

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

MEMORANDUM

January 23, 1997

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

DOCKET NO. 961307-TL - BELLSOUTH TELECOMMUNICATIONS
DOCKET NO. 961320-TC - PEOPLES TELEPHONE COMPANY
DOCKET NO. 961324-TC - COIN-TEL, INC.
DOCKET NO. 961326-TL - BELLSOUTH TELECOMMUNICATIONS
DOCKET NO. 961338-TL - GTE FLORIDA INCORPORATED

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961307.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

00884 JAN 23 97

FPSC-RECORDS/REPORTING

DOCKETS NOS. 961307-TL, 961320-TC, 961324-TC, 961326-TL and
961338-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."

DOCKETS NOS. 961307-TL, 961320-TC, 961324-TC, 961326-TL and
961338-TL,
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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.

DOCKETS NOS. 961307-TL, 961320-TC, 961324-TC, 961326-TL and
 961338-TL,
 DATE: JANUARY 23, 1997

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
961307-TL	BELLSOUTH	954/473-9913	1870 N. UNIVERSITY DR.	PLANTATION
961320-TC	PEOPLES TELEPHONE	407/851-0392	5890 S. ORANGE BLOSSOM	ORLANDO
961324-TC	COIN-TEL, INC.	407/841-9113	2761 L.B. MCLEOD ROAD	ORLANDO
961324-TC	COIN-TEL, INC.	407/420-9804	2900 S. RIO GRANDE AVE.	ORLANDO
961324-TC	COIN-TEL, INC.	407/420-9287	2900 S. RIO GRANDE AVE.	ORLANDO
961326-TL	BELLSOUTH	407/723-9717	1514 S. HARBOR CITY BLV	MELBOURNE
961326-TL	BELLSOUTH	407-632-9602	800 N. FISKE BLVD.	COCOA
961326-TL	BELLSOUTH	561-439-8482	4703 S. MILITARY TRAIL	LAKE WORTH
961326-TL	BELLSOUTH	561-968-7583	4703 S. MILITARY TRAIL	LAKE WORTH
961326-TL	BELLSOUTH	561-967-8244	4703 S. MILITARY TRAIL	LAKE WORTH
961338-TL	GTE FLORIDA	813/839-9086	4319 GANDY BLVD.	TAMPA
961338-TL	GTE FLORIDA	813/839-9715	4319 GANDY BLVD.	TAMPA
961338-TL	GTE FLORIDA	813/839-9085	4319 GANDY BLVD.	TAMPA
961338-TC	GTE FLORIDA	813/839-9611	4319 GANDY BLVD.	TAMPA