

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date October 16, 2000

Docket No. 001561-TC

1. Division Name/Staff Name Competitive Services/Isler

2. OPR Competitive Services/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 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)

Richard H. Holmes

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

13146 OCT 17 8

FPSC-RECORDS/REPORTING

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

October 12, 2000

2000 OCT 16 PM 3:30
DIVISION OF
COMPETITIVE SERVICES

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(13), F.A.C.

Enclosed please find the original and 5 copies 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:

New Horizon Master Association (305) 949-8722
1500 NE 191st Street (Unit Pool)
Miami, FL 33178

Kmart (561) 878-9781
1363 NW St. Lucie, West Blvd.
Port St. Lucie, FL 34986

Ms. Blanco S. Bayo
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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 location(s) 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 – Business Office
BellSouth Public Communications, Inc.

Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 305-949-8722
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1500 NE 191st Street (Unit Pool)
Miami, Fl 33178
 NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: New Horizon Master Association

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 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 H. Holmes* DATE: 10/11/00
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Richard H. Holmes
 NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.
 MAILING ADDRESS & TELEPHONE NUMBER: 75 Bagby Drive
Homewood, AL 35209 (205) 943-2500

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.

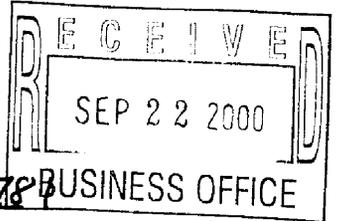
SIGNATURE OF LOCATION OWNER: *Marvin Harrison* DATE: 8/2/00
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Marvin Harrison
 MAILING ADDRESS & TELEPHONE NUMBER: 1500 NE 191st Street, Miami, FL 33179
Attn: Master Association 305-947-1359 or 305-947-1113

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 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 CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: *Carlos Alvarez* DATE: 9/7/00
 NAME & POSITION/TITLE (PRINT OR TYPE): Carlos Alvarez, Director Miami-Dade Police Dept. (Sheriff)
 NAME OF LAW ENFORCEMENT AGENCY: Miami-Dade County Police Department
 MAILING ADDRESS & TELEPHONE NUMBER: 9105 NW 25th Street, Miami, Fl 33172
305-471-2100

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS



? Original Request (check one) ? Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-878-9787
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1363 NW St Lucie West Blvd - Port St. Lucie, FLA 34986
NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Kmart

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 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 H. Holmes DATE: 10/14/00
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Richard H. Holmes
NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.
MAILING ADDRESS & TELEPHONE NUMBER: 75 Bagby Drive Homewood, AL 35209 (205) 943-2500

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: Shayne Martin DATE: 9-12-00
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE):
MAILING ADDRESS & TELEPHONE NUMBER: 1363 NW St Lucie, West Blvd Port St Lucie, FLA 34986

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 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 CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: John M. Adams Chief of Police DATE: 10-2-00
NAME & POSITION/TITLE (PRINT OR TYPE): John M. Adams Chief of Police
NAME OF LAW ENFORCEMENT AGENCY: Port St Lucie Police Dept
MAILING ADDRESS & TELEPHONE NUMBER: 121 S.W. Port St. Lucie Blvd Port St. Lucie, FL. 34983 (561) 871-5000