

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for exemption from requirements 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.

DOCKET NO. 001136-TC
ORDER NO. PSC-00-2091-PAA-TC
ISSUED: November 3, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING EXEMPTION FROM RULE 25-24.515(13)

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Goran Dragoslavic d/b/a First American Telecommunications Corporation (First American) has submitted one or more requests to block incoming calls at its (First American) pay telephones. 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.

Rule 25-24.515(13), Florida Administrative Code, states, in part:

DOCUMENT NUMBER-DATE

14253 NOV-38

FPSC-RECORDS/REPORTING

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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 Attachment A, which is attached to the body of this Order and by reference is incorporated herein. We have 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 attesting that the request is made in order to deter criminal activity facilitated by incoming calls received at the pay telephones. 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."

Upon consideration, we find it appropriate to grant First American's requests for exemption. These exemptions are being requested in accordance with the requirements of Section 120.542(2), Florida Statutes. The petitioner has demonstrated that granting these exemptions will not impede the continued provision of pay telephone service to the using public as intended by the underlying statute, Section 364.345, Florida Statutes. In addition, the petitioner has shown that granting these exemptions will remove

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the "substantial hardship" that the rule imposes on law enforcement and the location provider.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for exemption from Rule 25-24.515(13), Florida Administrative Code, filed by Goran Dragoslavic d/b/a First American Telecommunications Corporation request for the pay telephones listed in Attachment A to this Order is hereby approved for a period of two years from the date of this Order becomes final and effective. It is further

ORDERED that Goran Dragoslavic d/b/a First American Telecommunications Corporation shall provide central office based intercept at no charge to the end user at the pay telephones where incoming calls cannot be received. It is further

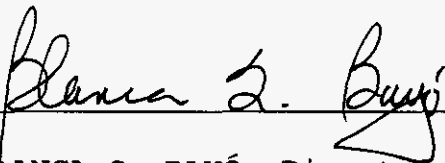
ORDERED that Goran Dragoslavic d/b/a First American Telecommunications Corporation shall display a notice on each pay telephone at which incoming calls are blocked stating, "Incoming calls blocked at the request of law enforcement." It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 3rd Day
of November, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 24, 2000.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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ATTACHMENT A

<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