

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date:	3/15/2006	Docket No.:	060232-TC
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1. Division Name/Staff Name:	Division Of Competitive Markets & Enforcement/Isler
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2. OPR:	Division Of The Commission Clerk And Administrative Services
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3. OCR:	Office Of The General Counsel
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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.
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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.

DOCUMENT NUMBER-DATE

02269 MAR 15 8
G:\est.doc



Commercial Pay Phones, Inc.

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

March 9, 2006

DIVISION OF
COMPETITIVE SERVICES

2006 MAR 13 PM 3:10

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

Dear Mrs. Isler:

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:

Sunoco Gas Station
3981 Lake Worth Rd.
Lake Worth, FL 33461
Pay Phone # (561) 967-8109

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
Commercial Payphones, Inc.

DISTRIBUTION CENTER

2006 MAR 13 AM 11:06 MAR 13 AM 11:47

DISTRIBUTION CENTER

Paula Isler

From: Enma Del Aguila [Enma@comind.net]
Sent: Thursday, March 09, 2006 3:47 PM
To: Paula Isler
Subject: Re: Commercial Pay Phones, Inc. (TE874)

Thank you, Paula... I will mail the original tomorrow morning.

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

From: "Paula Isler" <Pisler@PSC.STATE.FL.US>
To: "Enma Del Aguila" <Enma@comind.net>
Sent: Thursday, March 09, 2006 2:52 PM
Subject: RE: Commercial Pay Phones, Inc. (TE874)

Thank you. Please put the signed original in the mail and in the meantime, I will go ahead and open a docket. Thanks for your help.

Paula

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

From: Enma Del Aguila [mailto:Enma@comind.net]
Sent: Thursday, March 09, 2006 2:51 PM
To: Paula Isler
Subject: Re: Commercial Pay Phones, Inc. (TE874)

Paula, enclosed i please fiind the letter requesting the rule waiver for our payphone in Lake Worth, Florida.

Thank you!

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

From: "Paula Isler" <Pisler@PSC.STATE.FL.US>
To: <Enma@comind.net>
Sent: Wednesday, March 08, 2006 2:13 PM
Subject: Commercial Pay Phones, Inc. (TE874)

Good afternoon Ms. Del Aguila:

The Commission received the Request to Block Incoming Calls form for the Sunoco Gas Station at 3981 Lake Worth Road, Lake Worth, FL, #561-967-8109. However, we did not receive the letter requesting the rule waiver for that payphone. Please send it as soon as possible so that I can docket this. Let me know if you have any questions. Thanks.

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

Paula Isler

From: Enma Del Aguila [Enma@comind.net]
Sent: Thursday, March 09, 2006 2:51 PM
To: Paula Isler
Subject: Re: Commercial Pay Phones, Inc. (TE874)

Attachments: PSC letter to block incoming calls.doc



PSC letter to
lock incoming c.

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

March 9, 2006

To Whom It May Concern:

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:

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Sincerely,

Eugene W. Kligmann,
President

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

2006 MAR -6 AM 10:59 Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-967-8109

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 3981 Lake Worth Rd. Lake Worth, FL 33461

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Sunoco Gas Station

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: 2/1/06

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE):

NAME OF PAY TELEPHONE COMPANY: Commercial Pay Phones Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 8510 N.W 56 Street 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: [Signature] DATE: 2/10/06

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

MAILING ADDRESS & TELEPHONE NUMBER: 3981 L. WORTH RD. L. WORTH, FL. 561-439-3334 33461

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: 2/27/06

NAME & POSITION/TITLE (PRINT OR TYPE): Ric L. Bradshaw - Sheriff

NAME OF LAW ENFORCEMENT AGENCY: Palm Beach County Sheriffs Office

MAILING ADDRESS & TELEPHONE NUMBER: 3228 Gun Club Road West Palm Beach, FL 33406 (561) 688-3000

MCD Company Information for TE874

Printed on 03/08/2006 at 14:43:36 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.

060108-TC Request for two-year 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.