## @ BELLSOUTH

BeiiSouth Telecommunications, Inc.

Fax 904 222-8640 904 222-7201

Suite 400

150 South Monroe Street Tallahassee, Florida 32301

May 1, 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

Dear Ms. Bayo:

RE: Docket No. <u>970538-TC</u> Waiver of Rule 25-24.515(8), F.A.C.

On behalf of BellSouth Public Communications, Inc., enclosed please find the original and five copies of our request for waiver of Rule 25-24.515(8), 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 25-24.515(8), 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:

6410 SW 8th Avenue Gainesville, Florida 32607 (352)332-9133

(352)332-9131

(352)332-5074

DISTRIBUTE NUMBER-DATE

FPSC-RECORDS/REPORTING

Ms. Blanca S. Bayo May 1, 1997 Page 2

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

In addition, as explained below, 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 Police Department 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. 97-0425, issued April 16, 1997, approving Southern Bell's petition for waiver of the rule for pay telephones located in Orlando and Melbourne. The owners had requested blocking of incoming calls to restrict the usefulness of the public phone for unlawful activity.

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

Sincerely,

Director - Regulatory Relations

**Enclosures** 

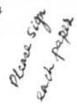
## REQUEST TO BLOCK INCOMING CALLS

To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above, I request at the granted an exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-Li51(8)) or 25-L076(6); F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the end- ser and to prominently display a written notice directly above or below the telephone number which states: "Incoming calls ocked at request of law enforcement."  I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare at to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that pursuant a Section 837.06, Florida Statutes, whoever knowledgy makes a false statement in writing with the intent to mislead a public- invarit in the performance of his official duty shall be guilty of a misdemeanor of the second degree.  GRATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY:  GRATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE):  James B, Bawkins  BellSouth Public Communications  ALING ADDRESS:  BellSouth Public Communications  Znd Floor, 75 Bagby Drive  Hoscovood, 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 number and location referenced above. It is my belief that allowing incoming calls to be blocked at the pay telephone will eliminate the porter knowledgy makes a false statement in writing with the intent to mislead a public-servant in the performance of the pay telephone will eliminate or help control that activity and attest to this fact by my knowledge and belief, criminal activity is associated with and facilitated without	PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 6410 SW	8th Avenue, Gainesville, FL 32607
at I be granted an exemption from the requirement that incoming calls be received at the pay telephone (i.s. 1516) or 254-076(6), F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the endies and to prominently display a written notice directly above or below the telephone number which states: "incoming calls ocked at request of law enforcement."  I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare at to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that pursuant Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-invart in the performance of his official duty shall be guilty of a misdemeanor of the second degree.  CONATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY:  BELLSOUTH PUBLIC Communications  MEM OF PAY TELEPHONE COMPANY:  BELLSOUTH Public Communications  ALUNG ADDRESS:  BELLSOUTH Public Communications  ALUNG ADDRESS:  BOBILDOUGH, ALUNG ADDRESS:  BOBILDOUGH ALUNG ALUNG ADDRESS:  BOBILDOUGH ALUNG ADDRESS:	Thousand the second sec	County: Alachua
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I, the undersigned owner of the above-referenced pay telephone location, decided belief, criminal activity is associated with and facilitated by incoming calls being reliccation referenced above. It is my belief that allowing incoming calls to be blocked percentrol that activity and attest to this fact by my signature below. I am aware the states, whoever knowingly makes a false statement in writing with the intent to mislear its official duty shall be guilty of a misdengener of the second degree.  SATURE OF LOCATION OWNER:  JUNG ADDRESS:  P.O. Box 23180. Jacksonville, PL 32241.  I, the undersigned Chief of the law enforcement agency of the jurisdiction phone is located, declare that to the best of my knowledge and belief, criminal actincoming calls being received at the pay telephone number and location reference oming calls to be blocked at this pay telephone will eliminate or help control that nature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever the second degree.  WATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY:		Homewood, AL 35209
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E & POSITION/TITLE (PRINT OR TYPE): SLEDITETI PL. OCT. TOTAL	OR TYPE :_ Li	Champ Food Stores, Inc.
Al-bur County Charlef's Off	OR TYPE):	cy of the jurisdiction in which the above-referenced pand belief, criminal activity is associated with and facilitate and location referenced above. It is my belief that allow a or help control that activity and attest to this fact by ordinal Statutes, whoever knowingly makes a false statement of his official duty shall be guilty of a misdemean
UNG ADDRESS: P.O. Box 1210 Galnesville, FL 32602-12	or TYPE):	cy of the jurisdiction in which the above-referenced pund belief, criminal activity is associated with and facilitate and location referenced above. It is my belief that allow or help control that activity and attest to this fact by ordina Statutes, whoever knowingly makes a false statement of his official duty shall be guilty of a misdemean mance of his officia

## Please give these Forms to Police officer, to get them signed by

## REQUEST TO BLOCK INCOMING CALLS



AY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS)		352-332-5074				
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS):	6410	SW	8th	Avenue,	Gainesvil	le, FL 32607
The second secon					County:	Alachua

To deter criminal activity facilitated by individuals receiving incomment that I be granted an exemption from the requirement that incoming cal 24.515(8) or 25-4.076(6), F.A.C., as appropriate). I agree to provide a user and to prominently display a written notice directly above or below blocked at request of law enforcement."	entral office based intercept at no charge to the end-			
I, the undersigned owner or officer of the pay telephone compared that to the best of my knowledge and belief, the above information is a to Section 837.06, Florida Statutes, whoever knowingly makes a false a servant in the performance of his official duty shall be guilty of a missing	true and correct statement. I am aware that pursuant statement in writing with the intent to mislead a public- demeanor of the second degree.			
SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY:	DATE 4.23.97			
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE)				
NAME OF PAY TELEPHONE COMPANY:	BellSouth Public Communications			
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 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.  DATE 3/19/97				
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Lil' (				
MAILING ADDRESS: P.O. Box 23180, Jacksonville,	FL 32241-3180			
I, the undersigned Chief of the law enforcement agency of telephone is located, declare that to the best of my knowledge and be by incoming calls being received at the pay telephone number and incoming calls to be blocked at this pay telephone will eliminate or signature below. I am aware that pursuant to Section 837.06, Florida in writing with the intent to mislead a public-servant in the performance of the second degree.  SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY:  NAME & POSITION/TITLE (PRINT OR TYPE): Stephen M. Oe1r1ch NAME OF LAW ENFORCEMENT AGENCY: Alachua County She	cation references above. It is my belief that allowing help control that activity and attest to this fact by my Statutes, whoever knowingly makes a false statement be of his official duty shall be guilty of a misdemeanor part of the fact of Alachua County.  Sherlff of Alachua County			
MAJUNG ADDRESS: P O Box 1210 Gainesville, F	L 32002-1210			