

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

MEMORANDUM

May 7, 1997

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

DOCKET NO. 970290-TC - COIN-TEL, INC.
DOCKET NO. 970297-TL - BELL SOUTH TELECOMMUNICATIONS
DOCKET NO. 970329-TC - TEL LEASING ENTERPRISES, INC.
DOCKET NO. 970330-TC - COIN-TEL, INC.
DOCKET NO. 970331-TC - PEOPLES TELEPHONE COMPANY, INC.
DOCKET NO. 970374-TL - SPRINT-FLORIDA, INCORPORATED
DOCKET NO. 970382-TL - BELL SOUTH TELECOMMUNICATIONS,
INC.
DOCKET NO. 970408-TC - FRONTTEL TECHNOLOGIES, INC.
DOCKET NO. 970415-TC - PEOPLES TELEPHONE COMPANY, INC.

AGENDA: 05/19/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 06/09/97, 06/09/97, 06/16/97, 06/16/97, 6/16/97,
06/24/97, 06/24/97, 06/30/97 and 07/01/97.

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970290.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 #970290-TC - Coin-Tel, Inc. - The Waiver Petition was filed on March 10, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly March 19, 1997. No comments were submitted during the comment period, which ended April 28, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 9, 1997.

DOCUMENT NUMBER-DATE

04529 MAY-75

FPSC-RECORDS/REPORTING

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2.) Docket #970297-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed on March 11, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly March 19, 1997. No comments were submitted during the comment period, which ended April 28, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 9, 1997.

3.) Docket #970329-TC - Telaleasing Enterprises, Inc. - The Waiver Petition was filed March 18, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 2, 1997. No comments were submitted during the comment period, which ended April 25, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 16, 1997.

4.) Docket #970330-TC - Coin-Tel, Inc. - The Waiver Petition was filed March 18, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 2, 1997. No comments were submitted during the comment period, which ended April 25, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 16, 1997.

5.) Docket #970331-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed March 18, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 2, 1997. No comments were submitted during the comment period, which ended April 25, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 16, 1997.

6.) Docket #970374-TL - Sprint-Florida, Incorporated - The Waiver for Petition was filed March 25, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 2, 1997. No comments were submitted during the comment period, which ended April 25, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 24, 1997.

7.) Docket #970382-TL - BellSouth Telecommunications, Inc. - The Waiver Petition was filed March 26, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 2, 1997. No comments were submitted during the comment period, which ended April 25, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 24, 1997.

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8.) Docket #970408-TC - PhoneTel Technologies, Inc. - The Waiver Petition was filed April 1, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 9, 1997. No comments were submitted during the comment period, which ended May 2, 1997. The Statutory Deadline for the Commission's decision regarding this petition is June 30, 1997.

9.) Docket #970415-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed April 3, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 9, 1997. No comments were submitted during the comment period, which ended May 2, 1997. The Statutory Deadline for the Commission's decision regarding this petition is July 1, 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

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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."

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. Staff believes that by granting these waiver requests, the Commission would be acting in the public interest with regard to pay telephone service under Chapter 364.01 and 364.3375, Florida Statutes, in an effort to prevent criminal activity. Further, enforcement of the incoming call blocking requirement would result in substantial hardship for the petitioners as the requirement allows the payphones to be used for continuing criminal activity.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, these dockets should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action.

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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>
970290-TC	COIN-TEL, INC.	813/628-5438	3011 MEIBURNE BLVD	TAMPA
970297-TL	BELLSOUTH	561/465-9881	905 N 13th ST	FT. PIERCE
970297-TL	BELLSOUTH	305/867-9357	1039 79th ST	MIAMI BEACH
970297-TL	BELLSOUTH	954/753-2849	3505 RIVERSIDE DR	CORAL SPRINGS
970297-TL	BELLSOUTH	954/753-2816	3506 RIVERSIDE DR	CORAL SPRINGS
970297-TL	BELLSOUTH	954/921-9598	700 S FEDERAL HWY	HOLLYWOOD
970329-TC	TELALEASING	904/724-6047	843 ALDERMAN RD	JACKSONVILLE
970330-TC	COIN-TEL, INC.	407/249-0894	3312 S SEMORAN BLVD	ORLANDO
970330-TC	COIN-TEL, INC.	407/851-9176	12301 S ORANGE BLOSSOM	ORLANDO
970330-TC	COIN-TEL, INC.	407/851-8894	12301 S ORANGE BLOSSOM	ORLANDO
970331-TC	PEOPLES TELEPHONE	904/721-3164	7557 ARLINGTON EXPWAY	JACKSONVILLE
970374-TL	SPRINT-FLORIDA	407/348-9031	2499 BOGGY CREEK RD	KISSIMMEE
970374-TL	SPRINT-FLORIDA	407/348-9010	2499 BOGGY CREEK RD	KISSIMMEE
970382-TL	BELLSOUTH	352/376-9302	1120 NW 45th AVE	GAINESVILLE
970408-TC	PHONETEL TECHNOLOGIES	407/321-8363	440 MELLONVILLE AVE	SANFORD
970415-TL	PEOPLES	305/861-9162	2125 BAY DRIVE	NORMANDY ISLE