

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Florida) DOCKET NO. 940720-TC
Public Telecommunications) ORDER NO. PSC-94-1608-FOF-TC
Association, Inc. for exemption) ISSUED: December 27, 1994
from Rule 25-24.515(8), F.A.C.,)
for certain pay telephones owned)
by GORAN DRAGOSLAVIC d/b/a FIRST)
AMERICAN TELECOMMUNICATIONS)
CORPORATION, TELSO, INC.,)
PEOPLES TELEPHONE COMPANY,)
FLORIDA PAY PHONE SYSTEMS, INC.,)
PARAMOUNT COMMUNICATION SYSTEMS,)
INC., COMMERCIAL TELEPHONE'S,)
INC., 2001 TELECOMMUNICATIONS,)
INC., CAL LANDAU ENTERPRISES,)
COMMUNICATIONS CENTRAL, INC.,)
NATIONWIDE PAYPHONE CORPORATION,)
AND PAYTEL COMMUNICATIONS, INC.)

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), FLORIDA
ADMINISTRATIVE CODE AT SPECIFIED TELEPHONE LOCATIONS
TO FLORIDA PUBLIC TELECOMMUNICATIONS ASSOCIATION, INC.

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 July 8, 1994, the Florida Public Telecommunications Association, Inc. (FPTA) filed a request for exemption from the Rule 25-24.515(8), Florida Administrative Code, requirement that pay telephones receive incoming calls, for pay telephones in Miami

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FPSC-RECORDS/REPORTING

and Fort Lauderdale. FPTA filed the request on behalf of 11 of its members. The pay telephone provider, the telephone number, and the location of the phone are listed below.

EXEMPTION REQUESTS - CITY OF MIAMI		
COMPANY NAME (CERT #)	NUMBER	ADDRESS
FIRST AMERICAN (3081)	305-324-9197	1005 West Flagler Street
FIRST AMERICAN (3081)	305-324-4361	1047 West Flagler Street
FIRST AMERICAN (3081)	305-324-0257	41 SW 8th Street
FIRST AMERICAN (3081)	305-324-8069	1164 West Flagler Street
FIRST AMERICAN (3081)	305-324-7364	1050 West Flagler Street
TELSO (94)	305-325-0887	1101 West Flagler Street
TELSO (94)	305-545-9140	1199 West Flagler Street
TELSO (94)	305-324-4554	12 Avenue & West Flagler Street
TELSO (94)	305-858-6019	1505 SW 3rd Avenue
TELSO (94)	305-858-6165	1505 SW 3rd Avenue
TELSO (94)	305-858-5937	1505 SW 3rd Avenue
PEOPLES (84)	305-350-9104	Miami Avenue & North 11th Street
FPPSI (3778)	305-530-8986	NE 2nd Avenue & 2nd Street
PARAMOUNT (1538)	305-358-2430	Miami Avenue & 13th Street
PARAMOUNT (1538)	305-371-9165	Miami Avenue & 13th Street
PARAMOUNT (1538)	305-371-9164	Miami Avenue & 13th Street
COMMERCIAL (2568)	305-854-8981	1806 SW 22nd Avenue
2001 (909)	305-541-8670	2425 SW 8th Street
2001 (909)	305-541-8026	2425 SW 8th Street

EXEMPTION REQUESTS FOR CITY OF FT. LAUDERDALE		
COMPANY NAME (CERT #)	NUMBER	ADDRESS
PEOPLES (84)	305-522-3345	330 North Federal Hwy
PEOPLES (84)	305-462-5228	637 SW 15th Avenue
PEOPLES (84)	305-462-9063	1600 SW 16th Street
PEOPLES (84)	305-462-9014	1317 NE 5th Avenue
TELSO (94)	305-764-7120	612 NE 2nd Avenue
TELSO (94)	305-463-9107	612 NE 2nd Avenue
TELSO (94)	305-463-9073	1926 E Sunrise Blvd
TELSO (94)	305-463-9077	1926 E Sunrise Blvd
TELSO (94)	305-462-7508	1030 NE 15th Avenue
TELSO (94)	305-462-2313	1030 NE 15th Avenue
TELSO (94)	305-462-4635	1030 NE 15th Avenue
TELSO (94)	305-462-6515	1030 NE 15th Avenue
TELSO (94)	305-462-6528	1725 E Sunrise Blvd
PARAMOUNT (1538)	305-761-7837	614 N Federal Hwy
PARAMOUNT (1538)	305-763-7565	201 S Atlantic Blvd
PARAMOUNT (1538)	305-523-2054	1215 E Sunrise Blvd
PARAMOUNT (1538)	305-523-2150	1215 E Sunrise Blvd
PARAMOUNT (1538)	305-764-4498	1785 E Sunrise Blvd
PARAMOUNT (1538)	305-763-9027	1785 E Sunrise Blvd
PARAMOUNT (1538)	305-462-8375	1001 N Federal Hwy
PARAMOUNT (1538)	305-462-8379	1001 N Federal Hwy
PARAMOUNT (1538)	305-764-6389	501 NE 13th Street
PARAMOUNT (1538)	305-832-9603	1745 E Sunrise Blvd
PARAMOUNT (1538)	305-581-9235	592 SW 27th Avenue
PARAMOUNT (1538)	305-587-2869	592 SW 27th Avenue
PARAMOUNT (1538)	305-565-5571	4041 N Ocean Blvd
PARAMOUNT (1538)	305-581-9688	665 SW 27th Avenue
PARAMOUNT (1538)	305-583-4683	665 SW 27th Avenue

