



SOUTHEAST PAY TELEPHONE



Southeast Pay Telephone, Incorporated

April 15, 2002

Ms. Bianca 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. 020345-TC
Waiver of Rule 25-24.515(13), F.A.C.

Enclosed please find the original and one copy 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:

DOCUMENT NUMBER - DATE
04341 APR 19 2002
FPSC-COMMISSION CLERK

Burns Linton Shell
380 W. Linton Boulevard
Delray Beach, FL 33444

561-272-9071
561-272-9676
561-819-0819

Burns Linton/Congress Shell
2100 W. Linton Boulevard
Delray Beach, FL 33444

561-272-9287
561-819-0622

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 locations 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,

SOUTHEAST PAY TELEPHONE, INC.

A handwritten signature in black ink, consisting of several overlapping loops and a trailing flourish.

James Bimonte
President

/ad

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-272-9676

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 380 W. Linton Boulevard
Delary Beach, Florida 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Burns Linton Shell

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:  DATE: 3/5/02

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jim Bimonte

NAME OF PAY TELEPHONE COMPANY: Southeast Pay Telephone, Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1393 S.W. 12th Avenue, Pompano Beach, FL 33069
954-782-1666

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:  DATE: 3-25-02

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Michele P. Burns

MAILING ADDRESS & TELEPHONE NUMBER: 1036 Bueida Road
Delray Beach FL 33483 561-272-9817

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:  DATE: 4/10/02

NAME & POSITION/TITLE (PRINT OR TYPE): J. L. Schroeder, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Department

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave. Delray Beh, FL
33444, 561-243-7851

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-819-0819

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 380 W. Linton Boulevard
Delray Beach, Florida 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Burns Linton Shell

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: 3/5/02

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jim Bimonte

NAME OF PAY TELEPHONE COMPANY: Southeast Pay Telephone, Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1393 S.W. 12th Avenue, Pompano Beach, FL 33069
954-782-1666

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: 3-25-02

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Michele P. Burns

MAILING ADDRESS & TELEPHONE NUMBER: 1036 Bucida Road
Delray Beach FL 33483 561-272-9817

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: 4/6/02

NAME & POSITION/TITLE (PRINT OR TYPE): J. L. Schroeder, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Department

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave, Delray Bch. FL
33444, 561-243-7851

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-272-9071

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 380 W. Linton Boulevard
Delray Beach, Florida 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Burns Linton Shell

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:  DATE: 3/5/02

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jim Bimonte

NAME OF PAY TELEPHONE COMPANY: Southeast Pay Telephone, Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1393 S.W. 12th Avenue, Pompano Beach, FL 33069
954-782-1666

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:  DATE: 3-25-02

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Michele P. Burns

MAILING ADDRESS & TELEPHONE NUMBER: 1036 Bucida Road
Delray Beach FL 33483 561 272 9817

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:  DATE: 4/16/02

NAME & POSITION/TITLE (PRINT OR TYPE): J.L. Schroeder, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Department

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave. Delray Bch, FL
33444, 561-243-7851

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-819-0622

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2100 W. Linton Boulevard
Delray Beach, Florida 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: (Deb Petroleum #2) Burton Linton Shell

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:  DATE: 3/5/02

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jim Bimonte

NAME OF PAY TELEPHONE COMPANY: Southeast Pay Telephone, Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1393 S.W. 12th Avenue, Pompano Beach, FL 33069
954-782-1666

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SIGNATURE OF LOCATION OWNER:  DATE: 3-25-02

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Michele P. Burns

MAILING ADDRESS & TELEPHONE NUMBER: 1036 Bucida Road
Delray Beach FL 33483 561-272-9817

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SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY:  DATE: 4/10/02

NAME & POSITION/TITLE (PRINT OR TYPE): J.L. Schroeder, Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. ATLANTIC AVE, Delray Bch, FL
33444, 561-243-7851

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) [X] Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-272-9287

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2100 W. Linton Boulevard
Delray Beach, Florida 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: (Deb Petroleum #2) Burton Linton Shell

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: [Signature] DATE: 3/5/02

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jim Bimonte

NAME OF PAY TELEPHONE COMPANY: Southeast Pay Telephone, Inc.

MAILING ADDRESS & TELEPHONE NUMBER: 1393 S.W. 12th Avenue, Pompano Beach, FL 33069
954-782-1666

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SIGNATURE OF LOCATION OWNER: [Signature] DATE: 3-25-02

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Michele P. Burns

MAILING ADDRESS & TELEPHONE NUMBER: 1036 Bucida Road
Delray Beach FL 33483 561-272-9817

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SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: [Signature] DATE: 4/10/02

NAME & POSITION/TITLE (PRINT OR TYPE): J.L. Schroeder Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave, Delray Beach, FL
33444, 561-243-7881



Delray Beach Police Department

300 West Atlantic Avenue • Delray Beach, Florida 33444-3695
(561) 243-7888 Fax (561) 243-7816



April 3, 2002

Mr. Jim Bimonte
S.E. PAY TELEPHONES, INC.
1393 S.W. 12th Avenue
Pompano Beach, Florida 33069

Dear Mr. Bimonte:

The Delray Beach Police Department, in conjunction with Burns Shell Gas Stations located on Linton Boulevard, requests that the following telephones at the listed locations be shut off from receiving incoming phone calls.

This request is made due to the increasing number of loiterers and criminal activity taking place on these properties around the pay phone areas.

Burns Linton Shell
380 W. Linton Boulevard
Delray Beach, Florida 33444

561-272-9071
561-819-0819
561-272-9676

Burton Linton/Congress Shell
2100 W. Linton Boulevard
Delray Beach, Florida 33444

561-272-9287
561-819-0622

Thank you for your consideration of this matter.

Sincerely,

Joseph L. Schroeder
Chief of Police

vls

~~Barbara Fix~~
General Manager
Rogelio Garcia
Manager

CCA Official Filing:

4/19/02***10:27 AM*****Kay Flynn*****1**

Kay Flynn

To: Paula Isler
Subject: RE: rule waiver

Will do.
Thanks.

-----Original Message-----

From: Paula Isler
Sent: Friday, April 19, 2002 10:19 AM
To: Kay Flynn
Subject: RE: rule waiver

It sounds like they did it correctly then. Yes, please docket it. Thanks.

-----Original Message-----

From: Kay Flynn
Sent: Friday, April 19, 2002 10:18 AM
To: Paula Isler
Subject: RE: rule waiver

The top one was completed and signed by the company, the middle by the owner of the location, and the bottom by chief of police.

-----Original Message-----

From: Paula Isler
Sent: Friday, April 19, 2002 10:17 AM
To: Kay Flynn
Subject: RE: rule waiver

Yes, if all 3 sections of the form are completed.

-----Original Message-----

From: Kay Flynn
Sent: Friday, April 19, 2002 10:16 AM
To: Paula Isler
Subject: rule waiver

Paula, we just received, from Southeast Pay Telephone, a letter dated 4/15 requesting waiver of Rule 25-24.515(13). Mr. Bimonte attached a request form for each of the 5 numbers, and each has been completed and signed by JL, Shroeder, Chief of Police in Delray Beach.

Shall we go ahead and docket?

Kay