

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

MEMORANDUM

March 6, 1997

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (HAWKINS) *BSH* *PD*
DIVISION OF LEGAL SERVICES (COX) *WPC* *mcg*

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

DOCKET NO. 961546-TC - TELALEASING ENTERPRISES, INC.
DOCKET NO. 970024-TC - COIN-TEL, INC.
DOCKET NO. 970034-TC - PEOPLES TELEPHONE COMPANY

AGENDA: 03/16/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 04/01/97, 04/04/97 and 04/08/97

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961546.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).

1.) Docket #961546-TC - Telaleasing Enterprises, Inc. - The Waiver Petition was filed on December 31, 1996. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly January 15, 1997. No comments were submitted during the comment period, which ended February 24, 1997. The statutory deadline for the Commission's decision regarding this petition is April 1, 1997.

2.) Docket #970024-TC - Coin-Tel, Inc. - The Waiver Petition was filed on January 6, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly January 21, 1997. No comments were submitted during the comment period, which ended March 3, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 4, 1997.

DOCUMENT NUMBER-DATE

02441 MAR-65

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3.) Docket #970034-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on January 8, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly January 21, 1997. No comments were submitted during the comment period, which ended March 2, 1997. The Statutory Deadline for the Commission's decision regarding this petition is April 8, 1997.

Staff believes the following recommendations are appropriate.

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

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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."

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>
961546-TC	TELALEASING	904/646-9278	3220 BEACHWOOD BLVD.	JACKSONVILLE
961546-TC	TELALEASING	904/642-8915	3220 BEACHWOOD BLVD.	JACKSONVILLE
970024-TC	COIN-TEL, INC.	407/363-9792	4015 W. OAKRIDGE RD.	ORLANDO
970034-TC	PEOPLES TELEPHONE	813/870-9042	3611 HILLSBOROUGH	TAMPA