

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: OCTOBER 5, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (CHRISTENSEN) *W BRC*

RE: DOCKET NO. 001136-TC - REQUEST FOR EXEMPTION FROM REQUIREMENT OF RULE 25-24.515(13), F.A.C., THAT EACH PAY TELEPHONE STATION SHALL ALLOW INCOMING CALLS, BY GORAN DRAGOSLAVIC D/B/A FIRST AMERICAN TELECOMMUNICATIONS CORPORATION.

AGENDA: 10/17/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NOVEMBER 13, 2000 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001136.RCM

CASE BACKGROUND

Goran Dragoslavic d/b/a First American Telecommunications Corporation has submitted one or more requests to block incoming calls at its pay telephones. Each of the requests was submitted on a properly completed Form PSC/CMU 2 (02/99).

The Exemption Petition was filed on August 14, 2000. The Notice of Petition for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly August 23, 2000. The comment period ended September 15, 2000. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is November 13, 2000.

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

12543 OCT-30

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Goran Dragoslavic d/b/a First American Telecommunications Corporation an exemption 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(13), Florida Administrative Code, states, in part:

Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.

The rule provides that pay telephone companies may petition the Commission for an exemption from the incoming call requirement; however, the exemption is limited to two years. If needed, the companies may request subsequent two-year exemptions by filing Form PSC/CMU-2 (02/99).

The company has submitted a properly completed Request to Block Incoming Calls form for each of the instruments identified on page 4. 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 the form, 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 exemptions requested in this docket should be granted. These exemptions are being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting these

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exemptions 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 petitioner has demonstrated that granting these exemptions will lift the "substantial hardship" that the rule imposes on law enforcement and the location provider.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order 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 order. (Christensen)

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 upon the issuance of a Consummating Order.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
001136-TC	First American	(561) 395-9628	Winn-Dixie Marketplace 7024 Beracasa Way	Boca Raton
001136-TC	First American	(561) 395-9720	Winn-Dixie Marketplace 7024 Beracasa Way	Boca Raton
001136-TC	First American	(561) 395-9724	Winn-Dixie Marketplace 7024 Beracasa Way	Boca Raton
001136-TC	First American	(561) 368-9744	Yogurt Rendezvous 7150 Beracasa Way	Boca Raton
001136-TC	First American	(561) 368-9817	Eckerd Drugs 7016 Beracasa Way	Boca Raton
001136-TC	First American	(561) 368-9972	Eckerd Drugs 7016 Beracasa Way	Boca Raton