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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

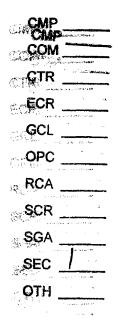
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Paula Isler, Research Assistant, Division of Competitive Markets & Enforcement P_{4}

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



DOCUMENT NUMBER-DATE

Paula Isler

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

Attachments:

Paulalsler12.13.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

W Original Request (check one) D Subsequent Request

9064 PAV TELEPHONE NUMBER: (ONE NUMBER FER REQUEST, NO EXCEPTIONS). 45 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 85 100 NAME OF BUSINESS WHERE FAY TELEPHONE IS LOCATED: To deter scining activity factilizated 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 25-24.515(12), F.A.C. I agree to provide contral office pased intercept at no charge to the end-user and in prominently display a written notice directly above or below the telephone number which states: "Incoming calls blacked at request of law unforcement." I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and destare that to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that purstant to Section 337.06. Florida Statutes, whoever knowingly makes a false statement in writing with the intern to minicul a public-servant in the performance of his official daty shall be gointy of a minimum of the second dayres. SIGNATURE OF OWNER/OFFICER OF PAY TELEFIHOUR COMPANY: ᡣᡏᡞ NAME OF OWNER/OFFICER OF FAY TELEPHONE COMPAN ΟŹ NAME OF PAY TELEPHONE COMPANY PHONE NUMBER: MATLENC ADDRESS & TE I, the undersigned swarr of the above relevanced pay talaphone location, declare that to the best of my knowledge and belief, erininal activity is associated with and facilitated by incoming calls being received at the pay telephone sumber and location referenced above. It is not belief that allowing meaning calls to be blocked at the pay telephone will eliminate or help control that activity and attact to this fact by my signature below. I am awart that pursuant to Section \$37,06, Florida Statutes, whoever knowingly makes a tales attacement is writing with the intent to mileaul a public-servent in the performance of his efficied buty shall be guilty of a micdentement of the second degree. DATE OCT 14, 2015 FIGNATURE OF LOCATION OWNER: NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE) υ MAILING ADDRESS & TELEPHONE NUMBER L the underwigned Chief of the law onforcantitit agency in the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, eriminal activity is associated with and localitaties by incoming calls being received at the pay telephone mather 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 artest to this fact by my signature below. I are sware that persuant to Section 337.06. For the Sintume, whow a knowingly stakes a faite the statement in writing with the intent to mislead a public-tervant in the performance of his official duty shall be guilty of a mislement of the second degree. کدر SIGNATURE OF CHEEP OF RESPONSIBLE LAW ENFORCEMENTE ACCENCY F BATE BAHINSKY M. NAME & POSITION/TITLE (PRINT OR TY? OFFICE NAME OF LAW ENFORCEMENT AGENCY LVD MAILING ADDRESS & FELSPHONK 33312 DAI COMPETITIVE SERVICES

Form PSC/CM U-2 (02/99)

2002 DEC-5 WWII: 11

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