

REQUEST TO ESTABLISH DOCKET

(PLEASE TYPE)

Date September 10, 2001

Docket No. 011193-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)

Multiple horizontal lines for listing parties and their representatives.

2. Interested Persons and their representatives (if any)

Multiple horizontal lines for listing interested persons and their representatives.

6. Check one:

- XX Documentation is attached.
Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE
11310 SEP 11 2001
FPSC-COMMISSION CLERK

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

DISTRIBUTION CENTER
01 AUG 31 AM 9 40

August 28, 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 31 PM 3:42
DIVISION OF
COMPETITIVE 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:

Gate Petroleum Company (904) 724-5676
8070 Atlantic Blvd.
Jacksonville, FL 32211

Gate Petroleum Company (904) 724-5937
8070 Atlantic Blvd.
Jacksonville, FL 32211

DOCUMENT NUMBER-DATE

11310 SEP 11 01

FPSC-COMMISSION CLERK

Ms. Blanco S. Bayo
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Gate Petroleum Company (904) 721-8620
8070 Atlantic Blvd.
Jacksonville, FL 32211

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



Petroleum Company

August 20, 2001

Ms. Carol Bradford
BellSouth Public Communications
75 Bagby Drive
Homewood, Alabama 35209

Per the attached signed forms, Gate Petroleum Company is requesting that incoming calls be blocked on the three (3) pay stations located at 8070 Atlantic Blvd., Jacksonville, Florida. The telephone numbers involved are: 904-724-5676, 904-724-5937 and 904-721-8620.

Should you require additional information, please contact Kathy Perry at 904-448-2916. Thank you for your assistance in this matter.

Yours very truly,

A handwritten signature in black ink that reads "Wayne Levitt". The signature is written in a cursive, flowing style.

Wayne Levitt
Chairman and CEO/Gate Marketing

WL:kp

Attachments: 3

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

AUG 24 2001

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 904-724-5676

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 8070 Atlantic Blvd., Jacksonville, FL

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Gate Petroleum Company

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: Rachel Russell DATE: 8/21/01

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: Wayne Levitt DATE: 07-30-01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Wayne Levitt

MAILING ADDRESS & TELEPHONE NUMBER: 9540 San Jose Blvd.
Jacksonville, FL 32257

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: Nat Glover DATE: 08-17-01

NAME & POSITION/TITLE (PRINT OR TYPE): Nat Glover, Sheriff

NAME OF LAW ENFORCEMENT AGENCY: Jacksonville Sheriff's Office

MAILING ADDRESS & TELEPHONE NUMBER: 501 E. Bay Street
Jacksonville, FL 32202

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 904-724-5937

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 8070 Atlantic Blvd., Jacksonville, FL

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Gate Petroleum Company

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: Rachel Russell DATE: 8/27/01
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

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: Wayne Levitt DATE: 07-30-01
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Wayne Levitt
MAILING ADDRESS & TELEPHONE NUMBER: 9540 San Jose Blvd.
Jacksonville, FL 32257

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: Nat Glover DATE: 08-17-01
NAME & POSITION/TITLE (PRINT OR TYPE): Nat Glover, Sheriff
NAME OF LAW ENFORCEMENT AGENCY: Jacksonville Sheriff's Office
MAILING ADDRESS & TELEPHONE NUMBER: 501 E. Bay Street
Jacksonville, FL 32202

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 904-721-8620

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 8070 Atlantic Blvd., Jacksonville, FL

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Gate Petroleum Company

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."

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SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: Rachel Russell DATE: 8/27/01

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) 943-2510

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: Wayne Levitt DATE: 07-30-01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Wayne Levitt

MAILING ADDRESS & TELEPHONE NUMBER: 9540 San Jose Blvd. Jacksonville, FL 32257

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: 8/27/01

NAME & POSITION/TITLE (PRINT OR TYPE): Nat Glover, Sheriff

NAME OF LAW ENFORCEMENT AGENCY: Jacksonville Sheriff's Office

MAILING ADDRESS & TELEPHONE NUMBER: 501 E. Bay Street Jacksonville, FL 32202