

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption) DOCKET NO. 940831-TC
from Rule 25-24.515(8), F.A.C.,) ORDER NO. PSC-94-1162-FOF-TC
concerning blocking incoming) ISSUED: September 21, 1994
calls at certain payphone)
locations by PEOPLES TELEPHONE)
COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING EXEMPTION FROM RULE 25-24.515(8), F.A.C., FOR
SPECIFIED PAY TELEPHONE LOCATIONS TO PEOPLES TELEPHONE COMPANY

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.

On August 8, 1994, Peoples Telephone Company (PTC) filed a request for exemption from the Rule 25-24.515(8), Florida Administrative Code, requirement that pay telephones receive incoming calls, for two of its pay telephones located at Clyde Frederick's Luncheonette/Bar, 428 Martin Luther King, Jr. Blvd. in Boynton Beach and JB's Market, 1213 NW 4th Street in Boynton Beach. Rule 25-24.515(8), Florida Administrative Code, states, "Each telephone station shall allow incoming calls to be received, with the exception of those located at confinement facilities, hospitals and schools, and at locations specifically exempted by the Commission." The location owners requested that incoming calls be blocked and the Boynton Beach Police Department supported that request. The location owners and the police believe the telephones are being used for illegal activities.

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FPSC-RECORDS/REPORTING

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In Order No. PSC-93-0878-FOF-TL, issued June 10, 1993, we granted the request of GTE Florida, Inc. and BellSouth Telecommunications, Inc. to block incoming calls at certain pay telephone locations. In that order we also noted that, "[T]here are no set standards for evaluating such a request. Accordingly, the waiver granted herein shall remain in effect only until we have developed such standards, at which time, the propriety of leaving the waiver in effect shall be reexamined." Proposed standards are currently being reviewed by the Commission staff but are not yet in place, so we evaluated this request according to available information and our action on previous requests.

We grant PTC's request to exempt the pay telephones listed above from the requirement that pay telephones receive incoming calls. PTC is required to place written notice on each phone stating that incoming calls cannot be received at that location. As in previous cases, we reserve the option to revisit this exemption should that prove appropriate.

Based on the foregoing, it is

ORDERED, by the Florida Public Service Commission that Peoples Telephone Company's Request to Block Incoming Calls pursuant to Rule 25-24.515(8), Florida Administrative Code, is granted. It is further

ORDERED that, Peoples Telephone Company place written notice on each affected phone stating that incoming calls cannot be received at that location. It is further

ORDERED that, unless a person whose substantial interests are affected files a protest in the form and prior to the expiration of the date set forth in the Notice of Further Proceedings, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of September, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Helton
Chief, Bureau of Records

(S E A L)
LMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 12, 1994.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.