

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date January 7, 1999

Docket No. 990030-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 BellSouth Public Communications, Inc.

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)

<u>James B. Hawkins</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

I:\PSC\RAR\MP\ESTDKT.  
PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE  
**00325 JAN-89**  
PSC-RECORDS/REPORTING

BellSouth Public Communications, Inc.  
75 Bagby Drive  
Homewood, Alabama 35209

January 5, 1999

Ms. Blanca S. Bayo  
Director, Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Rm. 110  
Tallahassee, Florida 32399-0850

Dear Ms. Bayo:

RE: Docket No. \_\_\_\_\_  
Waiver of Rule 25-24.515(8), F.A.C.

Enclosed please find the original and 5 copies of our request for waiver of Rule 25-24.515(8), F.A.C. which we ask 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 as follows:

2940 Collins Avenue (305) 672-9223  
Miami, FL 33140

560 Ballough Road (904) 254-8140  
Daytona Beach, FL 32114

560 Ballough Road (904) 254-8901  
Daytona Beach, FL 32114

Ms. Blanco S. Bayo  
January 5, 1999  
Page 2

838 Millinodett Ln (407) 277-8509  
Orlando, FL 32825

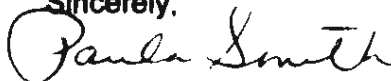
4201 Ocean Drive (954)491-9530  
Lauderdale By the Sea, FL 33308

This waiver is being requested in accordance with the requirements of Florida State 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).

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 Police Department has 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. This location does 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,



Manager - Regulatory  
BellSouth Public Communications, Inc.

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST. NO EXCEPTIONS!!) 305-672-9223  
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2940 Collins Avenue  
Miami, FL 33140 COUNTY: Dade

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 28-24.516(8) or 28-4.076(8), 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: James B. Hawkins DATE: 10-20-98  
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Hawkins  
NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.  
MAILING ADDRESS: 75 Bagby Drive, Homewood, AL 35209

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 I 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.

X SIGNATURE OF LOCATION OWNER: James Flynn DATE: 9-23-98  
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): James Flynn 2940 COLLINS Ave  
MAILING ADDRESS: MIAMI BEACH, FL 33140

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 I 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.

X SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: RORR DATE: 11-12-98  
NAME & POSITION/TITLE (PRINT OR TYPE): Richard Barrett Chief of Police  
NAME OF LAW ENFORCEMENT AGENCY: MBPD  
MAILING ADDRESS: 1100 Washington Ave MB/FLA 33139

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 904 254-8140

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 560 Ballough Rd  
Daytona Beach, Florida 32114 COUNTY: Volusia

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 25-24.815(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: Richard K. Russell Jr DATE: 12-22-98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Hawkins

NAME OF PAY TELEPHONE COMPANY: Ballough Public Communications, Inc.

MAILING ADDRESS: 75 Baby Drive, Homewood, AL 35209

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: JM Sapp DATE: 11/12/98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): JM Sapp

MAILING ADDRESS: 560 Ballough Rd Daytona Beach, FL 32114

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: KWS DATE: 11-23-98

NAME & POSITION/TITLE (PRINT OR TYPE): Kenneth W. Small, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Daytona Beach Police Department

MAILING ADDRESS: 990 Orange Avenue Daytona Beach, FL 32114

FORM: PSC/CMU 2 (12/94)

\* Business is a type of confinement facility subject to confidentiality laws and cannot disclose names to callers on pay phones. They request blockage and to fall under the exemption from the Commission.

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST. NO EXCEPTIONS) 904 254-8901

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 560 Ballough Rd

Daytona Beach, Florida 32114 COUNTY: Volusia

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 25-4.079(8), 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: Rachel K. Russell Jr DATE: 12-23-98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Hawkins

NAME OF PAY TELEPHONE COMPANY: BallSouth Public Communications, Inc.

MAILING ADDRESS: 75 Bagby Drive, Homewood, AL 35209

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: JM Sapp DATE: 11/12/98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): JM Sapp

MAILING ADDRESS: 560 Ballough Rd Daytona Beach, FL 32114

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: KWS DATE: 11-23-98

NAME & POSITION/TITLE (PRINT OR TYPE): Kenneth W. Small, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Daytona Beach Police Department

MAILING ADDRESS: 990 Orange Avenue Daytona Beach, FL 32114

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 407-277-8509

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 8338 McLinwood Ln  
Orlando, FL 32825 COUNTY: Orange

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 23-26.515(8) or 23-4.076(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: James B. Hawkins DATE 12-29-98  
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Hawkins, President  
 NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications  
 MAILING ADDRESS: 75 Bagby Drive, Homewood, AL 35209

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: M. J. P. [Signature] DATE 12/8/98  
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Stodow Hills Mt Park  
 MAILING ADDRESS: 8338 McLinwood Ln Orlando, FL 32825

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 the 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 11-30-98  
 NAME & POSITION/TITLE (PRINT OR TYPE): Sheriff Kevin Beary  
 NAME OF LAW ENFORCEMENT AGENCY: Orange County Sheriff's Office  
 MAILING ADDRESS: Post Office Box 1440 Orlando, Florida 32802-1440

FLORIDA PUBLIC SERVICE COMMISSION  
REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER, ONE NUMBER PER REQUEST, NO EXCEPTIONS: 954-491-9530  
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 4201 OCEAN DRIVE  
LAUDERDALE BY THE SEA, FL 33308

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(8), 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: James B. Alston DATE 12-29-98  
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Alston, President  
NAME OF PAY TELEPHONE COMPANY: BELL SOUTH PUBLIC COMMUNICATIONS  
MAILING ADDRESS: 75 BABBY DR., HUNTSWOOD, AL 35209

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: Carol W. [Signature] Executive Director DATE 12/11/98  
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): LBTS Chamber of Commerce  
MAILING ADDRESS: 4201 Ocean Dr., Lauderdale-By-The-Sea, FL 33308

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: Edward Patten DATE 12-14-98  
NAME & POSITION/TITLE (PRINT OR TYPE): Edward Patten, Chief of Police  
NAME OF LAW ENFORCEMENT AGENCY: Lauderdale-By-The-Sea Police Department  
MAILING ADDRESS: 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308