

REQUEST TO ESTABLISH DOCKET
(Please Type)

ORIGINAL

Date: 12/20/2006 Docket No.: 060816-TC

1. Division Name/Staff Name: Division Of Competitive Markets & Enforcement/Isler

2. OPR: Division Of The Commission Clerk And Administrative Services

3. OCR: Office Of The General Counsel

4. Suggested Docket Title: Request for Two-Year Exemption from Requirement of Rule 25-24.515(13), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Southeast Pay Telephone, Inc.

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

11625 DEC 20 06

FPSC-COMMISSION CLERK



SOUTHEAST PAY TELEPHONE

20 AM 9:51
APCC
DIVISION
COMPETITIVE SERVICES

December 18, 2006

Southeast Pay Telephone, Incorporated

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Boulevard
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
561-272-9676

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

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 provisions 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,

SOUTHEAST PAY TELEPHONE, INC.


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) 272-9676

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 380 W. 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: [Signature] DATE: 12/13/06

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: 2173 N W 22nd Street, Pompano Beach
Florida 33069 (954) 956-0566

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: 12/06/06

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

MAILING ADDRESS & TELEPHONE NUMBER: Linton Blvd Shell, 380 Linton Blvd.,
Delray Beach, FL 33444 (561) 278-0780

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: 1/12/07

NAME & POSITION/TITLE (PRINT OR TYPE): Craig Hartmann

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach

MAILING ADDRESS & TELEPHONE NUMBER: 300 W. Atlantic Ave. Delray Beach Fl. 33444

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 W. Linton Boulevard
Delray Beach, FL 33444

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Burns/Linton Congress Shell
Deb Petroleum

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: 12/13/06

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: 2173 N W 22nd Street
Pompano Beach, FL 33069 (954) 956-0566

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: 12-06-06

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

MAILING ADDRESS & TELEPHONE NUMBER: 380 W. Linton Boulevard, Delray Beach
FL 33444 (561) 278-0780

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: 11/28/06

NAME & POSITION/TITLE (PRINT OR TYPE): Sergeant [Name] Deputy Chief

NAME OF LAW ENFORCEMENT AGENCY: Delray Beach Police Dept

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



Joseph L. Schroeder
Chief of Police

Delray Beach Police Department

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



2004



1993
2001

November 21, 2006

Mr. Jim Bimonte
Southeast Pay Telephone, Inc.
2173 N.W. 22 Street
Pompano Beach, FL 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 to impact the number of loiterers and criminal activity that may take place on these properties around the pay phone areas.

Linton Boulevard Shell
380 W. Linton Boulevard
Delray Beach, FL 33444
(561) 272-9696

Deb Petroleum
2100 W. Linton Boulevard
Delray Beach, FL 33444
(561) 272-9287

Thank you for your consideration of this matter.

Sincerely,

Craig Hartmann, Major
Deputy Chief of Police

Michele Burns, President
Burns Shell

ppt

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

MCD Company Information for TC008

Printed on 12/20/2006 at 13:45:08 by PJI

Company Code: TC008
Complete Name: Southeast Pay Telephone, Inc.
Mailing Name: Southeast Pay Telephone, Inc.
Certificate No(s): 99
Status: Active
Regulation Date: 07/16/1985
Bankruptcy: No
Company Liaison #1: Jim Bimonte
Title: President
Mailing Address: 2173 N.W. 22nd Street

Physical Location: Pompano Beach, FL 33069-1344
2173 N.W. 22nd Street

Phone: Pompano Beach, FL 33069-1344
(954) 956-0566
Fax: (954) 977-6951

Related Dockets:

870778-TC Application by VGI VENDING for name change to SOUTHEAST PAY TELEPHONE, INC. on Psy Telephone Certificate No. 99.

990717-TC Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Southeast Pay Telephone, Inc.

000953-TC Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Southeast Pay Telephone, Inc.

020345-TC Request for exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Southeast Pay Telephone, Inc.

040772-TC Request for two-year exemption from requirement of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls, by Southeast Pay Telephone, Inc.

050913-TC Request for two-year exemption from requirement of Rule 25-24.515(3), F.A.C., that each pay telephone station shall allow incoming calls, by Southeast Pay Telephone, Inc.