

REQUEST TO ESTABLISH DOCKET
(PLUMB TYPE)

Date September 21, 1998

Docket No. 981204-TC

- 1. Division Name/Staff Name Communications/Isler
- 2. OPR Communications/Isler
- 3. OOR Legal Services

4. Suggested Docket Title Request for Exemption from Requirement of Rule 25-26.515(8), Florida Administrative Code. That Each Pwr 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 ACRONYM 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.

I:\PSC\BAR\WP\ESTDKT.

PSC/BAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

10007 SEP 23 8

FPSC-RECORDS/REPORTING



Coin - Tel, Inc.

"The Most Dependable Name in Pay Phones"

September 17, 1998

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

RECEIVED

SEP 21 1998

CMU

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

Dear Ms. Ialer:

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:

| | |
|------------------------------------|----------------|
| Shadynde Meat & Grocery | (727) 328-0445 |
| 4200 15 th Avenue South | (727) 328-8217 |
| St. Pete, FL 33705 | |

Ms. Paula Iser
September 17, 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 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

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS!!) (727) 328-0445

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 4200 15 Avenue South
St. Pete, FL 33705

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: MR Albanese DATE 9/17/98

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

NAME OF PAY TELEPHONE COMPANY: Coin-Tel, Inc.

MAILING ADDRESS: 5122 W. Knox St., Tampa FL 33634

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 9/14/98

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

MAILING ADDRESS: 4200 15 Avenue South St. Petersburg, FL 33711

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 9/16/98

NAME & POSITION/TITLE (PRINT OR TYPE): Chief Goliath Davis

NAME OF LAW ENFORCEMENT AGENCY: St. Petersburg Police Department

MAILING ADDRESS: 1300 1st Avenue North St. Petersburg, FL 33705

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (727) 328-8217

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 4200 15th Avenue South
St. Pete, FL 33705

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: M R Albanese DATE 9/17/98
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Michael R. Albanese
NAME OF PAY TELEPHONE COMPANY: Coin-Tel, Inc.
MAILING ADDRESS: 5122 W. Knox St., Tampa, FL 33634

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SIGNATURE OF LOCATION OWNER: [Signature] DATE 9/14/98
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Shady Side Market
MAILING ADDRESS: 4200 15 Avenue South St. Petersburg, FL 33711

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SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: [Signature] DATE 9/16/98
NAME & POSITION/TITLE (PRINT OR TYPE): Chief Goliath Davis
NAME OF LAW ENFORCEMENT AGENCY: St. Petersburg Police Department
MAILING ADDRESS: 1300 1st Avenue North St. Petersburg, FL 33705