

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

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FPSC - Records/Reporting

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (ISLER) *Pji*
DIVISION OF LEGAL SERVICES (COX) *WPC NCB*

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. ~~980492-TC~~ - SPRINT-FLORIDA, INCORPORATED
DOCKET NO. 980493-TC - COMMUNICATIONS CENTRAL, INC.
DOCKET NO. 980513-TC - PEOPLES TELEPHONE COMPANY, INC.
DOCKET NO. 980514-TC - PEOPLES TELEPHONE COMPANY, INC.
DOCKET NO. 980515-TC - PEOPLES TELEPHONE COMPANY, INC.
DOCKET NO. 980516-TC - PEOPLES TELEPHONE COMPANY, INC.
DOCKET NO. 980517-TC - PEOPLES TELEPHONE COMPANY, INC.

AGENDA: JUNE 16, 1998 - REGULAR AGENDA - PROPOSED AGENCY ACTION
-INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: JULY 6, 1998, JULY 6, 1998, JULY 13, 1998,
JULY 13, 1998, JULY 13, 1998, JULY 13, 1998, JULY 13,
1998, - STATUTORY DEADLINES

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\980492TC.RCM

CASE BACKGROUND

The providers listed on page 5 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 #980492-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on April 6, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 22, 1998. The comment period ended May 16, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 6, 1998.

DOCUMENT NUMBER-DATE

05913 JUN-28

FPSC-RECORDS/REPORTING

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2.) Docket #980493-TC - Communications Central, Inc. - The Waiver Petition was filed on April 6, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 22, 1998. The comment period ended May 16, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 6, 1998.

3.) Docket #980513-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on April 13, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 28, 1998. The comment period ended May 22, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 13, 1998.

4.) Docket #980514-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on April 13, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 28, 1998. The comment period ended May 22, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 13, 1998.

5.) Docket #980515-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on April 13, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 28, 1998. The comment period ended May 22, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 13, 1998.

6.) Docket #980516-TC - Peoples Telephone Company, Inc. - The Waiver Petition was filed on April 13, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 28, 1998. The comment period ended May 22, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 13, 1998.

7.) Docket #980517-TC - Peoples Telephone Company, Inc. -

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The Waiver Petition was filed on April 13, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 28, 1998. The comment period ended May 22, 1998, and no comments were submitted. The Statutory Deadline for the Commission's decision regarding this petition is July 13, 1998.

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. (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 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.

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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.

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>
980492-TC	Sprint-Florida, Inc.	407/321-9192	1506 W. 13th Street	Sanford
980492-TC	Sprint-Florida, Inc.	407/321-9052	1506 W. 13th Street	Sanford
980493-TC	Communications Central	407/330-7314	927 W. 13th Street	Sanford
980513-TC	Peoples Telephone Co.	904/387-0156	5407 San Juan Ave.	Jacksonville
980514-TC	Peoples Telephone Co.	407/321-1376	1610 W. 13th Street	Sanford
980515-TC	Peoples Telephone Co.	352/376-9591	4100 NW 16th Blvd.	Gainesville
980516-TC	Peoples Telephone Co.	904/345-0258	262 N. U.S. Hwy. 1	Oak Hill
980517-TC	Peoples Telephone Co.	407/324-4589	1805 W. 13th St.	Sanford