



Public Service Commission

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RECORDS AND REPORTING

DATE: AUGUST 20, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *PIK*
DIVISION OF LEGAL SERVICES (COX) *WP C mub*

RE: DOCKET NO. 980604-TC - REQUEST FOR WAIVER FROM REQUIREMENT OF RULE 25-24.515(8), FLORIDA ADMINISTRATIVE CODE, THAT EACH TELEPHONE STATION SHALL ALLOW INCOMING CALLS BY SPRINT-FLORIDA, INCORPORATED

AGENDA: 09/01/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: STATUTORY DEADLINE - WAIVED

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980604.RCM

CASE BACKGROUND

The provider listed on page 5 has submitted two requests to block incoming calls at its pay telephones. Only one request was submitted on a properly completed Form PSC/CMU 2 (12/94).

1.) 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 was waived by Sprint. After further investigation, Sprint notified the Commission that it was requesting that the waiver for telephone number (850) 893-9938 be withdrawn. (ATTACHMENT A)

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

08947 AUG 20 88

PPSC-RECORDS/REPORTING

DOCKET NOS. 980604-TC
DATE: AUGUST 20, 1998

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the provider listed on page 5 a waiver from the requirement that each telephone station shall allow incoming calls for the pay telephone number at the address listed?

RECOMMENDATION: Yes. (Isler)

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 company has submitted a properly completed Request to Block Incoming Calls form for the instrument identified on page 5. Staff has reviewed the form and found it 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 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 waiver requested in this docket at the address listed on page 5 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

DOCKET NOS. 980604-TC
DATE: AUGUST 20, 1998

granting this waiver 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. Staff also believes that by granting this waiver request, the Commission would be acting in the public interest with regard to pay telephone service under Chapter 364.01 and 364.3375, Florida Statutes, in an effort to prevent criminal activity. Further, enforcement of the prohibition against incoming call blocking would result in substantial hardship for the petitioner as the payphone may be used for continuing criminal activity.

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.

DOCKET NOS. 980604-TC
DATE: AUGUST 20, 1998

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. The Commission should acknowledge Sprint's request to withdraw its petition for pay telephone number (850) 893-9938. (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. Also, staff recommends that the Commission acknowledge Sprint's request to withdraw its petition for the Motel 6 at 1481 Timberlane Drive, Tallahassee, Florida, telephone number (850) 893-9938 since Sprint has withdrawn this request. There is nothing further for the Commission to address with regard to this request.

DOCKET NOS. 980604-TC
DATE: AUGUST 20, 1998

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
980604-TC	Sprint-Florida, Inc.	850/656-9925	1027 Apalachee Parkway	Tallahassee

DOCKET NO. 9806-TC
AUGUST 20, 1998



Harvey L. Spears, Jr.
Docket Manager

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August 5, 1998

Blanca Bayo
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Docket No. 980604-TC

Dear Ms. Bayo:

This documentation is being submitted on behalf of Sprint-Florida, Incorporated (Sprint).

Please accept this as notification that due to an oversight in the submittal, Sprint withdraws the waiver request at this time for telephone number (850)893-9938 associated with the above docket number pertaining to Motel 6 of Tallahassee.

Sincerely,


Harvey L. Spears, Jr.

cc: Paula Isler - FPSC