

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

RECEIVED

July 2, 1997

JUL 02 1997  
11:10  
FPSC - Records/Reporting

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (MONTEIRO) *MM*  
DIVISION OF LEGAL SERVICES (COX) *MMB for ML* *D*

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

DOCKET NO. 970538-TC - BELL SOUTH PUBLIC COMMUNICATIONS,  
INC.

AGENDA: 07/15/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 08/04/97 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970538.RCM

CASE BACKGROUND

The provider listed on page 4 has submitted a request to block incoming calls at its pay telephones. The request was submitted on a properly completed Form PSC/CMU 2 (12/94).

The Waiver Petition was filed on May 6, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly May 20, 1997. The comment period ended June 13, 1997, and no comments were submitted. The statutory deadline for the Commission's decision regarding this petition is August 4, 1997.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the provider listed on page 4 a waiver from the requirement that each telephone station shall

DOCUMENT NUMBER-DATE

06659 JUL-25

FPSC-RECORDS/REPORTING

DOCKET NO. 970538-TC  
JULY 2, 1997

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 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.

The provider listed on page 4 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), the 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 waiver requested in this docket should be granted. This waiver is being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting this waiver will not impede the continued provision of pay telephone service to the

DOCKET NO. 970538-TC  
JULY 2, 1997

using public as intended by the underlying statute Chapter 364.345, Florida Statutes.

In addition, the petitioner has demonstrated that granting this waiver will lift the "substantial hardship" that the rule imposes on law enforcement and the location provider.

ISSUE 2: Should this docket 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, this docket should be closed.

DOCKET NO. 970538-TC  
JULY 2, 1997

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
970538-TC	BELLSOUTH PUBLIC COMM.	352/332-9133	6410 SW 8TH AVENUE	GAINESVILLE
970538-TC	BELLSOUTH PUBLIC COMM.	352/332-9131	6410 SW 8TH AVENUE	GAINESVILLE
970538-TC	BELLSOUTH PUBLIC COMM.	352/332-5074	6410 SW 8TH AVENUE	GAINESVILLE