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SOUTHEAST PAY TELEPHONE



Southeast Pay Telephone, Incorporated

December 8, 2005

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. 000913-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 telephone located at the address 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 and number of the public telephone is as follows:

BP Amoco
4389 North Andrews Avenue
Ft. Lauderdale, FL 33309
(954) 563-5468

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).

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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.



James Bimonte
President

/ad

Department of Law Enforcement



- District 1 • Pembroke Park**
3201 W. Hallandale Beach Blvd.
Pembroke Park, FL 33023
(954) 985-1953 · Fax (954) 964-0224
- District 2 • Dania Beach**
100 W. Dania Beach Blvd.
Dania, FL 33004
(954) 926-2400 · Fax (954) 926-2404
- District 3 • Airport**
200 Terminal Dr.
Ft. Lauderdale, FL 33315
(954) 359-1244 · Fax (954) 359-1242
- District 4 • Lauderdale Lakes**
4300 NW 36th St.
Lauderdale Lakes, FL 33319
(954) 497-1646 · Fax (954) 497-3660
- District 5 • Central Broward**
200 NW 27th Ave.
Ft. Lauderdale, FL 33311
(954) 321-4800 · Fax (954) 765-4011
- District 6
Broward County Courthouse**
201 S.E. 6th St.
Ft. Lauderdale, FL 33301
(954) 831-7330 · Fax (954) 761-9642
- District 7 • Tamarac**
7515 NW 88th Ave.
Tamarac, FL 33321
(954) 720-2225 · Fax (954) 720-2236
- District 8 • Weston/SW Ranches**
17300 Arvida Pkwy.
Weston, FL 33326
(954) 389-2010 · Fax (954) 389-2029
- District 9 • North Broward**
750 E. Sample Rd.
Pompano Beach, FL 33064
(954) 786-2100 · Fax (954) 786-2148
- District 10 • Deerfield Beach**
300 NE 2nd St.
Deerfield Beach, FL 33441
(954) 480-4300 · Fax (954) 480-4283
- District 11 • Pompano Beach**
100 SW 3rd St.
Pompano Beach, FL 33060
(954) 786-4201 · Fax (954) 786-2105
- District 12 • Oakland Park**
301 NE 38th St.
Oakland Park, FL 33334
(954) 561-6111 · Fax (954) 561-6208
- District 13 • Lauderdale-By-The-Sea**
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
(954) 491-3920 · Fax (954) 776-6291
- District 14 • Port Everglades**
1901 Eller Dr.
Ft. Lauderdale, FL 33316
(954) 765-4511 · Fax (954) 765-4520
- District 15 • North Lauderdale**
701 Southwest 71st Avenue
North Lauderdale, FL 33068
(954) 722-5800 · Fax (954) 722-5820

November 21, 2005

Mr. James Bimonte
Southeast Pay Telephone, Inc.
1393 SW 12th Avenue
Pompano Beach, Florida 33069

Dear Mr. Bimonte:

The Broward Sheriff's Office, in conjunction with BP Amoco located at 4389 North Andrews Avenue in Fort Lauderdale, request that the following payphone at the listed location be shut off from receiving incoming phone calls.

This request is due to the increasing number of loiterers and criminal activity taking place on this property around the payphone area.

BP Amoco
4389 North Andrews Avenue
Fort Lauderdale, Florida 33309
(954) 563-5468

Thank you for your consideration in this matter.

Sincerely,

Chief David M. Rahinsky

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 954 561 5914
PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 4389 N. Andrews Ave
Fort Lauderdale, FL
NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: BP 35359

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 25-24.315(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: 11/8/05
NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Jim Bronte
NAME OF PAY TELEPHONE COMPANY: South-east 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: [Signature] DATE: Oct 14, 2005
NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): James Bates
MAILING ADDRESS & TELEPHONE NUMBER: 954 305 0117

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: 11-10-05
NAME & POSITION/TITLE (PRINT OR TYPE): LT. MARK MURRAY / CGN 2983
NAME OF LAW ENFORCEMENT AGENCY: BROWARD SHERIFF
MAILING ADDRESS & TELEPHONE NUMBER: 2601 W. BROWARD BLVD
FT LAUDERDALE FL 33312