

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date 12/2/98

Docket No. 981802-7C

1. Division Name/Staff Name Communications/McCoy
2. OPR Communications/McCoy
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 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>BellSouth Public Communications, Inc.</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  
13561 DEC-28  
FPSC-RECORDS/REPORTING

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

November 2, 1998

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

**RECEIVED**

NOV 4 1998

CMU

RECEIVED  
FLORIDA PUBLIC  
SERVICE COMMISSION  
99 NOV 4 AM 8:12  
MAILROOM

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:

500 NW 156 Lane (954) 704-9365  
Pembroke Pines, FL 33028

15487 NW 5th Street (954) 704-9062  
Pembroke Pines, FL 33028

1250 NW 155 Avenue (954) 431-8593  
Pembroke Pines, FL 33028

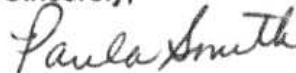
Ms. Blanco S. Bayo  
November 2, 1998  
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This waiver is being requested in accordance with the requirements of Florida State Statutes Section 120.542(2). Granting this waiver will not impede the continued provision of pay telephone service to the using 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 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.

Ms. Blanco S. Bayo  
November 2, 1998  
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Please acknowledge receipt of this request for waiver by signing and returning the extra copy of this letter in the enclosed self addressed stamped envelope.

RECEIVED:  
Florida Public Service Commission  
Tallahassee, Florida \_\_\_\_\_, 1998  
(Date)

BY: \_\_\_\_\_

Enclosures

**FLORIDA PUBLIC SERVICE COMMISSION**

**REQUEST TO BLOCK INCOMING CALLS**

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (954) 431-8593

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1250 NW 155 Avenue

Pembroke Pines, Florida 33028 COUNTY: Broward

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. Smith* DATE: 10-16-98

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

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

MAILING ADDRESS: 73 South 24th, Homewood, AL 36208

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: *T.R. Beer* T.R. Beer, President DATE: 10-16-98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): The City of Pembroke Pines Master Association, Inc.

MAILING ADDRESS: 4600 West Sample Road, Suite 200, Coconut Creek, FL 33073

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: *M. Ralston* DATE: 10-26

NAME & POSITION/TITLE (PRINT OR TYPE): Chief, Nassau County

NAME OF LAW ENFORCEMENT AGENCY: City of Pembroke Pines Police Department

MAILING ADDRESS: 9500 Pines Blvd., Pembroke Pines, FL 33024

FLORIDA PUBLIC SERVICE COMMISSION  
REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: ONE NUMBER PER REQUEST, NO EXCEPTIONS (95a) 704-9363

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 500 NW 15th Lane

Pembroke Pines, Florida 33028 COUNTY: Broward

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 25-34.11(8) or 25-4.071(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. Hastings DATE: 10-26-98

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

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

MAILING ADDRESS: 75 Beatty 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: T.R. Beer T.R. Beer, President DATE: 10-16-98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): TowGate At Pembroke Pines Master Association, Inc.

MAILING ADDRESS: 4400 West Sample Road, Suite 200, Coconut Creek, FL 33073

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: M. Rabinovich DATE: 10-26

NAME & POSITION/TITLE (PRINT OR TYPE): M. Rabinovich M. RABINOVICH

NAME OF LAW ENFORCEMENT AGENCY: City of Pembroke Pines Police Department

MAILING ADDRESS: 9500 Pines Blvd., Pembroke Pines, FL 33024

**FLORIDA PUBLIC SERVICE COMMISSION**

**REQUEST TO BLOCK INCOMING CALLS**

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (954) 704-9062

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 15487 NW 5th Street

Pembroke Pines, Florida 33028 COUNTY: Broward

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. Hawkins DATE: 10-30-98

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 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: T.R. Beer T.R. Beer, President DATE: 10-16-98

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): TownGate At Pembroke Pines Master Association, Inc.

MAILING ADDRESS: 4400 West Sample Road, Suite 200, Coconut Creek, FL 33073

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: M. Madril DATE: 10-26-98

NAME & POSITION/TITLE (PRINT OR TYPE): CHIEF MARVIN MADRIL

NAME OF LAW ENFORCEMENT AGENCY: City of Pembroke Pines Police Department

MAILING ADDRESS: 9500 Pines Blvd., Pembroke Pines, FL 33024