

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date January 21, 2000

Docket No. 000063-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(13), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Payphone Connection 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>Scott A. Sewell</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

DOCUMENT NUMBER-DATE
~~000063~~ JAN 21 8
PSC-RECORDS/REPORTING

PAYPHONE CONNECTION, INC
224 PARNELL STREET
MERRITT ISLAND, FL 32953
PHONE: (407) 454-3153
FAX: (407) 454-4220

FLORIDA PUBLIC SERVICE COMMISSION
00 JAN -3 AM 9:03
MAIL ROOM
ORIGINAL

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: Waiver of Rule 25-24.515(13), F.A.C.

Enclosed please find the original and five copies of our request for a two-year waiver of rule 25-24.515(13), F.A.C., which we ask you, file in the above captioned matter.

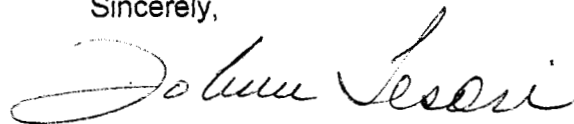
We request that the payphones located at the addresses listed below be exempt for a period of two years from the provisions of Rule 25-24.515(13), Florida Administrative Code, which requires that all pay telephone stations must allow incoming calls to be received "with the exception of those located at penal institutions, hospitals and schools and at locations specifically exempted by the Commission." The locations and number of the public telephones are as follows:

27 South Ocean Ave. (904) 238-8968
Daytona Beach, FL 32118

27 South Ocean Ave. (904) 258-9643
Daytona Beach, FL 32118

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
MAS _____
OPC _____
RRR _____
SEC _____
WAW _____
GTH _____

Sincerely,



Joann Tesori
General Manager

RECEIVED

JAN 03 2000

CMU

PAYPHONE CONNECTION, INC.
224 PARNELL STREET
MERRITT ISLAND, FL 32953
PHONE: (407) 454-3153
FAX: (407) 454-4220

Ms. Blanca S. Bayo
Page 2

Dear Ms. Bayo:

This waiver is being requested in accordance with the with the requirements of Florida State Statutes Section 102.542(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).

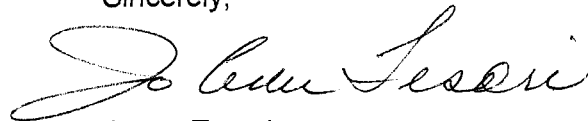
In addition, as explained below, granting this waiver will lift the "substantial hardship" that the rule imposes on law enforcement, the location provider and the law abiding using public. The Police Department has requested that we submit this request for a waiver of the rule because of the use of the pay telephones at 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 is appropriate. The location provider for the locations identified on page 1 have 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.

Sincerely,

Joann Tesori

Sincerely,



Joann Tesori
General Manager

FLORIDA PUBLIC SERVICE COMMISSION REQUEST TO BLOCK INCOMING CALLS

RECEIVED DEC 28 1999

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (904) 238-8968
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 27 South Ocean Ave
Daytona Beach, Florida, 32118
NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Breakers Beach Motel

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(13), F.A.C. 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: Scott A. Small PRES DATE: 12/27/99
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Scott A. Small
NAME OF PAY TELEPHONE COMPANY: PayPhone Connection Inc
MAILING ADDRESS & TELEPHONE NUMBER: 224 Arnell Street
Merritt Island, Florida, 32953 (407) 454-3153

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: Wynona M. Brown DATE: 11-16-99
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): 27 So. OCEAN AV - DAYTONA BEACH
MAILING ADDRESS & TELEPHONE NUMBER: 27 So. Ocean Av - Daytona Beach FL 32118
office # (904) 252-0863 - pay phone # (904) 238-8968

I, the undersigned Chief of the law enforcement agency in 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 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 CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: KWS DATE: 11-19-99
NAME & POSITION/TITLE (PRINT OR TYPE): Kenneth W. Small - Chief of Police
NAME OF LAW ENFORCEMENT AGENCY: Daytona Beach Police Dept
MAILING ADDRESS & TELEPHONE NUMBER: 990 Orange Av. Daytona Beach FL 32114 904-255-1411

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (904) 258-9643
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 27 South Ocean Ave
Daytona Beach, Florida 32118
 NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Breakers Beach Motel

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 28-24.515(13), F.A.C. 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: Scott A. Sewall PRES DATE: 10/22/99
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Scott A. Sewall
 NAME OF PAY TELEPHONE COMPANY: Payphone Connection, Inc.
 MAILING ADDRESS & TELEPHONE NUMBER: 224 Powell Street
Merritt Island, Florida 32953 (407) 454-3153

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: Jayman Brown DATE: 11-16-99
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): 27 So. OCEAN AV - DAYTONA BEACH
 MAILING ADDRESS & TELEPHONE NUMBER: 27 So. Ocean Av. - Daytona Beach, FL 32118
office # (904) 252-0863 - pay phone # (904) 258-9643 -

I, the undersigned Chief of the law enforcement agency in 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 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 CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: Kenneth W. Small DATE: 11-19-99
 NAME & POSITION/TITLE (PRINT OR TYPE): Kenneth W. Small Chief of Police
 NAME OF LAW ENFORCEMENT AGENCY: Daytona Beach Police Dept
 MAILING ADDRESS & TELEPHONE NUMBER: 990 Orange Av. Daytona Beach, FL 32114 904-255-1431