

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date February 17, 1999

Docket No. 990189-TC

- 1. Division Name/Staff Name Communications/Isler
- 2. OPR Communications/Isler
- 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 Station Shall Allow Incoming Calls by PhoneTel Technologies, 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>Ms. Lin Harvey</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

DOCUMENT NUMBER-DATE
02159 FEB 18 99
FPSC-RECORDS/REPORTING

February 8, 1999

RECEIVED

FEB 12 10 04 AM '99



VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED
(Z 492 397 227)

Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

FEB 15 1999

Re: Waiver of Rule 24-24.515(8), F.A.C.

Dear Sir or Madame:

On behalf of PhoneTel Technologies, Inc. ("PhoneTel") enclosed please find the original and five (5) copies of our request for waiver of Rule 24-24.515(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 24-24.515(8), F.A.C., 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 location and number of the public telephone are as follows:

1410 West 13th Street (407) 321-9615
Sanford, FL 32771

This waiver is being requested in accordance with the requirement of Florida State statutes Sections 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."

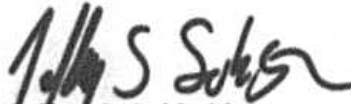
The Sanford Police Department has requested that we submit this request for a waiver of the rule because of the use of the pay telephone at this location for allegedly illegal activities. They believe the waiver will restrict the usefulness of the pay telephone for these individuals. This locations does 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 for waiver which is attached.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Sobieski". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jeffrey S. Sobieski
Staff Attorney

Enclosures

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (407) 321-9615 Woody's
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1410 West 13th St Sanford FL

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: Maureen Secretary DATE 1-19-99
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Phonetel Technologies, Inc.
 NAME OF PAY TELEPHONE COMPANY: Phonetel Technologies, Inc.
 MAILING ADDRESS: 1001 Lakeside Ave, 5th Floor, Cleveland, OH 44114-1195

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: Dean Edwards Esq. DATE _____
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): DEAN EDWARDS
 MAILING ADDRESS: 1410 W. 13th St Sanford FL, 32771 (352) 735-4311

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: Joe A. Dillard DATE 3/3/98
 NAME & POSITION/TITLE (PRINT OR TYPE): Chief of Police - Joe A. Dillard
 NAME OF LAW ENFORCEMENT AGENCY: SANFORD Police Dept.
 MAILING ADDRESS: 815 So. French Av. SANFORD, FL 32771