

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

MEMORANDUM

JULY 24, 1997

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING  
FROM : DIVISION OF COMMUNICATIONS (MONTEIRO) *NML*  
DIVISION OF LEGAL SERVICES (COX) *MCP*  
RE : REQUEST FOR WAIVER FROM REQUIREMENT THAT EACH TELEPHONE  
STATION SHALL ALLOW INCOMING CALLS

DOCKET NO. 970637-TC - BELLSOUTH PUBLIC COMMUNICATIONS,  
INC.  
DOCKET NO. ~~970661-TC~~ - PEOPLES TELEPHONE COMPANY, INC.  
DOCKET NO. 970662-TC - PEOPLES TELEPHONE COMPANY, INC.  
DOCKET NO. 970663-TC - PEOPLES TELEPHONE COMPANY, INC.  
DOCKET NO. 970669-TC - BELLSOUTH PUBLIC COMMUNICATIONS,  
INC.  
DOCKET NO. 970686-TC - SPRINT-FLORIDA, INC.  
DOCKET NO. 970710-TC - BELLSOUTH PUBLIC COMMUNICATIONS,  
INC.  
DOCKET NO. 970711-TC - TELALEASING ENTERPRISES, INC.

AGENDA: 08/05/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 08/26/97, 09/19/97, 09/19/97, 09/19/97, 09/02/97,  
09/19/97, 09/08/97, 09/08/97 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970637.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 was submitted on a properly completed Form PSC/CMU 2 (12/94).

1.) Docket #970637-TC - BellSouth Public Communications, Inc.  
- The Waiver Petition was filed on May 29, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly June 10, 1997. The comment period ended July 4, 1997. No comments were submitted.

DOCUMENT NUMBER-DATE  
07850 JUL 22 5  
FPSC-RECORDS/REPORTING

DOCKET NOS. 970637-TC, 970661-TC, 970662-TC, 970663-TC, 970669-TC,  
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The statutory deadline for the Commission's decision regarding this petition is August 26, 1997.

2.) Docket #970661-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on June 4, 1997, and the amended Waiver Petition was filed on June 30, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly July 8, 1997. The comment period ended July 22, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is September 19, 1997.

3.) Docket #970662-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on June 4, 1997, and the amended Waiver Petition was filed on June 30, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly July 8, 1997. The comment period ended July 22, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is September 19, 1997.

4.) Docket #970663-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on June 4, 1997, and the amended Waiver Petition was filed on June 30, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly July 8, 1997. The comment period ended July 22, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is September 19, 1997.

5.) Docket #970669-TC - BellSouth Public Communication, Inc. - The Waiver Petition was filed on June 5, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly June 17, 1997. The comment period ended July 11, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is September 2, 1997.

6.) Docket #970686-TC - Sprint-Florida, Inc. - The Waiver Petition was filed on June 6, 1997, and the amended Waiver Petition was filed on June 30, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly July 8, 1997. The comment period ended July 22, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is September 19, 1997.

DOCKET NOS. 970637-TC, 970661-TC, 970662-TC, 970663-TC, 970669-TC,  
970686-TC, 970710-TC, 970711-TC  
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7.) Docket #970710-TC - BellSouth Public Communications, Inc.  
- The Waiver Petition was filed on June 11, 1997. The Notice of  
Petition for Waiver was submitted to the Secretary of State for  
publication in the Florida Administrative Weekly June 24, 1997. The  
comment period ended July 18, 1997, and no comments were submitted.  
The Statutory Deadline for the Commission's decision regarding this  
petition is September 8, 1997.

8.) Docket #970711-TC - Telaleasing Enterprises, Inc. - The  
Waiver Petition was filed on June 11, 1997. The Notice of Petition  
for Waiver was submitted to the Secretary of State for publication  
in the Florida Administrative Weekly June 24, 1997. The comment  
period ended July 18, 1997, and no comments were submitted. The  
Statutory Deadline for the Commission's decision regarding this  
petition is September 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 5 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.

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Each company has submitted a properly completed Request to Block Incoming Calls form for each of the instruments identified on page 5. 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. These waivers are being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioners have demonstrated that granting these waivers will not impede the continued provision of pay telephone service to the using public as intended by the underlying statute, Chapter 364.345, Florida Statutes.

In addition, the petitioners have demonstrated that granting these waivers will lift the "substantial hardship" that the rule imposes on law enforcement and the location provider.

**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. (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>
970637-TC	BELLSOUTH PUBLIC COMM.	561/582-9629	620 SOUTH DIXIE HWY	LAKE WORTH
970637-TC	BELLSOUTH PUBLIC COMM.	561/582-9138	331 NORTH DIXIE HWY	LAKE WORTH
970661-TC	PEOPLES TELEPHONE CO.	904/539-9399	319 4TH AVE SE	HAVANA
970662-TC	PEOPLES TELEPHONE CO.	407/656-5771	1351 E. BAY STREET	WINTER GARDEN
970662-TC	PEOPLES TELEPHONE CO.	407/656-2386	1351 E. BAY STREET	WINTER GARDEN
970663-TC	PEOPLES TELEPHONE CO.	561/597-5418	16968 SW CHARLESTON AVE	INDIANTOWN
970663-TC	PEOPLES TELEPHONE CO.	561/597-5467	16968 SW CHARLESTON AVE	INDIANTOWN
970669-TC	BELLSOUTH PUBLIC COMM.	904/254-8739	580 BELLEVUE AVE	DAYTONA BCH
970669-TC	BELLSOUTH PUBLIC COMM.	904/255-1792	580 BELLEVUE AVE	DAYTONA BCH
970686-TC	SPRINT-FLORIDA, INC.	850/681-3278	631 E. CALL STREET	TALLAHASSEE
970686-TC	SPRINT-FLORIDA, INC.	850/681-7548	603 E. CALL STREET	TALLAHASSEE
970710-TC	BELLSOUTH PUBLIC COMM.	904/388-9522	2665 PARK STREET	JACKSONVILLE
970710-TC	BELLSOUTH PUBLIC COMM.	904/388-9521	2665 PARK STREET	JACKSONVILLE
970710-TC	BELLSOUTH PUBLIC COMM.	904/388-9621	3646 POST STREET	JACKSONVILLE
970710-TC	BELLSOUTH PUBLIC COMM.	904/388-9517	3646 POST STREET	JACKSONVILLE
970710-TC	BELLSOUTH PUBLIC COMM.	954/983-9608	3150 SW 52ND AVE	PEMBROKE PARK
970711-TC	TELALEASING ENTERPRISES	904/355-5460	1055 N. LIBERTY ST.	JACKSONVILLE