement would result in substantial hardship for ETS as the requirement would allow the payphones to be used for continuing criminal activity. Pursuant to Rule 25-24.515(13), Florida Administrative Code, ETS 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." The Commission is vested with jurisdiction over this matter pursuant to Section 364.3375, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ETS Payphones, Inc.'s temporary requests to block incoming calls at the pay telephones listed in the body of this Order is hereby approved for the period of 12:01 a.m., Sunday, January 28, 2001 through 12:01 a.m., Monday, January 29, 2001. It is further

ORDERED that ETS Payphones, 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 ETS Payphones, 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

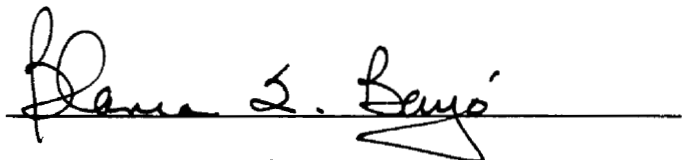
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540

ORDER NO. PSC-01-0058-PAA-TC
DOCKET NO. 001729-TC
PAGE 6

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 8th day of January, 2001.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line. The signature is cursive and includes a large, stylized flourish at the end.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

FRB

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-01-0058-PAA-TC
DOCKET NO. 001729-TC
PAGE 7

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 29, 2001.

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.