

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) *MSH*
DIVISION OF LEGAL SERVICES (CROSBY) *MCB for AC*

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

DOCKET NO. ~~961000~~-TL - BELLSOUTH TELECOMMUNICATIONS, INC.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961000.RCM

CASE BACKGROUND

On August 27, 1996, BellSouth filed requests to block incoming calls at 29 pay telephones at the Fashion Square Mall located at 3201 East Colonial Drive, Orlando, Florida. In the past, the Commission has indicated that it could not make a public interest determination on such blanket requests without additional information. Therefore, staff requested additional information from Chief of Police, William E. Kennedy, Jr., justifying the need for this blanket request and received a response. (See pages 6 - 9.)

With the submission of Chief Kennedy's letter, BellSouth has adequately completed the requested forms to block incoming calls at their pay telephones. Each of the requests was submitted on a properly completed Form PSC/CMU 2 (12/94).

DOCUMENT NUMBER-DATE

11127 OCT 17 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, other than the amount of phones, 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> |
|-------------------|-----------------|---------------------|----------------------|-------------|
| 961000-TL | BELLSOUTH | 407/894-9218 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-6055 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9849 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9348 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9347 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9128 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9127 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9329 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-7294 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-7295 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-7293 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9227 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9349 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9222 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9120 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9118 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/894-9209 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-5668 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-5667 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-5531 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-5556 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/898-7943 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/898-7948 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/898-7938 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-5238 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-7373 | 3201 E. COLONIAL DR. | ORLANDO |

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| <u>DOCKET NO.</u> | <u>PROVIDER</u> | <u>PHONE NUMBER</u> | <u>ADDRESS</u> | <u>CITY</u> |
|-------------------|-----------------|---------------------|----------------------|-------------|
| 961000-TL | BELLSOUTH | 407/895-4648 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/896-9708 | 3201 E. COLONIAL DR. | ORLANDO |
| 961000-TL | BELLSOUTH | 407/895-6044 | 3201 E. COLONIAL DR. | ORLANDO |



City of Orlando

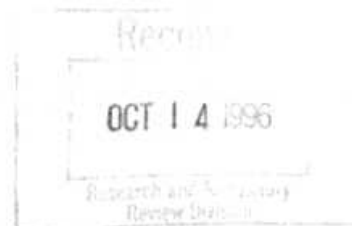
100 SOUTH HUGHEY AVENUE
ORLANDO, FLORIDA
32801-0913

POLICE
DEPARTMENT

TELEPHONE (407) 246-2470
FAX (407) 246-2732

October 7, 1996

Ms. Kathryn Dyal Lewis
Regulatory Analyst, Bureau of Service Evaluation
State of Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32300-0850



Dear Ms. Lewis:

In response to your letter dated September 12, 1996, concerning the public telephones at the Fashion Square Mall, my staff provided the following information which specifically answers your questions:

1. Are these 29 pay phones located inside or outside the shopping mall?

All of the phones in question are located within the mall area.

2. Are there other pay telephones available to the public at this location (shopping mall) other than the 29 included in the request?

In addition to these public phones, there are nine more in various locations on the mall property as well as two located at staffed courtesy booths. Both courtesy booths have free telephones available to the public.

3. What type of criminal activity is the Police Department seeking to deter by blocking incoming calls at these 29 pay telephones?

According to the letter from the mall security director, they are experiencing what they believe to be continuing gang and drug-related activities which are being facilitated by the public pay phones in question.

4. Has the Police Department been called to the location as a result of criminal activity caused by people waiting for telephone calls?

We are unable to produce any statistical documentation to specifically address the question of calls for service due to people waiting for telephone calls.

Ms. Kathryn Dyal Lewis
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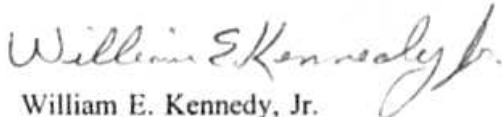
5. Was this request initiated by the property owners (mall management) or the Orlando Police Department?

The original request was generated by the mall management who enlisted the support of my office.

The Orlando Police Department supports any reasonable effort the public is willing to make toward crime prevention and I, therefore, endorse the request to restrict these public phones to out-going calls only. This will serve to minimize the apparent criminal activity requiring public telephones, at least at this location.

If you need further assistance, please contact Captain Randy Scoggins at (407) 246-2412.

Sincerely,



William E. Kennedy, Jr.
Chief of Police

WEK:ph:rh



Orlando Police Department

POST OFFICE BOX 913
ORLANDO, FLORIDA 32802-0913

CPM

MS. KATHRYN DYAL LEWIS
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