

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 11/20/98

Docket No. 981693-TC

- 1. Division Name/Staff Name Communications/McCoy
- 2. OPR Communications/McCoy
- 3. OCR Legal Services

4. Suggested Docket Title Request for Exemption from Requirement of Rule 25-24.515(8), Florida Administrative Code, That Each Pay Telephone Shall Allow Incoming Calls by Peoples Telephone Company, 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)

Peoples Telephone Company, Inc.

2. Interested Persons and their representatives (if any)

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

DOCUMENT SEARCH DATE
13223 NOV 23 98
REC'D # 1000 - TELEPHONE

PTC

Peoples Telephone Company, Inc.

October 19, 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

OCT 20 1998

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

CMU

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:

407-275-9287 La Criolla Grocery and Deli
407-249-2838 4940 Lake Underhill, Rd.
Orlando, Florida 32807

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

October 19, 1998

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for waiver which is attached.

The Commission has previously granted waiver of this Rule in Order No. 970863 IC, issued October 31, 1997, approving Peoples Telephone Company, Inc.'s petition for waiver of the rule for pay telephones located in Orlando, FL. The owners had requested blocking of incoming calls to result in 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

Enclosures

FLORIDA DATA REGULAR AND PREPAID SERVICE INC.

FLORIDA PUBLIC SERVICE COMMISSION
REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: ~~407-233-1111~~ 875-9287

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 4940 Lake Underhill Rd. Orlando FL 32809

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 25-24.15(8) or 25-4.07(6), F.A.C. as appropriate). I agree to provide central office based intercept at no charge to the end-user and to permanently display a written notice directly above or below the telephone number which states: "Incoming calls blocked at the 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 Statute, 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: Bruce Beard DATE: 1/19/98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Bruce Beard Executive Director

NAME OF PAY TELEPHONE COMPANY: PEOPLES TELEPHONE COMPANY INC

MAILING ADDRESS: 2300 NW 87TH PLACE MIAMI FLORIDA 33172

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 Statute, 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: Victor Nunez DATE: 2/19/98

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

MAILING ADDRESS: _____

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 Statute, 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: William Kennedy DATE: 2/19/98

NAME & POSITION/TITLE (PRINT OR TYPE): Chief William Kennedy

NAME OF LAW ENFORCEMENT AGENCY: Del Prado Police Department

MAILING ADDRESS: 100 South Thurgate, Orlando FL 32804

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 407-249-2838

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): La Crolla Grocery and Deli
4440 Lake Underhill, RD. Orlando, FL 32801

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 request 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 the 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: Bruce J. Kenan DATE 10/14/98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Bruce J. Kenan, Esq. Kenan Kenan & Associates

NAME OF PAY TELEPHONE COMPANY: PEOPLES TELEPHONE COMPANY INC.

MAILING ADDRESS: 2300 NW 89TH PLACE MIAMI FLORIDA 33172

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 8/19/98

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

MAILING ADDRESS: _____

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: William E. Kennedy DATE 7-14-98

NAME & POSITION/TITLE (PRINT OR TYPE): Chief William Kennedy

NAME OF LAW ENFORCEMENT AGENCY: Orlando Police Department

MAILING ADDRESS: 100 South Hughey, Orlando, FL 32801