



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: December 13, 2005
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Paula Isler, Research Assistant, Division of Competitive Markets & Enforcement *Pji*
RE: Docket No. 050411-TC - Commercial Pay Phones, Inc.

Attached is an e-mail from Commercial Pay Phones, Inc., which included a letter from the company's President, Mr. Eugene W. Kligmann, requesting the rule waiver. Also attached is the corrected Request to Block Incoming Calls form. Please document both in Docket No. 050411-TC. Thanks.

cc: Office of the General Counsel (Scott)
Attachment

- CMP _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE
11607 DEC 13 05
FPSC-COMMISSION CLERK

Paula Isler

From: Enma Del Aguila [Enma@comind.net]
Sent: Tuesday, December 13, 2005 9:40 AM
To: Paula Isler
Subject: Re: Docket No. 050411-TC

Attachments: Paulaisler12.13.doc



Paulaisler12.13.
doc (28 KB)

Enclosed please find our letter in reference to the above Docket. Thank you for your help.

December 13, 2005

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

We previously mailed our request for a two-year waiver of Rule 25-24.515(13), Florida Administrative Code. We request that the pay telephone at the address below be exempt for a period of two years from the provisions of Rule 25-24.515(13), F.A.C., which requires all pay telephone stations to allow incoming calls to be received at all times "with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission." The location and telephone number are as follows:

BP Oil #5369
850 NE 62nd Street
Fort Lauderdale, FL 33308
(934) 489-9064

This waiver is being requested in accordance with the requirements of Section 120.542(2), Florida Statutes. 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, Florida Statutes).

In addition, 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 Sheriff's Department has requested that we submit this request because of the use of the pay telephones for alleged illegal activities. They believe the waiver will restrict the usefulness of the payphones for these individuals. The above locations do not fit within the delineated exceptions to the rule; therefore, this request for a rule waiver is appropriate.

Sincerely,

Eugene W. Kligmann,
President

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 954 489 9064

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 850 NE 62nd Street

Ft Lauderdale FL

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: BP 33369

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 25-24.52(12), 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: [Signature]

DATE: 10/21/05

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Eugene W. Blighmann

NAME OF PAY TELEPHONE COMPANY: Commercial Pay Phones, Inc

MAILING ADDRESS & TELEPHONE NUMBER: 8510 NW 56 STREET, Miami, FL (305) 716-4910 33166

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: [Signature]

DATE: Oct 14, 2005

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): James Bates

MAILING ADDRESS & TELEPHONE NUMBER: 954 205 0117

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: [Signature]

DATE: 11-22-05

NAME & POSITION/TITLE (PRINT OR TYPE): CHIEF DAVID M. BAHINSKY

NAME OF LAW ENFORCEMENT AGENCY: BROWARD SHERIFF'S OFFICE

MAILING ADDRESS & TELEPHONE NUMBER: 2601 W. Broward Blvd, FT LAUDERDALE, FL 33312