



Public Service Commission

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RECORDS AND REPORTING

DATE: JANUARY 21, 1999

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

FROM: DIRECTOR OF COMMUNICATIONS (ISLER) *ISLER*
DIVISION OF LEGAL SERVICES (NILLER) *NILLER*

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. 981784-TC - BELL SOUTH PUBLIC COMMUNICATIONS,
INC.

DOCKET NO. 981826-TC - TELALEASING ENTERPRISES, INC.

AGENDA: 02/02/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: MARCH 1, 1999 AND MARCH 9, 1999 - STATUTORY
DEADLINES

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981784.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 #981784-TC - BellSouth Public Communications, Inc. The Waiver Petition was filed on December 1, 1998. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly December 15, 1998. The comment period ended January 8, 1999. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is March 1, 1999.

DOCUMENT NUMBER-DATE

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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.

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

· DOCKET NOS. 981784-TC, 981826-TC
DATE: JANUARY 21, 1999

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
981784-TC	BellSouth Public Communications, Inc.	954/525-8975	1900 S. Miami Rd.	Ft. Lauderdale
981826-TC	Telaleasing Enterprises	727/547-8619	6200 Park Blvd.	Pinellas Park