Monteiro



BellSouth Telecommunications, Inc.

Fax 904 222-8640 904 222-1201 Nancy H. Sims Director - Regulatory Relations

MAY 2 3 1997

Suite 400

150 South Monroe Street Tallshessee, Florids 32301

May 22, 1997

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. 970437-TL Waiver of Rule 25-24.515(8), F.A.C.

On behalf of BellSouth Public Communications, Inc., 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 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:

Mambo Bar Inc. 620 South Dixie Highway Lake Worth, FL 33460

(561) 582-9138

(561) 582-9629

Sneakers Bar and Grill 331 N. Dixie Highway Lake Worth, FL 33460

5-29-97

Ms. Blanca S. Bayo May 22, 1997 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 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. 97-0425, issued April 16, 1997, approving Southern Bell's petition for waiver of the rule for pay telephones located in Orlando and Melbourne. The owners had requested blocking of incoming calls to restrict the usefulness of the public phone for unlawful activity.

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

Sincerely,

Director - Regulatory Relations

Enclosures

REQUEST TO BLOCK INCOMING CALLS

NAME & POSITION/TITLE (PRINT OR TYPE): WILLIAM E. SMITH Chief OF POLICE		
To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above. I request that I be granted an examption from the requirement that incoming calls be received at the pay telephone location (Rule 25-4515(8) or 25-4.078(8), FAC, as appropriate). I agree to provide central office based intercept at oncharge 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, whosever knowlngly makes a talse 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 spoond degree. SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: MALING OF PAY TELEPHONE COMPANY: MALING ADDRESS: 2nd Floor, 75 Bagby Drive Homewood, AL 352099 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 united 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, whosever knowlngly makes a talse statement in writing with the trient 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 (PRINT OR TYPE): When the proformance of his official duty shall be guilty of a misdemeanor of the second degree. BIGNATURE OF CHEF OF RESPONSIBLE LAW ENFORCEMENT A	PAY TELEPHONE NUMBER (One Number Per Rec	quest, No Exceptions) 501-582-4629
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that I be granted an exemption from the requirement that incoming calls be received at the pay steephone location (Rule 25.45.15(8) or 254.078(5), F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the enduser 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 knowlngly 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 misdemenor of the second degree. SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: DATE 5-12-97 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: BellSouth Pub. Comm., Inc. 2nd Floor, 75 Bagby Drive 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 attests to this fact by my signature below. I am aware that pursuant of section 837.06, Florida Statutes, whoever knowlingly 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: 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 to be block		
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I, the undereigned 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 misdemeenor of the second degree. SIGNATURE OF LOCATION OWNER: DATE 4 11 97 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): MALING ADDRESS: 1, 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 607.06, Floride Statutes, whoever knowlingly 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: LAWAL WORLD HOLD THE CALL THAT THE CA	NAME OF PAY TELEPHONE COMPANY:	BellSouth Pub.Comm., Inc.
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FLORIDA PUBLIC SERVICE COMMISSION REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER (One Number Per Request, No	Exceptions) 561-582-9138
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): SNEAKERS	
331 N DIXIE HWY LAKE WORTH FO	2 33460 County: West Palm Beach
To deter criminal activity facilitated by individuals receiving incoming that I be granted an exemption from the requirement that incoming a 24.515(8) or 25-4.076(6), F.A.C., as appropriate). I agree to provide user and to prominently display a written notice directly above or beloblocked at request of law enforcement."	talls be received at the pay telephone location (Rule 25 central office based intercept at no charge to the end
I, the undersigned owner or officer of the pay telephone comp that to the best of my knowledge and belief, the above information is to Section 837.06, Florida Statutes, whoever knowingly makes a false servant in the performance of his official duty shall be guilty of a min	a true and correct statement. I am aware that pursuant statement in writing with the intent to mislead a public sdemeanor of the second degree.
SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY:	DATE 5-12-9
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE):_	James B. Hawkins
NAME OF PAY TELEPHONE COMPANY:	BellSouth Pub.Comm., Inc.
MAILING ADDRESS:	2nd Floor, 75 Bagby Drive
	Homewood, AL 35209
and belief, criminal activity is associated with and facilitated by incoming and location referenced above. It is my belief that allowing incoming or help control that activity and attest to this fact by my signature belo Statutes, whoever knowingly makes a false statement in writing with the of his official duty shall be guilty of a misdemeanor of the second designature of Location owners:	calls to be blocked at the pay telephone will eliminate w. I am aware that pursuant to Section 837.06, Florida he intent to mislead a public-servant in the performance
MULING ADDRESS: 331 NO Dixie Hay, Lake WO	Rth, Fl. 133460
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SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY:	DATE 4/16/97
WHE & POSITION/TITLE PRINT OR TYPE: WILLIAM E. S	Smith Chief
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WILING ADDRESS: 120 N. "G" Street C	AKE Worth FL 33460
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