



Sandra A. Khazraee  
Regulatory/Government Affairs  
Southern Region

FLTLHZ0501-500  
315 S. Calhoun Street, Suite 500  
Tallahassee, FL 32301-1872  
Tel: 850.847.0173

January 27, 2010

Ms. Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED--FPSC  
10 JAN 27 PM 12:40  
COMMISSION  
CLERK

Dear Ms. Cole:

RE: Docket No. 100052-TC, Waiver of Rule 25-24.515(13), F.A.C.

On behalf of <sup>TELE</sup>Embarq Payphone Services, Inc., enclosed please find the original and five (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 telephone located at the address 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 location and number of the public telephone is as follows:

Handyway/Pantry # (386) 312-5150  
2803 Silver Lake Road  
Palatka, FL 32177

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 telephone at this location 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 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,

Sandra A. Khazraee  
Manager - Regulatory Affairs

Enclosure

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DOCUMENT NUMBER- DATE

00628 JAN 27 09

FPSC-COMMISSION CLERK

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one)  Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS): 386-312-5150

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2803 Silver Lake Rd  
Palatka FL 32177

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Handyway/Pantry

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: Paul Cooper DATE: 1/5/2010

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): PAUL COOPER

NAME OF PAY TELEPHONE COMPANY: Embarq Payphone Services Inc

MAILING ADDRESS & TELEPHONE NUMBER: 9300 Metcalf, Overland Park KS 66212

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.A. Hyder DATE: 12-01-09

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): The Pantry, Inc

MAILING ADDRESS & TELEPHONE NUMBER: 1290 Hurricane Creek Rd, Lawrenceburg TN 38464  
931-363-1333

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: James S. Gitchell DATE: 12/15/2009

NAME & POSITION/TITLE (PRINT OR TYPE): Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Palatka Police Dept

MAILING ADDRESS & TELEPHONE NUMBER: 110 North 11th St, Palatka FL 32177  
386-329-0110

DOCUMENT NUMBER - DATE

00628 JAN 27 09

FPSC-COMMISSION CLERK