

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

May 29, 1997

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (MONTEIRO) *MMW*  
DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

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

DOCKET NO. 970464-TC - FLORIDA PAY PHONE SERVICES, INC.  
DOCKET NO. ~~970465~~-TC - COIN-TEL, INC.  
DOCKET NO. 970467-TC - PEOPLES TELEPHONE COMPANY, INC.

AGENDA: 06/10/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 07/15/97 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970464.RCM

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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 was submitted on a properly completed Form PSC/CMU 2 (12/94).

1.) Docket #970464-TC - Florida Pay Phone Services, Inc. - The Waiver Petition was filed on April 16, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 29, 1997. The comment period ends May 23, 1997. To date, no comments have been submitted. The statutory deadline for the Commission's decision regarding this petition is July 15, 1997.

2.) Docket #970465-TC - Coin-Tel, Inc. - The Waiver Petition was filed on April 16, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 29, 1997. The comment period ends May 23, 1997. To date, no comments have been submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 15, 1997.

DOCUMENT NUMBER-DATE

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3.) Docket #970467-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on April 16, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 29, 1997. The comment period ends May 23, 1997. To date, no comments have been submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 15, 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. (Monteiro)

STAFF ANALYSIS: Rule 25-24.515(8), Florida Administrative Code, provides in the 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

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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), Florida Administrative Code, pursuant to the waiver provisions therein and to the waiver provisions of Chapter 120.542, 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, this docket 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. (Cox)

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>
970464-TC	FLORIDA PAY PHONE	954/979-8979	2511 W ATLANTIC BLVD	POMPANO BCH
970465-TC	COIN-TEL, INC.	407/293-1373	2828 N PINE HILLS ROAD	ORLANDO
970467-TC	PEOPLES TELEPHONE	904/721-3164	7557 ARLINGTON EXPRESSWY	JACKSONVILLE