

ORIGINAL

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date January 23, 2002

Docket No. 020065-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 ETS Payphones, 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)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

00843 JAN 23 8

FPSC-COMMISSION CLERK



2002 JAN 23 AM 10: 36

1490 WESTFORK DRIVE • SUITE G • LITHIA SPRINGS, GA 30122 • 770-819-1600 FAX 770-819-1685

DIVISION OF
COMPETITIVE SERVICES

January 18, 2002

Ms. Blanca S. Bayo
Directory, Records, and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Re: Docket # F98000003163
Waiver of Rule 25-25.151(13), F.A.C.

Dear Madam;

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 find in the above captioned matter.

We request that the pay telephones located at the address below be exempt for a period of two years from the provision 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 locations specifically exempted by the Commission." The location and numbers we are requesting are:

**Marathon Service Station
FKA Hess Gas Station
4100 S. Orange Blossom Trail
Orlando, FL 32839**

(407) 872-8534 & (407) 835-9363

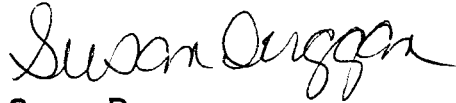
Granting this waiver will not impede the continued provision of pay telephone service to the using public as intended by the underlying statute (Section 365.345).

In addition, granting this waiver will leave the "substantial hardship" that the rule imposes on the law enforcement, the location owner, and the law abiding using

public. This request is on behalf of the location owner Mr. Kahn and the Orange County Sheriff's Office due to illegal activities. We believe the waiver may restrict the usefulness of the payphones for these individuals.

Please advise by Order if our request has been accepted.

Respectively yours,

A handwritten signature in black ink that reads "Susan Duggan". The signature is written in a cursive style with a large initial 'S'.

Susan Duggan
Regulatory Administrator
ETS Payphones, Inc.

Enclosures

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

2002 JAN 23 AM 10:36

Original Request (check one) Subsequent Request

DIVISION OF
COMPETITIVE SERVICES

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 407 872-8534

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 41st At South Orange Blossom Trail
4100 S. Orange Blossom Trail, Orlando FL 32839

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Marathon Service Station

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: 12/3/01

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Michael McClellan CFO

NAME OF PAY TELEPHONE COMPANY: ETS Payphones, Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1490 Westfork Drive, Suite G
Lithia Springs, GA 30122

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: 12-6-01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Mohammad Saleem Khan

MAILING ADDRESS & TELEPHONE NUMBER: 3514 Bonaire Blvd #2009
Kissimmee Florida 34741

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: 12/5/01

NAME & POSITION/TITLE (PRINT OR TYPE): KEVIN BEARY Sheriff

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

MAILING ADDRESS & TELEPHONE NUMBER: P.O. Box 1440 Orlando FL 32812

FLORIDA PUBLIC SERVICE COMMISSION

2002 JAN 23 AM 10:36 REQUEST TO BLOCK INCOMING CALLS

DIVISION OF COMPETITIVE SERVICES Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 407 835-9363

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 41st At South Orange Blossom Trail / 4100 S. Orange Blossom Trail, Orlando FL 32839

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Marathon Service Station

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: 12/3/01

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Michael McClellan CFO

NAME OF PAY TELEPHONE COMPANY: ETS Payphones Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1490 Westfork Drive, Suite G Lithia Springs GA 30122

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: 12-4-01

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Mohammad Saleem Khan

MAILING ADDRESS & TELEPHONE NUMBER: 3514 Bonaire Blvd #2009 Kissimmee Florida 34741

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: 12/5/01

NAME & POSITION/TITLE (PRINT OR TYPE): Kevin Bearv Sheriff

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

MAILING ADDRESS & TELEPHONE NUMBER: P.O. Box 1440 Orlando FL 32802