



Public Service Commission

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RECORDS AND REPORTING
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RECEIVED-FPSC

DATE: FEBRUARY 17, 2000

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pji MD*
DIVISION OF LEGAL SERVICES (FORDHAM) *c.l.f. BK*

RE: DOCKET NO. 991997-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 SPRINT PAYPHONE SERVICES, INC.

AGENDA: 02/29/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: MARCH 21, 2000 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991997.RCM

CASE BACKGROUND

The provider listed on page 4 has submitted a request to block incoming calls at a pay telephone. The request was submitted on a properly completed Form PSC/CMU 2 (02/99).

The Exemption Petition was filed on December 22, 1999. The Notice of Petition for Exemption was submitted to the Secretary of State for publication in the Florida Administrative Weekly January 19, 2000. The comment period ended February 11, 2000. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is March 21, 2000.

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

02161 FEB 17 8

FPSC-RECORDS/REPORTING

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 number at the address listed?

RECOMMENDATION: Yes. (Isler)

STAFF ANALYSIS: Rule 25-24.515(13), F.A.C., 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 the instrument identified on page 4. Staff has reviewed the form and found it 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 exemption requested in this docket should be granted. The exemption is being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting this exemption 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.

DOCKET NO. 991997-10
DATE: FEBRUARY 17, 2000

In addition, the petitioner has demonstrated that granting this exemption 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. (Fordham)

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.

DOCKET NO. 991997-TC
DATE: FEBRUARY 17, 2000

<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
991997-TC	Sprint Payphone Svcs.	(407) 892-4671	St. Cloud Hotel 1004 New York Avenue	St. Cloud