

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date September 15, 1997

Docket No. 971197-TC

1. Division Name/Staff Name Communications / Natalie Monteiro
2. OPR Natalie M. Monteiro (CMJ)
3. OCR John Bowman (LEG)
4. Suggested Docket Title Request for exemption from requirement of Rule 25-24.515(8), Florida Administrative Code, that each pay telephone station shall allow incoming calls, by Coin-Tel, Inc.

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>Coin-Tel, Inc.</u> | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. Interested Persons and their representatives (if any)

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

6. Check one:
 Documentation is attached.
 Documentation will be provided with recommendation.



Coin-Tel, Inc.
Public Payphone Provider

RECEIVED

September 10, 1997

SEP 12 1997

FPSC - Records/Reporting

Ms. Natalie Monteiro
State of Florida
Public Service Commission
Division of Records and Reporting
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

Dear Ms. Monteiro:

On behalf of Coin-Tel, Inc., enclosed please find the 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 telephone 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 Commission." The location(s) and number(s) of the public telephones are as follows

Jefferson Square Shopping Center (904) 997-4353
1245 Jefferson Street
Monticello, FL 32344



DOCUMENT NUMBER-DATE

09336 SEP 15 97

Ms. Natalie Monteiro
September 10, 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 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. 97-0273, issued March 11, 1997, approving Coin-Tel's petition for waiver of the rule for pay telephones located in Orlando. 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,

COIN-TEL, INC.



Yolanda Smith

Enclosures

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALL

JEFFERSON SQUARE

PAY TELEPHONE NUMBER JONE NUMBER PER REQUEST, NO EXCEPTIONS 904-997-4353

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1245 JEFFERSON STREET
MONTICELLO, FL 32344

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 25-24.516(8) or 25-4.076(9), F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the end-user and to promptly 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: M. R. Whaley DATE 8/29/97

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Michael R. Whaley

NAME OF PAY TELEPHONE COMPANY: Bin-Tel, Inc

MAILING ADDRESS: 5122 W. Knox St., Tampa, FL 33619

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: August Whitlock (owner) DATE 7/22/97

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

MAILING ADDRESS: 777 Bay Walkway, Apt #210

Delray Beach, FL 33483

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: David Judy COP. DATE 8-4-97

NAME & POSITION/TITLE (PRINT OR TYPE): Chief David Frisby

NAME OF LAW ENFORCEMENT AGENCY: Monticello Police Department

MAILING ADDRESS: 195 S. Mulberry St.
Monticello, Florida 32344