

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center, 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

October 17, 1996

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (HAWKINS) *PHH/STW*  
DIVISION OF LEGAL SERVICES (LUGO) *sc/MB*

RE : REQUEST FOR EXEMPTION FROM REQUIREMENT THAT EACH  
TELEPHONE STATION SHALL ALLOW INCOMING CALLS

DOCKET NO. 961113-TC - PEOPLES TELEPHONE COMPANY, INC.

AGENDA: 10/29/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961113.RCM

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CASE BACKGROUND

The provider listed on page 4 has submitted one or more requests to block incoming calls at their pay telephones. Each of the requests were submitted on a properly completed Form PSC/CMU 2 (12/94). Staff believes the following recommendation is appropriate.

DOCUMENT NUMBER-DATE

11077 OCT 16 96

FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the provider listed on page 4 an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

RECOMMENDATION: Yes, the Commission should grant the provider listed on page 4 an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed.

STAFF ANALYSIS: Rules 25-24.515(8), and 25-4.076(6), Florida Administrative Code, provide in 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.

The company has submitted properly completed Request to Block Incoming Calls forms 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 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 party's 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."

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Staff is satisfied that the forms have been completed properly. Staff is not aware of any unusual circumstances that would require further investigation in any of these cases, consequently, staff recommends approval of each of the requests.

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** Yes, if no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket may be closed.

**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 may be closed.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
961113-TC	PEOPLES TELEPHONE	813/979-2095	10815 W. NEBRASKA AVE.	TAMPA
961113-TC	PEOPLES TELEPHONE	813/979-2093	10815 W. NEBRASKA AVE.	TAMPA
961113-TC	PEOPLES TELEPHONE	813/979-2094	10815 W. NEBRASKA AVE.	TAMPA
961113-TC	PEOPLES TELEPHONE	813/979-2116	10815 W. NEBRASKA AVE.	TAMPA
961113-TC	PEOPLES TELEPHONE	813/258-4868	2220 W. KENNEDY	TAMPA
961113-TC	PEOPLES TELEPHONE	813/253-0863	2220 W. KENNEDY	TAMPA
961113-TC	PEOPLES TELEPHONE	305/893-8455	14260 N.E. 6TH AVE	NORTH MIAMI
961113-TC	PEOPLES TELEPHONE	305/893-9579	14260 N.E. 6TH AVE	NORTH MIAMI
961113-TC	PEOPLES TELEPHONE	305/893-5654	14260 N.E. 6TH AVE	NORTH MIAMI
961113-TC	PEOPLES TELEPHONE	954/698-6692	3701 W. HILLSBORO	DEERFIELD BCH
961113-TC	PEOPLES TELEPHONE	954/698-6693	3701 W. HILLSBORO	DEERFIELD BCH