

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date May 1, 2001

Docket No. 010651-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 Sprint-Florida,  
Incorporated

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)

F. B. (Ben) Poag \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

05468 MAY-15

FPSC-RAR-DOCS-VP-PORTING



Harvey L. Spears, Jr.  
Docket Manager  
Florida

Regulatory Affairs  
Box 2214  
Tallahassee, FL 32316  
Mailstop FTLH00107  
Voice 850 599 1401  
Fax 850 878 0777

April 24, 2001

Ms. Blanca S. Bayo  
Director, Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**RECEIVED**

APR 25 2001

Florida Public Service Commission  
Division of Regulatory Oversight

2001 APR 25 AM 10:50  
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 location and number of the public telephone are as follows:

Gas & Snack (941) 337-3754  
2612 Edison Ave.  
Ft. Myers, FL 33901

Gas & Snack (941) 337-3697  
2612 Edison Ave.  
Ft. Myers, FL 33901

Gas & Snack (941) 337-1890  
2612 Edison Ave.  
Ft. Myers, FL 33901

2001 APR 24 11:00:24  
DIVISION OF  
COMPETITIVE SERVICES

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).


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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 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,



Harvey L. Spears, Jr.  
Docket Manager

HLS:tk

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one)  Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 941 337-3754  
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2612 Edison Ave Ft. Myers FL

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: GAS & SNACK

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: Jackie Brock DATE: 4-17-01

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jackie Brock

NAME OF PAY TELEPHONE COMPANY: Sprint- Florida

MAILING ADDRESS & TELEPHONE NUMBER: 962 First Street Bldg.D

Altamonte Springs, FL 32701

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: [Signature] DATE: 4/2/01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Bill HATTAB

MAILING ADDRESS & TELEPHONE NUMBER: 2612 Edison Ave, Ft. MYERS FL 941 332 8122

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: LARRY HART, Chief DATE: 4/2/01

NAME & POSITION/TITLE (PRINT OR TYPE): Larry D. Hart Chief

NAME OF LAW ENFORCEMENT AGENCY: Ft. Myers Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 2210 Peck St. Ft. Myers FL 33901 941-338-2111

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one)     Subsequent Request

PAY TELEPHONE NUMBER (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 941 337-3697  
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS) 2612 Edison Ave Ft. Myers FL

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED GAS & SNACK

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 Jacqueline Brock    DATE 4-17-01  
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE) Jackie Brock

NAME OF PAY TELEPHONE COMPANY: Sprint- Florida

MAILING ADDRESS & TELEPHONE NUMBER: 962 First Street Bldg.D  
Altamonte Springs, FL 32701

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: [Signature]    DATE: 4/2/01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): BILL HARTAB

MAILING ADDRESS & TELEPHONE NUMBER: 2612 Edison Ave Ft. Myers FL 941332-8122

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: [Signature]    DATE: 4/2/01

NAME & POSITION/TITLE (PRINT OR TYPE): LARRY HART - CHIEF

NAME OF LAW ENFORCEMENT AGENCY: Larry D. Hart Chief

MAILING ADDRESS & TELEPHONE NUMBER: 2210 Peck St. Ft. Myers FL 33701  
941-338-2111

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one)  Subsequent Request

PAY TELEPHONE NUMBER (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 941 337 1890

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2612 Edison Ave, Ft. Myers Fl.

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED GAS & SNACK

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: Jackie Brock DATE: 4-17-01

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jackie Brock

NAME OF PAY TELEPHONE COMPANY: Sprint- Florida

MAILING ADDRESS & TELEPHONE NUMBER: 962 First Street Bldg.D  
Altamonte Springs, FL 32701

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: [Signature] DATE: 4/2/01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): GAS & SNACK - BILL HARTMAN

MAILING ADDRESS & TELEPHONE NUMBER: 2612 Edison Ave Ft. Myers FL. 941-332  
8122

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: LARRY HART DATE: 4/2/01

NAME & POSITION/TITLE (PRINT OR TYPE): Larry D. Hart Chief

NAME OF LAW ENFORCEMENT AGENCY: Ft Myers Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 2210 Peck St. Ft. Myers FL 33901  
941-338-2111