

BellSouth Telecommunications, Inc. Fax 904 772 0640  
Suite 400 904 772-1201  
150 South Monroe Street  
Tallahassee, Florida 32301

**Nancy H. Sims**  
Director - Regulatory Relations

**January 13, 1997**

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JAN 14 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

FPSC-RECORDS/REPORTING

Dear Ms. Bayo:

RE: Docket No. 970094-TC  
Waiver of Rule 25-4.076(6), F.A.C.

Enclosed please find the original and five copies of our request for waiver of Rule 25-4.076(6), F.A.C. which we ask that you file in the above captioned matter.

We request that the pay telephones located at the address below be exempted from the provisions of Rule 25-4.076(6), 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 location and numbers of the public telephones are as follows:

3209 Overland Road  
Apopka, Florida 32703

(407) 293-9800  
(407) 299-9700

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R.V.N.  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
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FPSC-RECORDS/REPORTING

Ms. Blanca S. Bayo  
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The Sheriff's Office 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. 23762, issued November 15, 1990, approving Southern Bell's petition for waiver of the rule for pay telephones located at three laundromats owned by Mr. Patrick Collins in Miami, Florida. The owner had requested blocking of incoming calls to restrict the usefulness of the public phone for drug dealers and prostitutes.

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

Sincerely,

  
Director - Regulatory Relations

Enclosures

**FLORIDA PUBLIC SERVICE COMMISSION**

**REQUEST TO BLOCK INCOMING CALLS**

PAY TELEPHONE NUMBER: 407-293-9800

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 3209 Overland Rd.

Apopka, FL 32703 County: Orange

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 25-26.515(8) or 25-4.076(6), F.A.C., as appropriate). 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: James B. Hawkins DATE 1-3-97

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Hawkins

NAME OF PAY TELEPHONE COMPANY: BellSouth Telecommunications, Inc.

MAILING ADDRESS: 2nd Floor, 75 Bagby Drive

Homewood, AL 35209

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 company 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: Stephen Newson DATE 12-6-96

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Newson's Grocery

MAILING ADDRESS: 3209 Overland Rd., Apopka, FL 32703

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 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 the 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 12/1/96

NAME & POSITION/TITLE (PRINT OR TYPE): Sheriff Kevin Beary

NAME OF LAW ENFORCEMENT AGENCY: Orange County Sheriff's Office

MAILING ADDRESS: P.O. Box 1440, Orlando, FL 32802

REC-11  
DEC 10 1996  
Office of the Sheriff

**FLORIDA PUBLIC SERVICE COMMISSION**

**REQUEST TO BLOCK INCOMING CALLS**

PAY TELEPHONE NUMBER: 407-299-9700  
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 3209 Overland Rd.  
Apopka, FL 32703 County: Orange

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(8) or 25-4.076(6), F.A.C., as appropriate). 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: James B. Hawkins DATE 1-3-97  
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): James B. Hawkins  
 NAME OF PAY TELEPHONE COMPANY: BellSouth Telecommunications, Inc.  
 MAILING ADDRESS: 2nd Floor, 75 Bagby Drive  
Homewood, AL 35209

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 company 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: Sanford W. ... DATE 12-6-96  
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE) Newson's Grocery  
 MAILING ADDRESS: 3209 Overland Rd., Apopka, FL 32703

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 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 the 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 12/11/96  
 NAME & POSITION/TITLE (PRINT OR TYPE): Sheriff Kevin Beary  
 NAME OF LAW ENFORCEMENT AGENCY: Orange County Sheriff's Office  
 MAILING ADDRESS: P.O. Box 1440, Orlando, FL 32802