



Public Service Commission

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OCT 26 AM 8:40
REPORTING AND

DATE: OCTOBER 26, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER) *Pij*
DIVISION OF LEGAL SERVICES (DANDELAK) *D*
c.s.s.

RE: DOCKET NO. 001328-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 BELL SOUTH PUBLIC COMMUNICATIONS, INC.

AGENDA: 11/07/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001328.RCM

CASE BACKGROUND

BellSouth Public Communications, Inc. 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).

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

13690 OCT 26 8

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant BellSouth Public Communications, Inc. an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone number at the address listed on page 4?

RECOMMENDATION: Yes. (Isler)

STAFF ANALYSIS: Rule 25-24.515(13), Florida Administrative Code, 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 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.

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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. (Dandelake)

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.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
001328-TC	BellSouth Public Cmus.	(561) 495-9306	3 G's Gourmet Deli 5869 W. Atlantic Ave.	Delray Beach