

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for two-year exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Embarq Payphone Services, Inc.

DOCKET NO. 080140-TC
ORDER NO. PSC-08-0318-PAA-TC
ISSUED: May 14, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

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, (F.A.C.).

Under Rule 25-24.515(13), F.A.C., 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.

Embarq Payphone Services, Inc. (Embarq) has filed a Request for Exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone listed below. Embarq's request includes an attestation by Embarq, 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 telephone.

DOCUMENT NUMBER-DATE

04013 MAY 14 08

FPSC-COMMISSION CLERK

LOCATION	ADDRESS	CITY	TELEPHONE NUMBER
Big Moma's Soul Food Café	7 NE Gipson Place	Fort Walton Beach, FL	850-833-3025

Upon consideration, we find it appropriate to grant Embarq's request. Embarq has demonstrated that these waivers are in the public interest under Sections 364.01 and 364.3375, Florida Statutes, (F.S.), in an effort to prevent criminal activity. Pursuant to Rule 25-24.515(13), F.A.C., Embarq 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), F.A.C., 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. We are vested with jurisdiction over this matter pursuant to 364.3375, F.S.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Embarq Payphone Services, Inc.'s request to block incoming calls at the pay telephone(s) listed in the body of this Order is hereby approved for a period of two years from the date of issuance of the Consummating Order. It is further

ORDERED that Embarq Payphone Services, Inc. shall provide central office based intercept at no charge to the end user at the pay telephone(s) where incoming calls cannot be received. It is further

ORDERED that Embarq Payphone Services, 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 14th day of May, 2008.

ANN COLE
Commission Clerk

By: 

Hong Wang
Office of Commission Clerk

(S E A L)

CCP

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 4, 2008.

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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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.