

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 001519-TC
ORDER NO. PSC-01-0122-PAA-TC
ISSUED: January 17, 2001

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING IN PART AND DENYING IN PART
REQUEST FOR EXEMPTION FROM PAY TELEPHONE RULE REQUIREMENT

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 Telecommunications Corporation) submitted 13 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). We are vested with jurisdiction over this matter pursuant to Section 364.3375, Florida Statutes.

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

DOCUMENT NUMBER-DATE

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REGISTRATION DIVISION

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 this 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).

First American Telecommunications Corporation has submitted a properly completed Request to Block Incoming Calls form for 13 instruments. Six of the payphones are at parks, one each at a golf course, community center, the sidewalk in front of a Checker's Restaurant, City Hall, and three at the Lauderhill Police Department. 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.

However, we take exception to the requests for blocking at the payphone at the Lauderhill City Hall and the three at the Lauderhill Police Department. By signing the forms, the Acting Police Chief attested that to the best of his knowledge and belief, "criminal activity is associated with and facilitated by incoming calls being received" at the payphones in question.

Our staff called Mr. Goran Dragoslavic, President of First American Telecommunications Corporation to ask what type of criminal activity is taking place at the locations in question. Mr. Dragoslavic advised our staff to recommend denial of the requests for the payphones at the Police Department and City Hall in Lauderhill.

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

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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." In addition, 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, Chapter 364.345, Florida Statutes.

Accordingly, we deny First American Telecommunications Corporation's request for an exemption from the requirement that each telephone station shall allow incoming calls for the three pay telephone numbers located at the Lauderhill Police Department and the pay telephone number at the Lauderhill City Hall. However, we approve First American Telecommunications Corporation's request for an exemption for the pay telephone numbers at the addresses listed on page 6 of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Goran Dragoslavic d/b/a/ First American Telecommunications Corporation's request for an exemption from the requirement that each telephone station shall allow incoming calls for the three pay telephone numbers located at the Lauderhill Police Department and the pay telephone number at the Lauderhill City Hall shall be denied. It is further

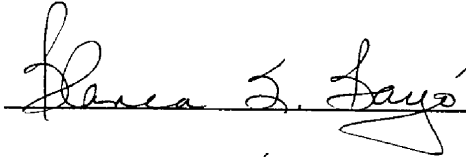
ORDERED that Goran Dragoslavic d/b/a First American Telecommunications Corporation's request for an exemption for the pay telephone numbers at the addresses listed on page 6 shall be granted. It is further

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" attached hereto. It is further

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

By ORDER of the Florida Public Service Commission this 17th day of January, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

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

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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 February 7, 2001.

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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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
001519-TC	First American	954-791-8904	Wolk Park 1172 NW 42nd Way	Lauderhill
		954-717-9153	Lauderhill Golf Course 4141 NW 16th St.	Lauderhill
		954-578-8507	Veteran's Park 7600 NW 50th St.	Lauderhill
		954-578-8529	West Wind Park 4552 NW 82nd Ave.	Lauderhill
		954-578-9025	Lauderhill Sports Park	
		954-746-8226	7500 W. Oakland Park Bl.	Lauderhill
		954-677-8435	City of Lauderhill (Sidewalk in front of Checker's) 5400 W. Oakland Park Bl.	Lauderhill
		954-741-8039	Jackie Gleason Park 7000 Inverrary Blvd.	Lauderhill
		954-583-9151	Sadkin Center 1176 NW 42nd Way	Lauderhill