

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date: 2/6/2006 Docket No.: 060108-TC

1. Division Name/Staff Name: Division Of Competitive Markets & Enforcement/Isler

2. OPR: Division Of The Commission Clerk And Administrative Services

3. OCR: Office Of The General Counsel

4. Suggested Docket Title: Request for Two-Year Exemption from Requirement of Rule 25-24.515(13), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Commercial Pay Phones, Inc.

5. Suggested Docket Mailing List (attach separate sheet if necessary)
A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)
1. Parties and their representatives (if any):

2. Interested persons and their representatives (if any):

6. Check one:
 Documentation is attached.
 Documentation will be provided with recommendation.



Commercial Pay Phones, Inc.

8510 N.W. 56 Street, Miami, Florida 33166 Telephone (305) 716-4910 • Fax (305) 592-4410

2/01/06

2006 FEB -6 AM 9:59
DIVISION OF
COMPETITIVE SERVICES

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:

Amoco
11655 W. Sample Rd.
Coral Springs, FL 33065
(954) 757-9308

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,

A handwritten signature in black ink, appearing to read "Eugene W. Kligmann", is written over a long horizontal line that extends across the page.

Eugene W. Kligmann,
President

Paula Isler

From: Enma Del Aguila [Enma@comind.net]
Sent: Friday, February 03, 2006 2:10 PM
To: Paula Isler
Subject: Re: 954-757-9308 Request to block incoming calls

TE874

The letter is on the mail.... Thank you very much for all your help.

----- Original Message -----

From: Paula Isler
To: Enma Del Aguila
Sent: Thursday, February 02, 2006 1:56 PM
Subject: RE: 954-757-9308 Request to block incoming calls

Good afternoon. Yes, the letter is fine, but I need the signed original. Can you mail it to me? Thanks so much.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

From: Enma Del Aguila [mailto:Enma@comind.net]
Sent: Thursday, February 02, 2006 10:22 AM
To: Paula Isler
Subject: 954-757-9308 Request to block incoming calls

Good morning Paula, I am enclosing a letter of waiver for the above payphone. I mailed the form to block incoming calls two days ago and I forgot to include this letter with it. Please let me know if this is the right procedure or if we need to comply with anything else. Thank you for your help.

Enma del Aguila
Commercial Payphones
305-716-4910

2/01/06

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:

Amoco
11655 W. Sample Rd.
Coral Springs, FL 33065
(934) 255-0610

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

2006 FEB -3 PM 2:13 Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 954-757-9308
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 11655 W. Sample Rd.
Coral Springs, FL 33065
 NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Amoco

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(13), 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: 1/31/06
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Gene Kligmann
 NAME OF PAY TELEPHONE COMPANY: Commercial Pay Phones, Inc.
 MAILING ADDRESS & TELEPHONE NUMBER: 8510 N.W 56 St, Miami, FL 33166
(305) 716-4910

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: Maudelaine Neffley DATE: 1-24-06
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): BP Amoco Corporation
 MAILING ADDRESS & TELEPHONE NUMBER: 11655 W. Sample Rd.
Coral Springs, FL 33065 - 954-255-0610

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: 1/21/06
 NAME & POSITION/TITLE (PRINT OR TYPE): Duncan Foster
 NAME OF LAW ENFORCEMENT AGENCY: Police Chief
 MAILING ADDRESS & TELEPHONE NUMBER: 2801 Coral Springs Dr Coral Springs FL 33065
954 346 1201

MCD Company Information for TE874

Printed on 02/06/2006 at 10:38:32 by PJI

Company Code: TE874
Complete Name: Commercial Pay Phones, Inc.
Mailing Name: Commercial Pay Phones, Inc.
Certificate No(s): 3402
Status: Active
Regulation Date: 08/25/1993
Bankruptcy: No
Company Liaison #1: Eugene W. Kligmann
Title: President
Mailing Address: 8510 N.W. 56th Street

Physical Location: Miami, FL 33166-3329
8510 N.W. 56th Street

Phone: Miami, FL 33166-3329
(305) 716-4910
Fax: (305) 592-4410

Related Dockets:

930618-TC Application for certificate to provide pay telephone service by
COMMERCIAL PAY PHONES, INC.

050411-TC Request for exemption from requirement of Rule 25-24.515(13),
F.A.C., that each pay telephone station shall allow incoming
calls, by Commercial Pay Phones, Inc.