

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date October 14, 1999

Docket No. 991614-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(13), Florida

Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Southwest Pay Telephone Corporation

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>Randall D. Veselka</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

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

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE
12651 OCT 15 99
PSC-RECORDS/REG-ORTING

V-Technologies II, Inc.

Ben Watson
Director of Operations

October 8, 1999

Ms. Blanco 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(13), F.A.C.

Enclosed please find the original and 1 copy of our request for a two- year waiver of Rule 25-24.515(13), 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 exempt for a period of two years from the provisions of Rule 25-24.515(13), 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:

Circle K Store # 7193
2612 Monatee Ave
Bradeton, Florida 34208

(941) 747-4082
(941) 747-5115

RECEIVED

OCT 13 1999

CMU

FLORIDA PUBLIC SERVICE COMMISSION

1999 OCT 12 PM 1:30

ADMINISTRATION OF

V-Technologies II, Inc.

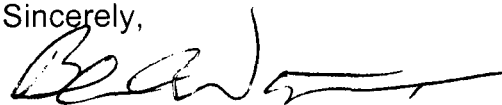
Ms. Blanco S. Bayo
October 8, 1999
Page 2

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 exception 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 the waiver, which is attached.

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

Sincerely,



Director of Operations
Southwest Pay Telephone Corporation

REQUEST TO BLOCK INCOMING CALLS

Original Request (Check One) Subsequent Request

Pay Telephone Number: (One Number Per Request, No Exceptions) 941 747-4082

Physical Location Of Pay Telephone (Address): 2612 MONATEE AVE BRADENTON FL

Name of Business Where Pay Telephone Is Located: CIRCLE K STORE # 7193

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(13), F.A.C. I agree to provide central office based intercept at no charge to the end-user and to prominently display a written notice 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 9-28-99

Name of Owner/Officer of Pay Telephone Company (Print or type) Ben Watson

Name of Pay telephone Company: Southwest Air Telephone Corp

Mailing Address & Telephone Number 200 Corporate Circle Suite E Golden, CO 80401

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 7/8/99

Name of Pay Telephone Location Owner (Print or type) JANE Dial Circle K Corp

Mailing Address & Telephone Number: 5650 Breckenridge Tampa FL 33610 813-744-5288

I, the undersigned Chief of the law enforcement agency in 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 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 [Signature] Date 7-30-99

Agency: CITY OF BRADENTON POLICE

Name & Position/Title (Print or Type): DANIEL L THOMPSON, Chief

Name of Law Enforcement Agency: CITY OF BRADENTON

Mailing Address & Telephone Number: 100 10 ST W. 34205 941 708 6272

REQUEST TO BLOCK INCOMING CALLS

Original Request (Check One) Subsequent Request

Pay Telephone Number: (One Number Per Request, No Exceptions) 941 747-5115
Physical Location Of Pay Telephone (Address): 2612 MONROE AVE Bradenton FL
Name of Business Where Pay Telephone Is Located: CIRCLE K STORE # 7193

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(13), F.A.C. I agree to provide central office based intercept at no charge to the end-user and to prominently display a written notice 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: Ben Watson

Date 9-28-99

Name of Owner/Officer of Pay Telephone Company (Print or type)

Ben Watson

Name of Pay telephone Company: Southwest Pay Telephone Corp.

Mailing Address & Telephone Number 200 Corporate Circle Suite E
Golden, CO 80401 303-273-9000

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: Jane Dial

Date 7/8/99

Name of Pay Telephone Location Owner (Print or type)

JANE DIAL Circle K ~~Inc~~ Corp

Mailing Address & Telephone Number:

5650 Breckenridge TAMPA, FL 33610 813-744-5288

I, the undersigned Chief of the law enforcement agency in 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 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 [Signature]

Agency: CITY OF BRADENTON POLICE

Date 7-30-99

Name & Position/Title (Print or Type): DANIEL L. THORPETA, Chief

Name of Law Enforcement Agency: CITY OF BRADENTON

Mailing Address & Telephone Number: 100 LA ST W 34205 941 708 6277