



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-

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RECORDS AND REPORTING

DATE: JUNE 18, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (COX) *WLC MCB*  
DIVISION OF COMMUNICATIONS (ISLER) *Pji*

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. 980563-TC - SPRINT-FLORIDA, INCORPORATED
- DOCKET NO. 980564-TC - SPRINT-FLORIDA, INCORPORATED
- DOCKET NO. 980565-TC - SPRINT-FLORIDA, INCORPORATED
- DOCKET NO. 980566-TC - SPRINT-FLORIDA, INCORPORATED
- DOCKET NO. 980598-TC - SPRINT-FLORIDA, INCORPORATED
- DOCKET NO. 980604-TC - SPRINT-FLORIDA, INCORPORATED

AGENDA: 06/30/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: JULY 27, 1998, JULY 27, 1998, JULY 27, 1998, JULY  
27, 1998, JULY 29, 1998, JULY 30, 1998 -  
STATUTORY DEADLINES

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980563.RCM

### CASE BACKGROUND

The providers listed on pages 5 - 7 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 #980563-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on April 27, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for

DOCUMENT NUMBER-DATE

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publication in the Florida Administrative Weekly May 6, 1998. The comment period ended June 5, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 27, 1998.

2.) Docket #980564-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on April 27, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly May 6, 1998. The comment period ended June 5, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 27, 1998.

3.) Docket #980565-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on April 27, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly May 6, 1998. The comment period ended June 5, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 27, 1998.

4.) Docket #980566-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on April 27, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly May 6, 1998. The comment period ended June 5, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 27, 1998.

5.) Docket #980598-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on April 30, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly May 13, 1998. The comment period ended June 6, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 29, 1998.

6.) Docket #980604-TC - Sprint-Florida, Incorporated - The Waiver Petition was filed on May 1, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly May 13, 1998. The comment period ended June 6, 1998. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is July 30, 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 -7 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 -7. 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 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

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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>
980563-TC	Sprint-Florida, Inc.	352/347-3803	1354 SE 135th St.	Ocala
980563-TC	Sprint-Florida, Inc.	352/347-9502	1354 SE 135th St.	Ocala
980563-TC	Sprint-Florida, Inc.	352/873-7553	8955 SW Hwy. 200	Ocala
980563-TC	Sprint-Florida, Inc.	352/873-7554	8955 SW Hwy. 200	Ocala
980563-TC	Sprint-Florida, Inc.	352/873-7551	6701 SW Hwy. 200	Ocala
980563-TC	Sprint-Florida, Inc.	352/873-7552	6701 SW Hwy. 200	Ocala
980563-TC	Sprint-Florida, Inc.	352/873-7548	7947 SW SR 40	Martel
980563-TC	Sprint-Florida, Inc.	352/873-7549	7947 SW SR 40	Martel
980563-TC	Sprint-Florida, Inc.	352/873-7550	7947 SW SR 40	Martel
980563-TC	Sprint-Florida, Inc.	352/732-5808	13051 NW Hwy. 27	Ocala
980563-TC	Sprint-Florida, Inc.	352/732-5146	13051 NW Hwy. 27	Ocala
980563-TC	Sprint-Florida, Inc.	352/732-5030	13051 NW Hwy. 27	Ocala
980563-TC	Sprint-Florida, Inc.	352/732-4759	10347 NW Hwy. 27	Ocala
980563-TC	Sprint-Florida, Inc.	352/732-4985	10347 NW Hwy. 27	Ocala
980563-TC	Sprint-Florida, Inc.	352/732-4956	1952 NE 35th St.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-4731	1952 NE 35th St.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-5653	3550 NW Gainesville Rd.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-8987	3550 NW Gainesville Rd.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-4494	3550 NW Gainesville Rd.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-7076	3511 NE 36th Ave.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-5198	3511 NE 36th Ave.	Ocala
980564-TC	Sprint-Florida, Inc.	352/732-2505	3511 NE 36th Ave.	Ocala
980564-TC	Sprint-Florida, Inc.	352/694-7314	4596 SE Maricamp Rd.	Ocala
980564-TC	Sprint-Florida, Inc.	352/694-7738	4596 SE Maricamp Rd.	Ocala
980564-TC	Sprint-Florida, Inc.	352/690-7021	9520 NE Jacksonv. Rd.	Anthony
980564-TC	Sprint-Florida, Inc.	352/690-7091	9520 NE Jacksonv. Rd.	Anthony
980564-TC	Sprint-Florida, Inc.	352/690-7865	9520 NE Jacksonv. Rd.	Anthony

