



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC  
AM 11:16  
001519-TC  
RECORDS AND REPORTING

**DATE:** DECEMBER 20, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (ISLER) *Di*  
DIVISION OF LEGAL SERVICES (CALDWELL) *ms*

**RE:** DOCKET NO. 001519-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 GORAN DRAGOSLAVIC D/B/A FIRST AMERICAN TELECOMMUNICATIONS CORPORATION

**AGENDA:** 01/02/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\001519.RCM

### CASE BACKGROUND

First American Telecommunications Corporation submitted thirteen (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).

The Commission is vested with jurisdiction over this matter pursuant to Section 364.3375, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant First American Telecommunications Corporation an exemption from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed below?

**RECOMMENDATION:** The Commission should 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. Furthermore, the Commission should approve First American Telecommunications Corporation's request for an exemption for the pay telephone numbers at the addresses listed on page 5. (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).

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. 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.

However, staff takes 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,

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"criminal activity is associated with and facilitated by incoming calls being received" at the payphones in question.

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 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 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, staff recommends the Commission 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. Furthermore, the Commission should approve First American Telecommunications Corporation's request for an exemption for the pay telephone numbers at the addresses listed on page 5.

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**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. (Caldwell)

**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>
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 954-746-8226	Lauderhill Sports Park 7500 W. Oakland Park Bl.	Lauderhill
		954-677-8435	City of Lauderdale (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