



Public Service Commission

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RECORDS AND REPORTING

DATE: APRIL 8, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Dix*
DIVISION OF LEGAL SERVICES (COX) *WXC* *AK for MED*

RE: DOCKET NO. 990189-TC - REQUEST FOR WAIVER FROM REQUIREMENT OF RULE 25-24.515(13), FLORIDA ADMINISTRATIVE CODE, THAT EACH TELEPHONE STATION SHALL ALLOW INCOMING CALLS BY PHONETEL TECHNOLOGIES, INC.

AGENDA: 04/20/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: MAY 18, 1999 - STATUTORY DEADLINES

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990189.RCM

CASE BACKGROUND

The provider listed on page 4 has submitted one or more requests to block incoming calls at their pay telephones. Each of the requests was submitted on a properly completed Form PSC/CMU 2 (12/94).

1.) Docket #990189-TC - PhoneTel Technologies, Inc. - The Waiver Petition was filed on February 17, 1999. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly March 10, 1999. The comment period ended April 2, 1999. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is May 18, 1999.

Staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

04541 APR-89

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the provider listed on page 4 a waiver from the requirement that each telephone station shall allow incoming calls for the pay telephone numbers at the addresses listed?

RECOMMENDATION: Yes. (Isler)

STAFF ANALYSIS: On February 1, 1999, the Commission amended the pay telephone rules. 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 amended rule provides that pay telephone companies may still petition the Commission for an exemption from the incoming call requirement; however, now 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 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 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 waivers requested in this docket should be granted. These waivers are being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting these waivers will not

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impede the continued provision of pay telephone service to the using public as intended by the underlying statute, Chapter 364.345, Florida Statutes.

In addition, the petitioner has demonstrated that granting these waivers 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 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. (Cox)

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.

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<u>DOCKET NO.</u>	<u>PROVIDER</u>	<u>PHONE NUMBER</u>	<u>ADDRESS</u>	<u>CITY</u>
990189-TC	PhoneTel Technologies	407/321-9615	Woody's 1410 W. 13th St.	Sanford