

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 12/2/98

Docket No. 981800-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 BellSouth Public Communications, Inc. 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)

<u>Peoples Telephone Company, Inc.</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

- Documentation is attached.
 Documentation will be provided with recommendation.

I:\PSC\RAR\MP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

13525 DEC-28

FPSC-RECORDS/REPORTING

PTC

Peoples Telephone Company, Inc.

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FLORIDA PUBLIC
SERVICE COMMISSION

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MAIL ROOM

November 5, 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

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**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:

941-499-0179 Mc Donalds #100
715 E. Memorial Boulevard
Lakeland, Florida 33801

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.

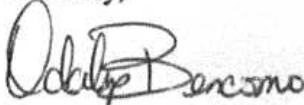
The location provider for the location identified above has either joined in or agreed to this request
Ms. Blanca S. Bayo
November 5, 1998
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for waiver which is attached.

The Commission has previously granted waiver of this Rule in Order No. 970863-TC, issued October 31, 1997, approving Peoples Telephone Company, Inc.'s petition for waiver of the rule for pay telephones located in Lakeland, 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

Enclosures

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FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 941-499-0179
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 715 E Memorial Blvd, Lakeland, FL 33801

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, 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.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: Bruce Leonard DATE 6/11/98
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Bruce Leonard, Evp Regulatory Affairs
NAME OF PAY TELEPHONE COMPANY: PEOPLES TELEPHONE COMPANY, INC.
MAILING ADDRESS: 2300 NW 89th PL, 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.

SIGNATURE OF LOCATION OWNER: Debra Anderson DATE 5/4/98
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): McDonald's
MAILING ADDRESS: 715 E Memorial Blvd Lakeland, FL, 33801

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.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: Sam Brea DATE 10/24/95
NAME & POSITION/TITLE (PRINT OR TYPE): Chief, Sam Brea
NAME OF LAW ENFORCEMENT AGENCY: Lakeland Police Department
MAILING ADDRESS: 219 North Massachusetts Ave, Lakeland, FL 33801