

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date August 20, 2001

Docket No. 011120-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)

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2. Interested Persons and their representatives (if any)

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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
10234 AUG 20 01
FPSC-COMMISSION CLERK

DISTRIBUTION CENTER



01 AUG 17 AM 8:19

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

August 15, 2001

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.

2001 AUG 17 PM 4:37
COMMUNICATIONS SERVICES

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 to 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:

Convenient Spot Food Store (305) 940-2279
1981 NE 135th Street
North Miami, FL 33181

Convenient Spot Food Store (305) 940-2237
1981 NE 135th Street
North Miami, FL 33181

Ms. Blanco S. Bayo
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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.

Enclosures

REQUEST TO BLOCK INCOMING CALLS

JUL 25 2001

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 305 940-2299
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1981 NE 135 Street
North Miami, FL 33181
 NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Convenient Spot Food Store

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: [Signature] DATE: 8-9-01
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell
 NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.
 MAILING ADDRESS & TELEPHONE NUMBER: 75 Bagby Drive
Homewood, AL 35209 (205) 943-2606

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: July 12 01
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): TONY PRZYBYLA
 MAILING ADDRESS & TELEPHONE NUMBER: 1981 NE 135 St. N. MIAMI FL 33181

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: 17-July-01
 NAME & POSITION/TITLE (PRINT OR TYPE): THOMAS S. HOOD, CHIEF OF POLICE
 NAME OF LAW ENFORCEMENT AGENCY: NORTH MIAMI POLICE DEPARTMENT
 MAILING ADDRESS & TELEPHONE NUMBER: 700 NE 124 STREET, NORTH MIAMI, FL 33161

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 305 940-2237

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1981 NE 135 ST
North Miami, FL 33161

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Convenient Spot Food Store

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: [Signature] DATE: 8-9-01

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell

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

MAILING ADDRESS & TELEPHONE NUMBER: 75 Babby Drive
Homewood, AL 35209 (205) 943-2606

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: July 12 01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): TONY PORJORA

MAILING ADDRESS & TELEPHONE NUMBER: 1981 NE 135 ST N. MIAMI, FL 33161

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: 18 July 01

NAME & POSITION/TITLE (PRINT OR TYPE): THOMAS S. HOOD, CHIEF OF POLICE

NAME OF LAW ENFORCEMENT AGENCY: NORTH MIAMI POLICE DEPARTMENT

MAILING ADDRESS & TELEPHONE NUMBER: 700 NE 124 STREET, NORTH MIAMI, FL 33161