

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 03/27/98

Docket No. 980443-TC

- 1. Division Name/Staff Name Communications/Isler
- 2. OPR Communications/Isler
- 3. OCR Legal Services

4. Suggested Docket Title Request for Exemption from Requirement of Rule 25-24.515(8), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Sprint-Florida, Incorporated

- 5. Suggested Docket Mailing List (attach separate sheet if necessary)
 - A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
 - B. Provide COMPLETE name and address for all others. (Match representatives to clients.)
 - 1. Parties and their representatives (if any)

Sprint-Florida, Incorporated

- 2. Interested Persons and their representatives (if any)
- _____
- _____
- _____
- _____
- _____

- 6. Check one:
 - Documentation is attached.
 - Documentation will be provided with recommendation.

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PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER - DATE
03658 MAR 30 98
FPSC-RECORDS/REPORTING



Harvey L. Spears, Jr.
Docket Manager

Southern Operations
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Tallahassee, FL 32310
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March 11, 1998

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CMIT

Ms. Blanca S. Bayo
Director, Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Ms. Bayo:

Re: Docket No. _____
Waiver of Rule 25-24.515(8), F.A.C.

On behalf of Sprint-Florida, Inc., enclosed please find our request for waiver of Rule 25-24.515(8), F.A.C. which we ask that you file in the above captioned matter.

We request that the pay telephones located at the addresses below be exempted from the provisions of Rule 25-24.515(8), Florida Administrative Code, which requires that all pay telephone stations must 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." The locations and numbers of the public telephones are listed below:

Bonita Springs Public Library
26876 Pine Avenue
Bonita Springs, FL 941-992-9723

Dunbar Jupiter Hammon Public Library
3095 Blount Street
Fort Myers, FL 941 337-4586

Fort Myers-Lee County Library
2050 Lee Street
Fort Myers, FL 941 337-4317

This waiver is being requested in accordance with the requirements of Florida Statutes Section 120.542(2). Granting this waiver will not impede the continued provision of pay telephone service to the using public as intended by the underlying Statute (section 364.345).

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In addition, as explained below, granting this waiver will lift the "substantial hardship" that the rule imposes on law enforcement, the location provider and the law abiding using public.

The Sheriff's Office requested that we submit this request for a waiver of the rule because of the use of the pay telephones at these locations for allegedly illegal activities. They believe the waiver will restrict the usefulness of the pay telephones for these individuals. These locations do not fit within the delineated exceptions to the rule and therefore this request for waiver is appropriate.

The location provider for the locations identified above has either joined in or agreed to this request for waiver which is attached.

Please advise by Order if our request for the waiver has been accepted.

Sincerely,



Harvey L. Spears, Jr.

Enclosures



FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS



PAY TELEPHONE NUMBER: (941) 992-9723

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): Bonita Springs Public Library, 26876 Pine Ave.
Bonita Springs, FL 34135

To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above, I request that I be granted an exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-4.515(8) or 25-4.076(6), F.A.C., as appropriate). I agree 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 request of law enforcement."

I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. 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.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: [Signature] DATE 3-05-98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): LaVelle Rixie

NAME OF PAY TELEPHONE COMPANY: Sprint-Florida

MAILING ADDRESS: 962 First St. Bldg D. Altamonte Springs, FL 32701

I, the undersigned owner of the above-referenced pay telephone location, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at the pay telephone will eliminate or help control that activity and attest to this fact by my signature below. 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.

SIGNATURE OF LOCATION OWNER: [Signature] DATE 1-26-98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Lee County Library System

MAILING ADDRESS: 2050 Lee Street, Fort Myers, FL 33901

I, the undersigned Chief of the law enforcement agency of the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at this pay telephone will eliminate or help control that activity and attest to this fact by my signature below. 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.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: [Signature] DATE 2-19-98

NAME & POSITION/TITLE (PRINT OR TYPE): John J. McDougall Sheriff of Lee Co Fla

NAME OF LAW ENFORCEMENT AGENCY: Office of Sheriff, Lee Co Fla

MAILING ADDRESS: 14750 Six Mile Cypress Parkway, Ft. Myers, Fla 33912

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (941) 337-4586
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): Dunbar Jupiter Hammon Public Library
3095 Blount Street, Fort Myers, FL 33916



To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above, I request that I be granted an exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-24.515(8) or 25-4.076(6), F.A.C., as appropriate). I agree 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 request of law enforcement."

I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. 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.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: [Signature] DATE 3-05-08
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): LaVelle Rixie
 NAME OF PAY TELEPHONE COMPANY: Sprint-Florida
 MAILING ADDRESS: 962 First St. Bldg D, Altamonte Spgs. FL 32701

I, the undersigned owner of the above-referenced pay telephone location, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at the pay telephone will eliminate or help control that activity and attest to this fact by my signature below. 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.

SIGNATURE OF LOCATION OWNER: [Signature] DATE 1-26-08
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Lee County Library System
 MAILING ADDRESS: 2050 Lee Street, Fort Myers, FL 33901

I, the undersigned Chief of the law enforcement agency of the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at this pay telephone will eliminate or help control that activity and attest to this fact by my signature below. 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.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: [Signature] DATE 2-16-08
 NAME & POSITION/TITLE (PRINT OR TYPE): LARRY D. HART, CHIEF OF POLICE
 NAME OF LAW ENFORCEMENT AGENCY: FORT MYERS POLICE DEPARTMENT
 MAILING ADDRESS: 2210 PECK STREET FORT MYERS, FL 33901

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS



PAY TELEPHONE NUMBER: (941) 337-4317

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): Fort Myers-Lee County Library
2050 Lee Street, Fort Myers, FL 33901

To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above, I request that I be granted an exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-24.515(8) or 25-4.076(6), F.A.C., as appropriate). I agree 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 request of law enforcement."

I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. 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.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: Lavelle Rixie DATE 3-25-98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Lavelle Rixie

NAME OF PAY TELEPHONE COMPANY: Sprint-Florida

MAILING ADDRESS: 962 First St., Altamonte Spgs. FL 32701

I, the undersigned owner of the above-referenced pay telephone location, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at the pay telephone will eliminate or help control that activity and attest to this fact by my signature below. 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.

SIGNATURE OF LOCATION OWNER: Misty M. Schubert DATE 1-26-98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Lee County Library System

MAILING ADDRESS: 2050 Lee Street, Fort Myers, FL 33901

I, the undersigned Chief of the law enforcement agency of the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at this pay telephone will eliminate or help control that activity and attest to this fact by my signature below. 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.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: Larry D. Hart DATE 2-6-98

NAME & POSITION/TITLE (PRINT OR TYPE): LARRY D. HART, CHIEF OF POLICE

NAME OF LAW ENFORCEMENT AGENCY: FORT MYERS POLICE DEPARTMENT

MAILING ADDRESS: 2210 PECK STREET FORT MYERS, FL 33901