REQUEST TO ESTABLISH DOCKET (PLEASE TYPE)

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	September 15, 1998			Docket Bo. 981145-1
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Œ	I Legal Services	<u> </u>		
S.	aggested Docket Title <u>Requ</u>	est for Exempti	ion from Requirement of Rule 2	5-24.515(8). Florida
nini	istrative Code. That Each Pay	Telephone Stat	tion Shall Allow Incoming Cal	ls by BellSouth Public
	nications, Inc.		 	
SL	aggested Docket Mailing List	(attach seperat	te sheet (f necessary)	
	es shown in Rule 25-22.104,	F.A.C.	s or ACRONYMS ONLY regulated in others. (<u>Match_representative</u>	•
	1, Parties and their representation	entatives (if a	my)	
ells	South Public Communications,	inc.	-	
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EPSC-RECORDS/REPORTING



BellSouth Public Communications, Inc. 75 Bagby Drive Homewood, Alabama 35209

September 10, 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 32399-0850

Dear Ms. Bayo:

RE: Docket No. 98/145-TC Waiver of Rule 25-24.515(8), F.A.C.

Enclosed please find the original and 5 copies of our request for waiver of Rule 25-24.515(8), F.A.C. which we ask 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:

1250 Woodcrest Dr. Daytona Beach, FL 32114	(904) 252-9582	DROST
628 Evernia Street West Palm Beach, FL 33401	(561) 835-3527	SEP 14 1998
628 Evernia Street West Palm Beach, FL 33401	(561) 832-9487	CMU

Ms. Blanco S. Bayo September 10, 1998 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 these locations 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 locations identified above has either joined in or agreed to this request for waiver which is attached.

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

Singerely,

Manager - Regulatory

BellSouth Public Communications, Inc.



REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER	PER REQUEST. NO EXCEPTIONSI) 904-252-9582
PHYSICAL LOCATION OF PAY TELEPHONE	(ADDRESS): 1250 Wood Crest Dr.
Daytona Beach,	
request that I be granted an exemption from location(Rule 25-24.515(8) or 25-4.076(6), F.J.	ndividuals receiving incoming calls at the pay telephone listed above, if the requirement that incoming calls be received at the pay telephone LC., as appropriate). I agree to provide central office based intercept at no isplay a written notice directly above or below the telephone number quest of law enforcement."
declars that to the best of my knowledge and that pursuant to Section 837.06, Florida Stat to mislead a public-servant in the performant degree.	a pay telephone company named below, have read the foregoing and d belief, the above information is a true and correct statement. I am aware utes, whoever knowingly makes a false statement in writing with the intent ice of his official duty shall be guilty of a missegneanor of the second
SIGNATURE OF OWNER/OFFICER OF PAY T	ELEPHONE COMPANY. Pres B. Again DATE: 9.4.98
NAME OF OWNER/OFFICER OF PAY TELEPI	HONE COMPANY (PRINT OR TYPE): James B. Hawkins
NAME OF PAY TELEPHONE COMPANY: Be	South Public Communications, Inc.
MAILING ADDRESS: 75 Bagby Drive. H	omewood. AL 35209
and belief, criminal activity is associated wit number and location referenced above. It is will eliminate or help control that activity and Section 837.06, Florida Statutes, whoever kn public-servant in the performance of his office SIGNATURE OF LOCATION OWNER.	erenced pay telephone location, declare that to the best of my knowledge h and facilitated by incoming calls being received at the pay telephone my belief that allowing incoming calls to be blocked at the pay telephone d attest to this fact by my signature below. I am aware that pursuant to owingly makes a false statement in writing with the intent to mislead a cial duty shall be gut y of a misdemeanor of the second degree. DATE: 8/7/58
/ / /	IER (PRINT OR TYPE): JACQUELINE SUE DORING
I, the undersigned Chief of the law enforce telephone is located, declare that to the best	sement agency of the jurisdiction in which the above-referenced pay of my knowledge and belief, criminal activity is associated with and at the pay telephone number and location referenced above. It is my belief
that allowing incoming calls to be blocked at this fact by my signature below. I am aware t	this pay telephone will eliminate or help control that activity and attest to hat pursuant to Section 837.06, Florida Statutes whoever knowingly intent to mislead a public-servant in the performance of his official duty ind degree.
SIGNATURE OF CHIEF OF RESPONSIBLE LA	WENFORCEMENT AGENCY: DATE: 8-18-58
NAME & POSITION/TITLE (PRINT OR TYPE):	Kenneth W. Small, Chief of Police
NAME OF LAW ENFORCEMENT AGENCY:	Daytons Beach Police Department
MAILING ADDRESS:	990 Orange Avenue, Daytona Beach, FL 32114



REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER R	REQUEST. NO EXCEPTIONS!) 561-835-3527	
PHYSICAL LOCATION OF PAY TELEPHONE (ADDI	ORESS: 628 EVERNIA STREET	
WEST PALM BEACH FO	EL 33401 COUNTY: PALM BEACH	
that I be granted an exemption from the requirement 24.515(8) or 25-4.078(6), F.A.C., as appropriate). It is user and to prominently display a written notice discalls blocked at request of tow enforcement." I, the undersigned owner or officer of the pay to that to the best of my knowledge and belief, the abpursuant to Section 837.06, Florida Statutes, whose mislead a public-cervant in the performance of his SIGNATURE OF OWNER/OFFICER OF PAY TELEPH	iduals receiving incoming calls at the pay telephone listed above, I resent that incoming calls be received at the pay telephone location(Ru I agree to provide central office based intercept at no charge to the edirectly above or below the telephone number which states: "Incoming y telephone company named below, have read the foregoing and decisions information is a true and correct statement. I am aware that bever knowingly makes a false statement in writing with the intent to its official duty shall be guilty of a miadegeneous of the second degree PHONE COMPANY: DATE: 9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-	e 25- nd- g
NAME OF PAY TELEPHONE COMPANY: Belificuth	th Public Communications, Inc.	
MAILING ADORESS: 75 Banby Drive. Homewo	wood, AL 36209	
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FORM: PSC/CMU 2 (12/94)



REQUEST TO BLOCK INCOMING CALLS

MAILING ADDRESS: NAME OF LAW ENFORCEMENT AGENCY: NAME & POSITION/TITLE (PRINT OR TYPE); SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: the second degree. ergnature below. I am aware that pursuant to Section 837.06, Floride Statutes whosys-writing with the intent to mislead a public-servant in the performance of his official plyi incoming calls to be blocked at this pey talephone will elit NAME OF PAY TELEPHOME LOCATION OWNER (PRINT OR TYPE): SIGNATURE OF LOCATION OWNER: NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications. Inc. HAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): <u>James B. Hayrins</u> SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (pursuant to Section 637.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to that to the best of my knowledge and belief, the above information is a true and correct sta 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 MAILING ADDRESS: mislead a public-eervant in the performance of his official duty shall be guilty of a migd ncoming calls being received at the pey telephone number and location referenced above. elp control that activity and ath erformance of his official duty shall be i, the undersigned owner of the above-referenced pay talephone location, declare that to the best of my knowledge and curse, whoever knowingly makes a fi I, the undersigned owner or off 632 75 Bacity Oriva, Homewood, AL 35239 R to my bell ENDROIT ST owing incoming ca my pignique beto ephone comp s by incoming on Bridshaw 200 3 re below. I are aware that pur ing with the intent to misseed : 2017 or of the second degree. e to be blocked at the pey to 7 to combol that activ Geran See كالمورث 70756 METTE ed a public-earvant in the ed at the pay to shall be guilty of a miademeanor of A) my belief that allowing ingly makes nor of the second degree nt to Section DATE: 8/ PATE 4 or to this fact by my DATE 1.4.5 e faice etatement in 837.06, Florida 24

FORM: PSC/CMU 2 (12/94)