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980564-TC	Sprint-Florida, Inc.	352/687-4026	502 Oak Road	Ocala
980564-TC	Sprint-Florida, Inc.	352/687-4238	502 Oak Road	Ocala
980564-TC	Sprint-Florida, Inc.	352/687-4821	502 Oak Road	Ocala
980565-TC	Sprint-Florida, Inc.	352/620-2740	5880 NW 44th Ave.	Ocala
980565-TC	Sprint-Florida, Inc.	352/620-2046	5880 NW 44th Ave.	Ocala
980565-TC	Sprint-Florida, Inc.	352/620-2171	5880 NW 44th Ave.	Ocala
980565-TC	Sprint-Florida, Inc.	352/620-2194	13003 N. US Hwy. 441	Sparr
980565-TC	Sprint-Florida, Inc.	352/620-2096	13003 N. US Hwy. 441	Sparr
980565-TC	Sprint-Florida, Inc.	352/595-5070	18373 NE Hwy. 301	Citra
980565-TC	Sprint-Florida, Inc.	352/595-7711	18373 NE Hwy. 301	Citra
980565-TC	Sprint-Florida, Inc.	352/528-6597	Int. SR 326 & US 41	Morriston
980565-TC	Sprint-Florida, Inc.	352/528-6803	Int. SR 326 & US 41	Morriston
980565-TC	Sprint-Florida, Inc.	352/489-8465	17921 SW SR 40	Dunnellon
980565-TC	Sprint-Florida, Inc.	352/489-9249	17921 SW SR 40	Dunnellon
980565-TC	Sprint-Florida, Inc.	352/347-6259	168 Marion Oaks Blvd.	Ocala
980565-TC	Sprint-Florida, Inc.	352/347-6512	168 Marion Oaks Blvd.	Ocala
980565-TC	Sprint-Florida, Inc.	352/347-6597	168 Marion Oaks Blvd.	Ocala
980565-TC	Sprint-Florida, Inc.	352/347-7283	16482 S. US Hwy. 301	Summerfield
980566-TC	Sprint-Florida, Inc.	352/687-4872	7440 SE Maricamp Rd.	Ocala
980566-TC	Sprint-Florida, Inc.	352/687-4615	7440 SE Maricamp Rd.	Ocala
980566-TC	Sprint-Florida, Inc.	352/687-3133	7440 SE Maricamp Rd.	Ocala
980566-TC	Sprint-Florida, Inc.	352/685-1297	13444 N. Hwy. 19	Salt Springs
980566-TC	Sprint-Florida, Inc.	352/685-1298	13444 N. Hwy. 19	Salt Springs
980566-TC	Sprint-Florida, Inc.	352/629-4569	6965 NW US Hwy. 27	Ocala
980566-TC	Sprint-Florida, Inc.	352/629-6288	6965 NW US Hwy. 27	Ocala
980566-TC	Sprint-Florida, Inc.	352/625-2645	14320 E. Hwy. 40 #C	Lynne
980566-TC	Sprint-Florida, Inc.	352/625-2743	14320 E. Hwy. 40 #C	Lynne
980566-TC	Sprint-Florida, Inc.	352/624-2154	2780 SE 58th Ave.	Ocala
980566-TC	Sprint-Florida, Inc.	352/624-2970	2780 SE 58th Ave.	Ocala

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980566-TC	Sprint-Florida, Inc.	352/624-3737	2780 SE 58th Ave.	Ocala
980566-TC	Sprint-Florida, Inc.	352/622-2876	7000 Jacksonville Rd.	Ocala
980566-TC	Sprint-Florida, Inc.	352/622-3183	7000 Jacksonville Rd.	Ocala
980566-TC	Sprint-Florida, Inc.	352/622-4219	7000 Jacksonville Rd.	Ocala
980598-TC	Sprint-Florida, Inc.	352/347-7131	16482 S. US Hwy. 301	Summerfield
980598-TC	Sprint-Florida, Inc.	352/347-5429	16482 S. US Hwy. 301	Summerfield
980598-TC	Sprint-Florida, Inc.	352/347-6205	9470 SE US Hwy. 441	Ocala
980598-TC	Sprint-Florida, Inc.	352/347-3932	9470 SE US Hwy. 441	Ocala
980598-TC	Sprint-Florida, Inc.	352/236-1030	5790 NE 7th St.	Ocala
980598-TC	Sprint-Florida, Inc.	352/236-3413	5790 NE 7th St.	Ocala
980598-TC	Sprint-Florida, Inc.	352/237-7083	9020 SW 27th Ave.	Ocala
980598-TC	Sprint-Florida, Inc.	352/237-7852	9020 SW 27th Ave.	Ocala
980598-TC	Sprint-Florida, Inc.	352/237-7958	9020 SW 27th Ave.	Ocala
980598-TC	Sprint-Florida, Inc.	352/347-5864	8140 SE 58th Ave.	Ocala
980598-TC	Sprint-Florida, Inc.	352/347-4630	8140 SE 58th Ave.	Ocala
980598-TC	Sprint-Florida, Inc.	352/288-2714	12909 SE Hwy. C-25	Oklawaha
980598-TC	Sprint-Florida, Inc.	352/347-1493	8140 SE 58th Ave.	Ocala
980598-TC	Sprint-Florida, Inc.	352/288-2920	12909 SE Hwy. C-25	Oklawaha
980598-TC	Sprint-Florida, Inc.	352/236-4155	14929 E. Hwy. 316	Eureka
980598-TC	Sprint-Florida, Inc.	352/236-4722	14929 E. Hwy. 316	Eureka
980604-TC	Sprint-Florida, Inc.	850/656-9925	1027 Apalachee Pkwy.	Tallahassee
980604-TC	Sprint-Florida, Inc.	850/893-9938	1481 Timberlane Dr.	Tallahassee