## REQUEST TO ESTABLISH DOCKET (PLEASE TYPE)

| Date | 04/10/98                                    | Docket No. 980513-1C                                    |
|------|---|---|
| 1.   | Division Name/Staff Name Communications/    | Tisler.   |
|      |   |   |
| 3.   | OCR Legal Services                          |   |
| 4.   | Suggested Docket Title Request for Exer     | otion from Requirement of Rule 25-24,515(8), Florida    |
| Adm  | inistrative Code, That Each Pay Telephone 1 | itation Shall Allow Incoming Calls by Peoples Telephone |
| Soms | sery, Inc.                                  |   |
| 5.   | Suggested Docket Mailing List (attach sepa  | arate sheet (f necessary)                               |
|      | as shown in Rule 25-22.104, F.A.C.          | nies or ACRONYMS ONLY regulated industries,             |
|      | 1. Parties and their representatives (      | WACHER AND  |
| Per  | oples Telephone Company, Inc.               |   |
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|      | 2. Interested Persons and their represe     | entatives (if any)                                      |
| _    | 196724                                      |   |
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| 6. ( | Check one: XX Documentation is attached.    |   |
|      | Documentation will be provi                 | ided with recommendation.                               |
|      | 10.60                                       |   |
| 1:1  | PSC\RAR\WP\ESTDKT.                          |   |

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER - DATE

04186 APR 138



March 31, 1998

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 APR 0 7 1595

RE: Docket No. 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:

904-387-0156

Joy Foods Store #488 5407 San Juan Avenue Jacksonville, Florida 32210

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

Ms. Blanca S. Bayo March 31, 1998 Page 2

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 Jacksonville, Fl. 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,

Odalys Bencomo Regulatory Assistant

daly Bencomo

Enclosures

F WPSIDATARROULAWANDELPSCOLK INC

## FLORIDA PUBLIC SERVICE COMMISSION

## REQUEST TO BLOCK INCOMING CALLS

|  | NUMBER:  |  |  |  |  | + 100  |  |
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| HYSICAL LOCA   | TION OF PAY  | TELEPHONE (ADI   | DRESS) JOY   | Food 5   | Store  | 488  |  |
| - 5407   | SANJ   | YAN AVE  | . , Jacke  | DUVILLE  | E, FL  | 32210  |  |
| To deter   | criminal activity<br>the requirement   | y facilitated by indi-<br>that incoming calls<br>stral office based in   |  | coming calls at the<br>ay telephone loc-<br>to the end-user as   | ne pay telephon<br>ation (Rule 25-<br>nd to prominen   | e listed above, I re-<br>24 515(8) or 25-4 (<br>ily display a writter  | quest that I be granted<br>176(6), F.A.C., as<br>a notice directly   |
| ny knowledge and   | belief, the above<br>y makes a false s   | e information is a tr<br>tatement in writing   | by telephone compar-<br>rue and correct states<br>with the intent to m   | nent. I am aware   | that pursuant  | to Section #37.06, I<br>rformance of his of  | ficial duty shall be   |
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| MAILING ADDRI  | ESS 2300 NW  | 89TH PLACE   | MIAML FL   | ORIDA JUIT   |  |  |  |
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