

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for exemption ) DOCKET NO. 940885-TC  
from the requirement that each ) ORDER NO. PSC-95-0520-FOF-TC  
telephone station shall allow ) ISSUED: April 26, 1995  
incoming calls, by PAYPHONES )  
UNLIMITED, INC. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION ORDER  
APPROVING BLOCKING OF INCOMING CALLS AT PAY TELEPHONES

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.

In August, 1995, Payphones Unlimited, Inc. (Payphones Unlimited) filed a request for an exemption from the Rule 25-24.515(8), Florida Administrative Code, requirement that each telephone station allow incoming calls, for pay telephone instruments located at Robert's Restaurant, 1010 North Seacrest Boulevard in Boynton Beach, instrument numbers 407-735-0156 and 407-732-4255. Rule 25-24.515(8), Florida Administrative Code, requires incoming calls to be received at all pay telephones unless an exemption from that requirement is granted by this Commission.

Rule 25-24.515(8), Florida Administrative Code, requires that pay telephones receive incoming calls unless the instrument is located at a hospital, school, confinement facility, or other location specifically exempted by this Commission. Any requests for an exemption from this requirement must be accompanied by an attestation by the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is made to deter criminal activity at that pay telephone. To facilitate this process, we

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have approved a form for requesting exemptions. Payphones Unlimited has submitted Request to Block Incoming Calls forms for the pay telephones located at 1010 North Seacrest Boulevard in Boynton Beach. The forms are signed by the Vice President of Payphones Unlimited, the pay telephone location owner, and the Boynton Beach Chief of Police. All parties believe blocking incoming calls at these pay telephones will deter criminal activity.

Accordingly, we approve Payphones Unlimited's request. Pursuant to Rule 25-24.515(8), Florida Administrative Code, Payphones Unlimited must provide central office based intercept at no charge to the end user and must display a notice on each affected pay telephone stating, "Incoming calls blocked at the request of law enforcement."

It is, therefore

ORDERED by the Florida Public Service Commission that Payphones Unlimited, Inc.'s request to block incoming calls at the pay telephones described in the body of this Order is approved. It is further

ORDERED that Payphones Unlimited, Inc. provide central office based intercept at no charge to the end user at each pay telephone where incoming calls cannot be received. It is further

ORDERED that Payphones Unlimited, Inc. display a notice on each pay telephone which states, "Incoming calls blocked at the request of law enforcement." It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order will become final and this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 26th  
day of April, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

LMB

Commissioner Garcia dissents from the Commission's decision in  
this docket.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 17, 1995.

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.