

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

DECEMBER 23, 1997

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (ISLER) *DIC*
DIVISION OF LEGAL SERVICES (BOWMAN) *MB*

RE : REQUEST FOR WAIVER FROM REQUIREMENT OF RULE 25-
24.515(8), FLORIDA ADMINISTRATIVE CODE, THAT EACH
TELEPHONE STATION SHALL ALLOW INCOMING CALLS

DOCKET NO. ~~971411~~-TC - TELALEASING ENTERPRISES, INC.
DOCKET NO. 971412-TC - BELL SOUTH PUBLIC COMMUNICATIONS,
INC.
DOCKET NO. 971443-TC - COMMUNICATIONS CENTRAL, INC.

AGENDA: JANUARY 6, 1998 - REGULAR AGENDA - PROPOSED AGENCY
ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: JANUARY 22, 1998, JANUARY 22, 1998, JANUARY 29,
1998 - STATUTORY DEADLINES

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\971411TC.RCM

CASE BACKGROUND

The providers listed on pages 5 and 6 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 #971411-TC - Telaleasing Enterprises, Inc. - The Waiver Petition was filed on October 24, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly November 19, 1997. The comment period ended December 15, 1997. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is January 22, 1998.

2.) Docket #971412-TC - BellSouth Public Communications Company - The Waiver Petition was filed on October 24, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly

DOCUMENT NUMBER-DATE

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November 19, 1997. The comment period ended December 15, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is January 22, 1998.

3.) Docket #971443-TC - Communications Central, Inc. - The Waiver Petition was filed on November 4, 1997. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly November 12, 1997. The comment period ended December 6, 1997, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is January 29, 1998.

Staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant each of the providers listed on pages 5 and 6 a waiver from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

RECOMMENDATION: Yes. (Isler)

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 pages 5 and 6. Staff has reviewed each form and found each to

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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 parties 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.

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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. (Bowman)

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>
971411-TC	Telaleasing Enterprises	904-633-9462	3126 N. Edgewood Avenue	Jacksonville
971411-TC	Telaleasing Enterprises	904-358-8297	3126 N. Edgewood Avenue	Jacksonville
971411-TC	Telaleasing Enterprises	904-356-0817	816 West Union Street	Jacksonville
971411-TC	Telaleasing Enterprises	904-632-4883	816 West Union Street	Jacksonville
971411-TC	Telaleasing Enterprises	904-350-9781	816 West Union Street	Jacksonville
971411-TC	Telaleasing Enterprises	904-356-9049	3610 N. Pearl Street	Jacksonville
971411-TC	Telaleasing Enterprises	904-353-3412	3610 N. Pearl Street	Jacksonville
971411-TC	Telaleasing Enterprises	904-353-3320	3610 N. Pearl Street	Jacksonville
971411-TC	Telaleasing Enterprises	904-765-9088	6007 New Kings Road	Jacksonville
971411-TC	Telaleasing Enterprises	904-764-0415	1069 Golfair Blvd.	Jacksonville
971411-TC	Telaleasing Enterprises	904-764-9083	1069 Golfair Blvd.	Jacksonville
971411-TC	Telaleasing Enterprises	904-354-9377	725 N. Phillip Randolph	Jacksonville
971411-TC	Telaleasing Enterprises	904-633-9058	725 N. Phillip Randolph	Jacksonville
971412-TC	BellSouth Public Cmus.	561-439-8970	4021 Lake Worth Road	Lake Worth
971412-TC	BellSouth Public Cmus.	561-439-9544	4021 Lake Worth Road	Lake Worth
971412-TC	BellSouth Public Cmus.	561-439-9545	4021 Lake Worth Road	Lake Worth
971412-TC	BellSouth Public Cmus.	561-439-9550	4021 Lake Worth Road	Lake Worth
971412-TC	BellSouth Public Cmus.	561-969-9297	4021 Lake Worth Road	Lake Worth
971443-TC	Communications Central	904-355-6067	3425 N. Myrtle Avenue	Jacksonville
971443-TC	Communications Central	904-355-6083	3425 N. Myrtle Avenue	Jacksonville
971443-TC	Communications Central	904-350-9045	2907 N. Main Street	Jacksonville
971443-TC	Communications Central	904-353-0436	2907 N. Main Street	Jacksonville
971443-TC	Communications Central	904-768-0827	4321 Moncrief Road	Jacksonville
971443-TC	Communications Central	904-358-6831	104 E. 8th Street	Jacksonville
971443-TC	Communications Central	904-765-9427	5430 Avenue B	Jacksonville
971443-TC	Communications Central	904-766-2081	5430 Avenue B	Jacksonville
971443-TC	Communications Central	904-353-9179	1818 N. Davis Street	Jacksonville

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
971443-TC	Communications Central	904-356-0137	1818 N. Davis Street	Jacksonville
971443-TC	Communications Central	904-356-1456	1818 N. Davis Street	Jacksonville