

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 11/14/97

Docket No. 971501-1C

1. Division Name/Staff Name Communications/Isler

2. OPR Communications/Isler

3. OCR Legal

4. Suggested Docket Title Request for Exemption from Requirement of Rule 25-26.515(8), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Communications Central, 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>Communications Central, Inc.</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

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



COMMUNICATIONS
CENTRAL

October 24, 1997

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

RECEIVED

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CMU

Re: Docket No. _____
Waiver of Rule 25-24.515(8), F.A.C.

Dear Ms. Bayo:

On behalf of Communications Central Inc. ("CCI"), enclosed please find the original and five copies of our request for waiver of Rule 25-24.515(8), F.A.C. which we ask that you file in the above captioned matter.

We request that the pay telephones located at the address 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 location and numbers of the public telephones are as follows:

904-328-1738

Florida Convenient & Gas
Hwy. 20 & Moody Road
Palatka, FL

901-328-1764

Florida Convenient & Gas
900 Reid Street
Palatka, FL

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 end-user.

Ms. Blanca S. Bayo
October 24, 1997
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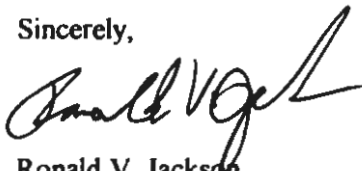
The Police Department has requested that we submit this request for a waiver of the rule because of the use of the pay telephones at this location for allegedly illegal activities. They believe the waiver will restrict the usefulness of the pay telephones for these individuals. This location does not 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.

The Commission has previously granted a waiver of this Rule in Order No. 97-0804, issued July 3, 1997, approving CCI's petition for waiver of the rule for pay telephones located in Clearwater, Florida. The owners had requested blocking of incoming calls to restrict unlawful activity.

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

Sincerely,



Ronald V. Jackson
Regulatory Attorney

RVJ/ts

Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 904-328-1738

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): Hwy. 20 & Moody Road, Palatka, FL
Florida Convenient & Gas

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(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: *Barry Selvidge* DATE 10/24/97
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Barry E. Selvidge, Vice President
 NAME OF PAY TELEPHONE COMPANY: Communications Central, Inc.
 MAILING ADDRESS: 1150 Northmeadow Parkway, Suite 118, Roswell, GA 30076-4916

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: *Ray V...* DATE 10/1/97
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): F.C.G., Inc, dba Baron Oil
 MAILING ADDRESS: 3121 Venture Pl #4 Jay, FL 32257

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: *Taylor Douglas* DATE 10-20-97
 NAME & POSITION/TITLE (PRINT OR TYPE): Taylor Douglas, Sheriff
 NAME OF LAW ENFORCEMENT AGENCY: Putnam County Sheriff's Office
 MAILING ADDRESS: P. O. Drawer 1578, Palatka, FL 32178

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 904-328-1764

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 900 Reid St. Palatka, FL
Florida Convenient & Gas

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(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: *Barry E. Selvidge* DATE 10/21/97

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Barry E. Selvidge, Vice President

NAME OF PAY TELEPHONE COMPANY: Communications Central, Inc.

MAILING ADDRESS: 1150 Northmeadow Parkway, Suite 118, Roswell, GA 30076-4916

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: *Ray Vandyke* DATE 10/1/97

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): F.C. & G., Inc. dba Baron Oil

MAILING ADDRESS: 3121 Venture Pl #4 Jay, FL 32257

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: *Taylor Douglas* DATE 10-20-97

NAME & POSITION/TITLE (PRINT OR TYPE): Taylor Douglas, Sheriff

NAME OF LAW ENFORCEMENT AGENCY: Putnam County Sheriff's Office

MAILING ADDRESS: P. O. Drawer 1578, Palatka, FL 32178