

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

November 20, 1996

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (HAWKINS) ~~COX~~ *EDD*
DIVISION OF LEGAL SERVICES (COX) *MCB WPC*

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

DOCKET NO. 961222-TC - BELLSOUTH TELECOMMUNICATIONS
DOCKET NO. 961269-TC - PEOPLES TELEPHONE COMPANY
DOCKET NO. 961275-TC - PEOPLES TELEPHONE COMPANY
DOCKET NO. 961285-TL - BELLSOUTH TELECOMMUNICATIONS
DOCKET NO. 961296-TC - PEOPLES TELEPHONE COMPANY
DOCKET NO. 961297-TC - PEOPLES TELEPHONE COMPANY

AGENDA: 12/02/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961222.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

12391 NOV 20 96

FPSC-RECORDS/REPORTING

DOCKETS NOS. 961222-TC, 961269-TC, 961275-TC, 961285-TL, 961296-TC
and 961297-TC
DATE: November 20, 1996

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant each of the providers listed on page 4 a waiver 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 a waiver 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 and in compliance with the rule. Staff is not aware of any unusual circumstances that would require further investigation in any of these cases, consequently, staff believes that the providers listed on page 4 have met the requirements of Chapter 120 of the Administrative Procedure Act (APA). Therefore, 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>
961222-TC	BELLSOUTH	407/277-9922	1801 SEMORAN BLVD.	ORLANDO
961222-TC	BELLSOUTH	407/277-8559	1801 SEMORAN BLVD.	ORLANDO
961222-TC	BELLSOUTH	407/277-9701	1801 SEMORAN BLVD.	ORLANDO
961222-TC	BELLSOUTH	407/277-9835	1801 SEMORAN BLVD.	ORLANDO
961269-TC	PEOPLES TELEPHONE	407/321-9656	900 EAST AIRPORT BLVD.	SANFORD
961275-TC	PEOPLES TELEPHONE	941/494-2133	1727 SW HARGRAVE ST.	ARCADIA
961285-TC	BELLSOUTH	561/881-8169	1260 PLAZA CIRCLE	RIVIERA BCH
961285-TC	BELLSOUTH	561/881-8022	1260 PLAZA CIRCLE	RIVIERA BCH
961296-TC	PEOPLES TELEPHONE	407/381-5541	5660 CURRY FORD ROAD	ORLANDO
961296-TC	PEOPLES TELEPHONE	407/381-5794	5660 CURRY FORD ROAD	ORLANDO
961296-TC	PEOPLES TELEPHONE	407/381-5772	5660 CURRY FORD ROAD	ORLANDO
961296-TC	PEOPLES TELEPHONE	407/381-5547	5660 CURRY FORD ROAD	ORLANDO
961297-TC	PEOPLES TELEPHONE	352/376-8782	302 NW 5th AVENUE	GAINESVILLE