

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date September 5, 2000

Docket No. 001328-TC

1. Division Name/Staff Name Competitive Services/Isler

2. OPR Competitive Services/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 BellSouth Public Communications, 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>Richard H. Holmes</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

11051 SEP-68

FPSC-RECORDS/REPORTING



BellSouth Public Communications, Inc.
75 Bagby Drive
Homewood, Alabama 35209

August 24, 2000

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

2000 AUG 28 PM 3:43
DIVISION OF
COMPETITIVE SERVICES

Dear Ms. Bayo:

RE: Docket No. _____
Waiver of Rule 25-24.515(13), F.A.C.

Enclosed please find the original and 5 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 pay telephones located at the addresses 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 numbers of the public telephones are as follows:

3G's Gourmet Deli
5869 W. Atlantic Avenue
Delray Beach, FL 33445

(561) 4959306

00 AUG 28 AM 9:05
MAIL ROOM

Ms. Blanco S. Bayo
August 24, 2000
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 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 for waiver is appropriate. The location provider for the locations identified above has 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,



Manager – Business Office
BellSouth Public Communications, Inc.

Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

? Original Request (check one) ? Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-495-9306
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): _____

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: 36's Gourmet Deli 5869 W. ATLANTIC AVENUE

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: Richard H. Holmes DATE: 8/24/00

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Richard H. Holmes

NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.

MAILING ADDRESS & TELEPHONE NUMBER 75 Bagby Drive
Homewood, AL 35209 (205) 943-2500

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: Davis DATE: 5/12/00

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Bruce S. Garnett

MAILING ADDRESS & TELEPHONE NUMBER: 5869 W. ATLANTIC AVE
Delray Beach, FL 33445 (561) 498-3910

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: Robert W. Neumann DATE: 8/16/00

NAME & POSITION/TITLE (PRINT OR TYPE): Robert W. Neumann

NAME OF LAW ENFORCEMENT AGENCY: Sheriff
Palm Beach County Sheriff's Office

MAILING ADDRESS & TELEPHONE NUMBER: 3228 Gun Club Road
West Palm Beach, FL 33406
(561) 688-3012

Form PSC/CMU-2 (02/99)

MAY 18 2000



00 AUG 32 AM 9 21
Public Service Commission

2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

FOR YOUR INFORMATION

DATE: August 29, 2000
TO: Laura Tierney, Palm Beach County Sheriff's Office
FROM: *PIX* Paula Isler, (850) 413-6502-voice; 413-6503-fax; internet address is:
pisler@psc.state.fl.us
RE: Incoming Call Blocking Form

Carol Bradford with BellSouth Public Communications, Inc. asked me to send the form directly to you and ask that you obtain an original signature from Sheriff Neumann, then return the form directly to me to save time. Unfortunately, the Commission cannot process this request for an incoming call block unless all three signatures are original.

Thanks for your help. If you have any questions, just let me know.

DIVISION OF
COMPETITIVE SERVICES

2000 SEP -5 11:11:10