

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center, 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

October 17, 1996

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (HAWKINS) *PHH*
DIVISION OF LEGAL SERVICES (LUGO) *MLG/for DL*

RE : REQUEST FOR EXEMPTION FROM REQUIREMENT THAT EACH
TELEPHONE STATION SHALL ALLOW INCOMING CALLS

DOCKET NO. ~~961174~~-TL - BELLSOUTH TELECOMMUNICATIONS
DOCKET NO. 961175-TC - 2001 TELECOMMUNICATIONS, INC.
DOCKET NO. 961177-TC - PEOPLES TELEPHONE COMPANY
DOCKET NO. 961197-TL - BELLSOUTH TELECOMMUNICATIONS

AGENDA: 10/29/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961174.RCM

CASE BACKGROUND

The providers listed on page 4 have submitted one or more requests to block incoming calls at their pay telephones. Each of the requests were submitted on a properly completed Form PSC/CMU 2 (12/94). Staff believes the following recommendation is appropriate.

DOCUMENT NUMBER-DATE

11128 OCT 17 96

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant each of the providers listed on page 4 an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

RECOMMENDATION: Yes, the Commission should grant the providers listed on page 4 an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed.

STAFF ANALYSIS: Rules 25-24.515(8), and 25-4.076(6), Florida Administrative Code, provide in pertinent part;

Each telephone station shall allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls. Requests for exemption from the requirement that each telephone station allow incoming calls shall be accompanied by a completed FORM PSC/CMU-2 (12/94), which is incorporated into this rule by reference.

Each company has submitted a properly completed Request to Block Incoming Calls forms for each of the instruments identified on page 4. Staff has 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 FORM PSC/CMU-2 (12/94), each 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 party's 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."

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Staff is satisfied that the forms have been completed properly. Staff is not aware of any unusual circumstances that would require further investigation in any of these cases, consequently, staff recommends approval of each of the requests.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, if no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket may be closed.

STAFF ANALYSIS: Whether staff's recommendation on issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket may be closed.

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| <u>DOCKET NO.</u> | <u>PROVIDER</u> | <u>PHONE NUMBER</u> | <u>ADDRESS</u> | <u>CITY</u> |
|-------------------|-------------------------|---------------------|----------------------|-------------|
| 961174-TL | BELLSOUTH | 407/783-9389 | 280 HAYES STREET | COCOA BCH. |
| 961175-TC | 2001 TELECOMMUNICATIONS | 305/531-2451 | 405 15th STREET | MIAMI BCH. |
| 961177-TC | PEOPLES TELEPHONE | 305/887-9589 | 77 W. OKEECHOBEE RD. | HIALEAH |
| 961177-TC | PEOPLES TELEPHONE | 305/887-6218 | 77 W. OKEECHOBEE RD. | HIALEAH |
| 961177-TC | PEOPLES TELEPHONE | 305/877-9761 | 77 W. OKEECHOBEE RD. | HIALEAH |
| 961177-TC | PEOPLES TELEPHONE | 561/563-9797 | 4040 20th STREET | VERO BEACH |
| 961197-TL | BELLSOUTH | 904/258-0217 | 102 RIDGEWOOD AVE. | HOLLY HILL |
| 961197-TL | BELLSOUTH | 904/258-0185 | 102 RIDGEWOOD AVE. | HOLLY HILL |
| 961197-TL | BELLSOUTH | 305/576-6139 | 241 N.W. 17th STREET | MIAMI |