

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED: FPSC
AUG - 8 AM 10:24
COMMISSION
CLERK

DATE: AUGUST 8, 2002

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (ISLER) *DJC*
OFFICE OF THE GENERAL COUNSEL (DODSON) *MD* *zic*

RE: REQUEST FOR EXEMPTION FROM REQUIREMENT OF RULE 25-
24.515(13), F.A.C., THAT EACH PAY TELEPHONE STATION SHALL
ALLOW INCOMING CALLS

AGENDA: 08/20/02 - CONSENT AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020762.RCM

Please place the following Incoming Call Waiver Request on the
Consent Agenda for approval.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. & LOCATION</u>
020762-TC	BellSouth Public Communications, Inc.	954-972-9570 Palm Aire Garden North 201 Gardens Drive Pompano Beach

The Commission is vested with jurisdiction over this matter
pursuant to Section 364.3375, Florida Statutes.

DOCUMENT NUMBER: 020762-TC

08334 AUG-8 2002

FPSC-COMMISSION CLERK



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

July 12, 2002

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. 020762-TC
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 to file in the above captioned matter.

We request that the pay telephones located at the addresse(s) 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(s) and number(s) of the public telephones are as follows:

Palm Aire Garden North (954) 972-9570
201 Gardens Drive
Pampano Beach, FL 33069

DOCUMENT NUMBER DATE

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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,

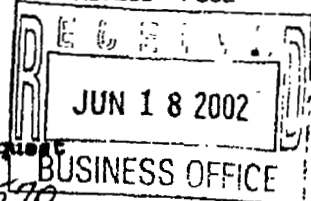


Manager – Business Office
BellSouth Public Communications, Inc.

Enclosures

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS



Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (954)972-9570
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 201 GARDENS DR Palm Aire Garden
Pompano Beach, FL 33069 954-972-9570 North
NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: GARDENS NORTH CONDO

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 K. Russell DATE: 7-12-02
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell, COO
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: Delmar Mayberry, President DATE: 6-11-02
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): GARDENS NORTH CONDO
MAILING ADDRESS & TELEPHONE NUMBER: 1280 SW 36 AVE #301
Pompano Beach, FL 33069

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: 6-25-02
NAME & POSITION/TITLE (PRINT OR TYPE): CAPT. RICHARD MOSS 3620
NAME OF LAW ENFORCEMENT AGENCY: BROWARD SHERIFF'S OFFICE
MAILING ADDRESS & TELEPHONE NUMBER: 954-786-4217