

PTC

Peoples Telephone Company, Inc.

N. Monteiw

ORIGINAL
FILE COPY

June 26, 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



RECEIVED
JUN 30 1997
6:00 PM
66-1007-16

**RE: Docket No. 970661-TC
Waiver of Rule 25-24.515(8), F.A.C.**

Dear Ms. Bayo:

On Behalf of Peoples Telephone Company, Inc. d/b/a PTC, 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 addresses 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 locations and numbers of the public telephones are as follows:

904-539-9399 Cozy Corner Tavern
319 4th Ave SE
Havana, Florida

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPR _____
- ROH _____
- SEC _____
- WAS _____
- OTH _____

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 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

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for waiver which is attached.

The Commission has previously granted waiver of this Rule in Order No. 97-0425, issued April 16, 1997, approving Peoples Telephone Company, Inc.'s petition for waiver of the rule for pay telephones located in Havana. 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,



Randel Carr
Manager Regulatory Affairs

Enclosures

F:\WP51\DATA\REGULA\RANDEL\PSC\BLK.INC

Act # 09201

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: ~~93 99~~ 904-539-9399

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): ~~712 50 4th St~~ 319 4th Ave SE
Cozy Corner Tavern HAVANA, FL

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 the 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: Randel Carr DATE: 4-9-97
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Randel Carr, Regulatory Auditor
NAME OF PAY TELEPHONE COMPANY: PEOPLES TELEPHONE COMPANY INC.
MAILING ADDRESS: 2300 NW 89TH PLACE MIAMI FLORIDA 33172

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: Shedrick DATE: 3/16/97
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Cozy Corner Tavern
MAILING ADDRESS: 312 4th St Havana Fla 32333

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 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 misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: John Tallon DATE: 4/18/97
NAME & POSITION/TITLE (PRINT OR TYPE): Chief John Tallon
NAME OF LAW ENFORCEMENT AGENCY: HAVANA Police DEPARTMENT
MAILING ADDRESS: 121 E. 7th Ave Havana, Florida 32333

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

June 12, 1997

Mr. Randel Carr
Peoples Telephone Company, Inc.
2300 Northwest 89th Place
Miami, Florida 33172

Dear Mr. Carr:

As we discussed in our conversation, I am returning your waiver request due to lack of completeness. Please review the enclosed statute and add the appropriate language to your cover letter. I have enclosed an example which was recently approved by Staff.

Will Cox is the attorney assigned to Peoples' docket. If you have any questions, please call me at (904) 413-6584 or Mr. Cox at (904) 413-6204.

Sincerely,


Natalie M. Monteiro
Bureau of Certification

Enclosures