

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date July 14, 1997

Docket No. 970871-TC

1. Division Name/Staff Name Communications / Natalie Monteiro
2. OPR Natalie M. Monteiro (CMU)
3. OCR Will Cox (LEO)
4. Suggested Docket Title Request for exemption from requirement of Rule 25-24.515(B), F.A.C., that each pay telephone station shall allow incoming calls, by GTE Florida, Incorporated

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

| | |
|----------------------------------|-------|
| <u>GTE Florida, Incorporated</u> | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. Interested Persons and their representatives (if any)

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

6. Check one:

- Documentation is attached.
 Documentation will be provided with recommendation.



Beverly Y. Menard
Regional Director-Regulatory & Industry Affairs (FL)

GTE Telephone Operations

One Tampa City Center
Post Office Box 110, FLTC0616
Tampa, Florida 33601-0110
813-483-2526
813-223-4888 (Facsimile)

July 3, 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:

**SUBJECT: DOCKET NO.
WAIVER OF RULE 25-24.515(8), F.A.C.**

On behalf of GTE Florida, Incorporated, enclosed for filing is the original and five copies of our request for waiver of Rule 25-4.515(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:

5015 Gulfport Blvd. South, St. Petersburg, 813-321-9843

5015 Gulfport Blvd. South, St. Petersburg, 813-321-9844

5015 Gulfport Blvd. South, St. Petersburg, 813-321-9845

Ms. Blanca S. Bayo
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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. 97-0669, issued June 10, 1997, approving GTE Florida's petition for waiver of the rule for pay telephones located in St. Petersburg. 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,

Beverly Y. Menard

Beverly Y. Menard
Regional Director-Regulatory & Industry Affairs

BYM:DBK:wjh
Enclosures

FLORIDA PUBLIC SERVICE COMMISSION
REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 873-321-9843

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): WINN DIXIE STORES INC. # 642

5015 GULFPORT BLVD S. ST. PETERSBURG FL, 33707

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(b) 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: [Signature] DATE 6/12/97

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Peter A. Daks, President

NAME OF PAY TELEPHONE COMPANY: GTE Florida Incorporated

MAILING ADDRESS: One Tampa City Center, 201 N Franklin St - MC FLTC0100, Tampa, FL 33602

6-12-97 EE

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 6/19/97

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Winn-Dixie Stores, Inc. Shoppers Shanon

MAILING ADDRESS: P.O. Box 440 Tampa FL 33601

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 a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: [Signature] DATE 6/22/97

NAME & POSITION/TITLE (PRINT OR TYPE): G. Curt Willlocks, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Gulfport Police Department

MAILING ADDRESS: 2401 - 53rd Street South Gulfport, FL 33707

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 813-321-9844

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): GULFPORT TRUE VALUE
5007 GULFPORT BLVD S ST. PETERSBURG FL 33707

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: *Peter A. Daks* DATE 6/12/97

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Peter A. Daks, President

NAME OF PAY TELEPHONE COMPANY: GTE Florida Incorporated

MAILING ADDRESS: One Tampa City Center, 201 N Franklin St - MC FLTC0100, Tampa, FL 33602

EE 6-12-97

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: *Benny R. Parker* DATE 5/14/97

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

MAILING ADDRESS: 5007 Gulfport, FL-33707

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 a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: *G. Curt Willocks* DATE 5/23/97

NAME & POSITION/TITLE (PRINT OR TYPE): G. Curt Willocks, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Gulfport Police Department

MAILING ADDRESS: 2401 - 53rd Street South Gulfport, FL 33707

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 813-321-9845
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): WLU DIXIE STORES INC. #642
5015 GULFPORT BLVD.S. ST. PETERSBURG, FL 33707

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: Peter A. Daks DATE 6/12/97
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Peter A. Daks, President
 NAME OF PAY TELEPHONE COMPANY: GTE Florida Incorporated
 MAILING ADDRESS: One Tampa City Center, 201 N Franklin St - MC FLIC0100 Tampa, FL 33602

EE 6-12-97
LAW ENF.

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 5/19/97
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Winn-Dixie Stores, Inc. Sherron Sloan
 MAILING ADDRESS: P.O. Box 440 Tampa, FL 33601

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 a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: [Signature] DATE 5/22/97
 NAME & POSITION/TITLE (PRINT OR TYPE): G. Curt Willocks, Chief of Police
 NAME OF LAW ENFORCEMENT AGENCY: Gulfport Police Department
 MAILING ADDRESS: 2401 - 53rd Street South Gulfport, FL 33707