EXEMPTION REQUESTS FOR CITY OF FT. LAUDERDALE (CONT'D)		
COMPANY NAME (CERT #)	NUMBER	ADDRESS
PARAMOUNT (1538)	305-321-9441	800 NW 22nd Road
PARAMOUNT (1538)	305-462-5606	NE 13th Street & 5th Avenue
2001 (909)	305-767-8810	200 N Federal Hwy
2001 (909)	305-760-9783	800 NE 15th Street
2001 (909)	305-760-9930	800 NE 15th Street
CAL LANDAU (2198)	305-761-1874	1518 NW 6th Street
CAL LANDAU (2198)	305-583-0743	748 NW 22nd Road
FIRST AMERICAN (3081)	305-763-2046	1701 E Sunrise Blvd
FIRST AMERICAN (3081)	305-767-4739	1701 E Sunrise Blvd
FIRST AMERICAN (3081)	305-765-0561	1701 E Sunrise Blvd
FIRST AMERICAN (3081)	305-760-4451	1701 E Sunrise Blvd
FIRST AMERICAN (3081)	305-728-9207	1631 E Sunrise Blvd
FIRST AMERICAN (3081)	305-462-9318	1048 NE 18th Avenue
CCI (880)	305-587-7056	2700 W Broward Blvd
CCI (880)	305-587-7065	2700 W Broward Blvd
CCI (880)	305-797-9733	2700 W Broward Blvd
NATIONWIDE (2379)	305-561-9501	Vistamar Street & Birch Road
NATIONWIDE (2379)	305-581-9757	800 NW 22nd Road
PAYTEL (3044)	305-561-0937	2621 N Ocean Blvd
PAYTEL (3044)	305-561-0974	2621 N Ocean Blvd

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 owners of the sites where the pay telephones are located requested that incoming calls be blocked and law enforcement officials from Fort Lauderdale and Miami supported the requests. All parties believe the telephones are being used for illegal activities.

In Order No. PSC-93-0878-FOF-TL, issued June 10, 1993, we granted the request of GTE Florida Incorporated 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." We have adopted a rule to set standards but it is not yet effective. Therefore, we evaluated FPTA's requests according to available information and our action on previous requests.

We grant the requests to exempt the pay telephones listed above from the requirement that pay telephones receive incoming calls. The companies are required to place written notice on each phone stating, "Incoming calls blocked at request of law enforcement." This notice shall be placed directly above or below the telephone number. Each company shall also order central office based intercept from the serving local exchange company and ensure that it is provided at no charge to the end-user. We will reconsider these exemptions in the future if it is in the public interest to do so.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by the Florida Public Telecommunications Association to exempt the telephones listed in the body of this Order from the Rule 25-24.515(8), Florida Administrative Code, requirement that pay telephones receive incoming calls is granted. It is further

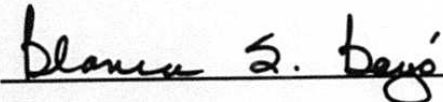
ORDERED that each pay telephone provider place written notice directly above or below the telephone number on each affected phone which states, "Incoming calls blocked at request of law enforcement." It is further

ORDERED that each company shall order central office based intercept from the serving local exchange company and ensure that it is provided at no charge to the end-user. 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.

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By ORDER of the Florida Public Service Commission, this 27th
day of December, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LMB

Commissioner Johnson dissents from the Commission's decision
in this docket.

Commissioner Garcia dissents from the Commission's decision in
this docket with the following statement.

I agree with Order Number 14132, issued February 27, 1985,
where the Commission ordered that pay telephones receive incoming
calls and stated, "It is in the public interest for most users to
be able to receive incoming calls at pay telephones. Pay
telephones are placed to meet the needs of the public and the
ability to receive a call at a pay telephone, especially in
emergency situations, is beneficial to the public at large."
Approximately 6% of all households in Florida do not have a
telephone. For these people, the only practical way to receive
telephone calls is through pay telephones. Granting exemptions to
the rules and allowing the blocking of incoming calls at pay
telephones directly prevents this sector of the community, those
who cannot afford telephone service, from receiving calls. I am
concerned that the Commission's action today unfairly affects the
less fortunate, and thus impugns its responsibility to ensure "the
availability of basic telecommunications services to all residents
of the state..." See Section 364.01(3)(a), Florida Statutes.

Access by the less fortunate to this most basic on-ramp to the
information highway should not be limited simply because criminals
also use pay telephones. While I agree with the Commission's

desire to do its part to deter crime, less drastic steps can be taken to achieve this goal. One such alternative, placing warnings on certain pay telephones stating the numbers called may be recorded and forwarded to law enforcement agencies, may be effective in deterring the misuse of pay telephones without limiting the ability of the less fortunate to communicate. Assuming arguendo that the Commission continues to grant exemptions from the rules, it should do so for a specified period of time so that access to pay telephones is not permanently limited. Otherwise we have de facto "redlined" areas for limited telephone service. We cannot lose sight of the public safety and public service interests that pay telephones promote by allowing incoming calls.

I respectfully dissent.

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on January 17, 1995.

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.

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If this order becomes final and effective on the date described above, any party substantially 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.