

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date:	7/22/2004	Docket No.:	040772-TC
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1. Division Name/Staff Name:	Competitive Markets & Enforcement/Isler
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2. OPR:	Competitive Markets & Enforcement
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3. OCR:	Office Of The General Counsel
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4. Suggested Docket Title:	Request For Two-Year Exemption From Requirement Of Rule 25-24.515(13), Florida
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5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

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.

DOCUMENT NUMBER-DATE

08006 JUL 22 3

**Southeast Pay Telephone, Inc.  
1393 SW 12<sup>th</sup> Avenue  
Pompano Beach, FL 33069**

July 2, 2004

2004 JUL 22 AM 9:21  
DIVISION OF  
COMPETITIVE SERVICES

Ms. Paula Isler  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Ms. Isler:

Enclosed is our request for a two-year waiver of Rule 25-24.515(13), Florida Administrative Code. We request that the pay telephones at the addresses below be exempt for a period of two years from the provisions of Rule 25-24.515(13), F.A.C., which requires all pay telephone stations to allow incoming calls to be received at all times "with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission." The locations and telephone numbers are as follows:

Linton Boulevard Shell  
380 W. Linton Blvd.  
Delray Beach, FL 33444  
561-272-9071  
561-272-9676

Deb Petroleum  
2100 W. Linton Blvd.  
Delray Beach, FL 33444  
561-272-9287  
561-819-0622

This waiver is being requested in accordance with the requirements of Section 120.542(2), Florida Statutes. 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, Florida Statutes).

In addition, 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 because of the use of the pay telephones for alleged illegal activities. They believe the waiver will restrict the usefulness of the payphones for these individuals. The above locations do not fit within the delineated exceptions to the rule; therefore, this request for a rule waiver is appropriate.

Sincerely,



Jim Bimonte, President

**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 West Linton Boulevard  
Delray Beach, FL 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Linton Boulevard Shell  
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: 7/2/04

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

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: Michele P. Burns DATE: 6-25-04

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

MAILING ADDRESS & TELEPHONE NUMBER: 2100 W. Linton Blvd.  
Delray Beach FL 33445

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. McCollom DATE: 7/12/04

NAME & POSITION/TITLE (PRINT OR TYPE): William McCollom, Acting Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave., Delray Bch. 33444  
561-243-7888

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 West Linton Boulevard  
Delray Beach, FL 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Linton Boulevard 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.

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT) \_\_\_\_\_

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

MAILING ADDRESS & TELEPHONE NUMBER: 1393 S W 12th Avenue  
Pompano Beach, FL 33069

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: Michele P. Burns DATE: 6-25-04

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

MAILING ADDRESS & TELEPHONE NUMBER: 2100 W. Linton Blvd.  
Delray Beach, FL 33445

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. M. Collam DATE: 7/12/04

NAME & POSITION/TITLE (PRINT OR TYPE): William McCollam, Acting Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave., Delray Beach 33444  
561-243-7888

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one)  Subsequent Request

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

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 2100 West Linton Boulevard  
Delray Beach, FL 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Deb Petroleum  
Burns Linton/Congress 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: 7/2/04

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

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: Michele P. Burns DATE: 6-25-04

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

MAILING ADDRESS & TELEPHONE NUMBER: 2100 W. Linton BLVD.  
Delray Beach, FL 33445

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 mislead a public-servant in

W. Matt 7/12/04  
William McCollom, Acting Chief of Police  
Delray Beach Police Dept.  
W. Atlantic Ave., Delray Bch. 33444  
561-243-7888

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 West Linton Boulevard  
Delray Beach, FL 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Deb Petroleum  
Burns Linton/Congress 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:  DATE: 7/2/04

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


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: Michele P. Burns DATE: 6-25-04

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

MAILING ADDRESS & TELEPHONE NUMBER: 2100 W. Linton Blvd.  
Delray Beach, FL 33444

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: 7/2/04

NAME & POSITION/TITLE (PRINT OR TYPE): William McCollom, Acting Chief of Police

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Dept.

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave., Delray Beach 33444  
561-243-7888



# Delray Beach Police Department

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

June 18, 2004



1993  
2001

Joseph L. Schroeder  
Chief of Police

**FAXED 954-786-9126**

Mr. Jim Bimonte  
S.E. Pay Telephones, Inc.  
1393 S.W. 12<sup>th</sup> Avenue  
Pompano Beach, Florida 33069

2004 JUL -6 AM 10:23  
COMPETITIVE SERVICES

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.

Linton Boulevard Shell  
380 W. Linton Boulevard  
Delray Beach, Fl 33444

Deb Petroleum  
2100 W. Linton Boulevard  
Delray Beach, Fl 33444

561-272-9071  
561-272-9676

561-272-9287  
561-819-0622

Thank you for your consideration in this matter.

Sincerely,

William McCollom, Major  
Acting Chief of Police

Michael Fix, General Manager  
Burns Shell

vls

*Serving with P.R.I.D.E.  
Professionalism, Respect, Integrity, Diversity and Excellence*