

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**

January 23, 1997

**TO :** DIRECTOR, DIVISION OF RECORDS AND REPORTING  
**FROM :** DIVISION OF COMMUNICATIONS (HAWKINS) *gms*  
DIVISION OF LEGAL SERVICES (COX) *WRC MCB*  
**RE :** REQUEST FOR WAIVER FROM REQUIREMENT THAT EACH TELEPHONE  
STATION SHALL ALLOW INCOMING CALLS

DOCKET NO. 961387-TC - PEOPLES TELEPHONE COMPANY  
DOCKET NO. 961388-TC - PEOPLES TELEPHONE COMPANY  
DOCKET NO. 961389-TC - PEOPLES TELEPHONE COMPANY  
DOCKET NO. 961390-TC - PEOPLES TELEPHONE COMPANY  
DOCKET NO. 961391-TC - PEOPLES TELEPHONE COMPANY  
DOCKET NO. 961392-TC - PEOPLES TELEPHONE COMPANY  
DOCKET NO. 961397-TL - BELL SOUTH TELECOMMUNICATIONS

**AGENDA:** FEBRUARY 4, 1997 - REGULAR AGENDA - PROPOSED AGENCY  
ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** S:\PSC\CMU\WP\961387.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 recommendations are appropriate.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKETS NOS. 961387-TC, 961388-TC, 961389-TC, 961390-TC, 961391-TC,  
961392-TC and 961397-TL  
DATE: JANUARY 23, 1997

### 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 form 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 recommends that the waivers requested in these dockets should be granted. The providers have demonstrated the need to waive Rule 25-24.515(8) and 25-4.076(6), Florida Administrative Code, pursuant to the waiver provisions therein and to the waiver provisions of Chapter 120.542(2), Florida Statutes.

**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, these dockets should 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, these dockets should be closed. A protest in one docket should not prevent the action in a separate docket from becoming final.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
961387-TC	PEOPLES TELEPHONE	407/695-9004	220 EAGLE CIRCLE	CASSELBERRY
961387-TC	PEOPLES TELEPHONE	407/695-9003	220 EAGLE CIRCLE	CASSELBERRY
961388-TC	PEOPLES TELEPHONE	954/970-7825	5367 W ATLANTIC BL	MARGATE
961389-TC	PEOPLES TELEPHONE	954/941-9017	2025 E ATLANTIC BL	POMPANO BCH
961389-TC	PEOPLES TELEPHONE	954/726-3528	7600 NW 57th ST	TAMARAC
961390-TC	PEOPLES TELEPHONE	954/777-2880	3037 W OAKLAND PARK	OAKLAND PARK
961390-TC	PEOPLES TELEPHONE	954/771-7826	1352 E COMMERCIAL BL	FT. LAUDERDALE
961391-TC	PEOPLES TELEPHONE	954/492-9484	929 NW 62nd ST	FT. LAUDERDALE
961391-TC	PEOPLES TELEPHONE	954/771-1261	950 W COMMERCIAL BLVD	TAMPA
961392-TC	PEOPLES TELEPHONE	954/561-9286	4032 N OCEAN BLVD	FT. LAUDERDALE
961392-TC	PEOPLES TELEPHONE	407/277-4491	2320 S. SEMORAN BLVD	ORLANDO
961397-TL	BELLSOUTH	407/277-9842	5210 CURRY FORD ROAD	ORLANDO