

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

February 20, 1997

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF COMMUNICATIONS (HAWKINS) *WPC MCB*
DIVISION OF LEGAL SERVICES (COX) *WPC MCB*
RE : REQUEST FOR EXEMPTION FROM REQUIREMENT THAT EACH
TELEPHONE STATION SHALL ALLOW INCOMING CALLS.
DOCKET NO. 961001-TC - COIN-TEL, INC.
DOCKET NO. 961041-TC - COIN-TEL, INC.
AGENDA: 03/04/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961001.RCM

CASE BACKGROUND

Each of 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). The waiver for docket #961001-TC was filed August 29, 1996 and the waiver for docket #961041-TC was filed September 5, 1996. These waiver petitions were filed before the revised Administrative Procedures Act, Section 12, Chapter 120.542(2), Florida Statutes, became effective. However, the applications were initially deficient, resulting in a delay in staff's recommendation.

Staff believes the following recommendation is appropriate.

DOCUMENT NUMBER-DATE

01872 FEB 20 97

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 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.

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 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, these dockets 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, these dockets may be closed. A protest filed in one docket shall not affect the closing of the other dockets.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
961001-TC	COIN-TEL, INC.	407/354-0602	3009 W. OAKRIDGE RD	ORLANDO
961001-TC	COIN-TEL, INC.	407/363-0868	3009 W. OAKRIDGE RD	ORLANDO
961001-TC	COIN-TEL, INC.	407/345-8559	3009 W. OAKRIDGE RD	ORLANDO
961041-TC	COIN-TEL, INC.	407/423-2308	2861 L.B. MCLEOD	ORLANDO