

ORIGINAL

 **BELLSOUTH**

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

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April 29, 2003

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. 030427-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:

North Miami Beach Public Library (305) 919-8102
1601 NE 164th Street
North Miami Beach, FL 33162

North Miami Beach Public Library (305) 919-8309
1601 NE 164th Street
North Miami Beach, FL 3316

DOCUMENT NUMBER-DATE
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Timberwalk
22546 Vistawood Way
Boca Raton, FL 33428

(561) 483-9977

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) 305-919-8102
- ✓ PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1601 NE 164th Street, No Miami Beach, FL 33162
- ✓ NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: NORTH MIAMI BEACH PUBLIC LIBRARY

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: 4/28/03
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell, Pres & COO
 NAME OF PAY TELEPHONE COMPANY: BELLSOUTH PUBLIC COMMUNICATIONS
 MAILING ADDRESS & TELEPHONE NUMBER: 75 BAGBY DRIVE, HOFWOOD, 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: 4-11-03
 ✓ NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): CITY OF NORTH MIAMI BEACH
 ✓ MAILING ADDRESS & TELEPHONE NUMBER: 17011 NE 19th AVENUE, NORTH MIAMI BEACH, FL 33162
(305) 948-2900

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: 4/12/03
 ✓ NAME & POSITION/TITLE (PRINT OR TYPE): CHIEF OF POLICE, WILLIAM BERGER
 ✓ NAME OF LAW ENFORCEMENT AGENCY: NORTH MIAMI BEACH POLICE DEPARTMENT (305) 949-5500
 ✓ MAILING ADDRESS & TELEPHONE NUMBER: 16901 NE 19th AVENUE, NORTH MIAMI BEACH, FL 33162

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

- ✓ PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 305-919-8309
- ✓ PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1601 NE 164th Street, No. Miami Beach, FL 33162
- ✓ NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: NORTH MIAMI BEACH PUBLIC LIBRARY

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: 4/28/03
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell, Pres & COO
 NAME OF PAY TELEPHONE COMPANY: BELLSOUTH PUBLIC COMMUNICATIONS
 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.

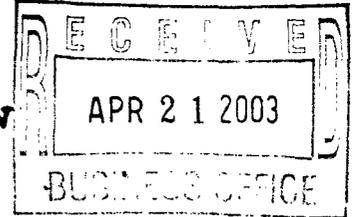
SIGNATURE OF LOCATION OWNER: Gary Brown DATE: 4-11-03
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): CITY OF NORTH MIAMI BEACH
 MAILING ADDRESS & TELEPHONE NUMBER: 17011 NE 19th AVENUE, NORTH MIAMI BEACH, FL 33162
(305) 948-2900

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: W B Berger DATE: 4/12/03
 NAME & POSITION/TITLE (PRINT OR TYPE): CHIEF OF POLICE, WILLIAM BERGER
 NAME OF LAW ENFORCEMENT AGENCY: NORTH MIAMI BEACH POLICE DEPARTMENT
 MAILING ADDRESS & TELEPHONE NUMBER: 16901 NE 19th AVENUE, NORTH MIAMI BEACH, FL 33162
(305) 949-5500

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS



Original Request (check one) Subsequent Request

- ✓ PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 561-483-9977
- ✓ PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 22546 VISTAWOODWAY BOCA RATON
- ✓ FLA. 33428
- ✓ NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Timberwalk Assoc., Inc.

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: 4/28/03
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell, Pres & COO
 NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.
 MAILING ADDRESS & TELEPHONE NUMBER: 73 Bagby Drive
Homewood, AL 35209 (205) 943-2500

Location Provider

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: 3/21/03
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Timberwalk Assoc. Inc
 MAILING ADDRESS & TELEPHONE NUMBER: 910 Home Management 23120A Sandpiper
Pkwy Dr, Boca Raton FL 33428 4157-9992

Law Enforcement

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: 4/28/03
 NAME & POSITION/TITLE (PRINT OR TYPE): [Signature]
 NAME OF LAW ENFORCEMENT AGENCY: 11th Brevard Co Sheriff's Dept
 MAILING ADDRESS & TELEPHONE NUMBER: _____