

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date November 17, 2000

Docket No. 001721-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

NOV 17 8

FPSC-RECORDS/REPORTING

CMP



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

November 8, 2000

RECEIVED-FPSC
NOV 14 AM 10:35
RECORDS AND REPORTING

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: 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:

Lil' Champ (352) 475-3812
400 State Road 26
Melrose, FL 32666

Lil' Champ (352) 475-3043
400 State Road 26
Melrose, FL 32666

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Ms. Blanco S. Bayo
November 8, 2000
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Lil' Champ (352) 475-2965
400 State Road 26
Melrose, FL 32666

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 location(s) 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), 352-475-3812
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS):

400 SR 26, MELROSE, FL 32666

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: LIL' CHAMP #6009

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: 11/1/00

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: Robert D. Reale DATE: 9/1/00

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Robert D. Reale, Vice President

MAILING ADDRESS & TELEPHONE NUMBER: 9143 Philips Hwy, Suite 200, Jacksonville, FL 32256
(904) 464-7259

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: Taylor Douglas DATE: 9-6-00

NAME & POSITION/TITLE (PRINT OR TYPE): Taylor Douglas Sheriff

NAME OF LAW ENFORCEMENT AGENCY: Putnam Co. Sheriff's Office

MAILING ADDRESS & TELEPHONE NUMBER: P.O. DRAWER 1578, PALATKA, FL 32178

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

? Original Request (check one) ? Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 352-475-3043
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): _____

400 SR 26, McLoose, FL 32666
NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: LIL' CHAMP #6009

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: 11/1/00

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.

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NAME & POSITION/TITLE (PRINT OR TYPE): Taylor Douglas, Sheriff

NAME OF LAW ENFORCEMENT AGENCY: Putnam County Sheriff's Office

MAILING ADDRESS & TELEPHONE NUMBER: P.O. Drawer 1578, Palatka, FL 32178

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

? Original Request (check one) ? Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST. NO EXCEPTIONS) 352-475-2965

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 400 SR 26, MGLROSS, FL 32666

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: LIL CHAMP #6009

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

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

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Homewood, AL 35209 (205) 943-2500

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MAILING ADDRESS & TELEPHONE NUMBER: P.O. Drawer 1578, Palatka, FL 32178