

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver from) DOCKET NO. 950897-TC
portions of Rule 25-24.515(8),) ORDER NO. PSC-95-1332-FOF-TC
F.A.C., to permit utilization of) ISSUED: November 1, 1995
blocking programming at pay)
telephones by North American)
InTeleCom, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PETITION FOR RULE WAIVER

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.

On July 28, 1995, North American InTeleCom, Inc. (NAI) filed a petition requesting a waiver from certain portions of Rule 25-24.515, Florida Administrative Code. NAI currently holds Certificate No. 2459 to provide intrastate pay telephone service. As a part of that service, NAI seeks to offer its customers, location owners throughout the state of Florida, incoming call blocking as approved by this Commission. NAI states that it has the technical capability to block incoming calls by programming its own pay telephones from remote locations. NAI requests that we grant a waiver from the portion of Rule 25-24.515(8), Florida Administrative Code, that mandates central office intercept when incoming calls are blocked. NAI requests that it be allowed to provide call blocking using its programming capabilities.

NAI's request is more properly an exemption from our Rules rather than a waiver and we will consider it as such. Rule 25-24.515(8), Florida Administrative Code, requires that central

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office based intercept be provided at no charge to the end user when incoming calls are blocked at a pay telephone. The local exchange company (LEC) central office intercept provides a special information tone which can identify incoming calls that are blocked and ensure that the caller is not charged for any attempted local or long distance incoming calls. In addition, the LEC central office provides the caller, at no charge, with an intercept message that the call cannot be completed.

We believe the public is better served by blocking incoming calls at pay telephones using the central office intercept of the LEC. Call blocking by NAI incurs some risk that an incoming local or long distance call will be seen as a completed call by the telephone network and the caller will be charged for the call. When blocking is accomplished by disconnecting the ringer at the pay telephone, the caller has no way of knowing the pay telephone is blocked. A caller from one pay telephone to another pay telephone could repeatedly lose \$.25 attempting to complete the call because there would be no intercept message and no coin return. Further, NAI proposes reprogramming or downloading data during a periodic window of 3-5 minutes. This window requires the pay telephone line be open to receive calls. Although, the periodic window can be at an early morning low traffic time and kept brief, there is still a risk that a call may be completed. Under NAI's scheme, incoming calls would not always be blocked.

The interest of the general public is better served when the central office intercept is used to inform the caller that the blocked pay telephone call will not be completed. This avoids the possible wrong charges and useless repetitive call attempts. It makes it possible for the caller, including 911 emergency response personnel, to more quickly select an alternative means of communication.

For the reasons outlined above, we deny NAI's Petition for Waiver of portions of Rule 25-24.515(8), Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that the Petition for Waiver of portions of Rule 25-24.515(8), Florida Administrative Code, filed by North American InTeleCom, Inc. is hereby denied. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or

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Judicial Review, below, this Order shall become final on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 1st day of November, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

LMB

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 22, 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.