

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date July 1, 1997

Docket No. 970801-TC

1. Division Name/Staff Name Communications / Natalie Monteiro
2. OPR Natalie M. Monteiro (CPU)
3. OCR Will Cox (LEG)
4. Suggested Docket Title Request for exemption from requirement of Rule 25-26.515(B), F.A.C., that each pay telephone station shall allow incoming calls, by Peoples Telephone Company, Inc. d/b/a PTC

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

Peoples Telephone Company, Inc. d/b/a PTC

2. Interested Persons and their representatives (if any)

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

PTC

Peoples Telephone Company, Inc.

97 JUN 30 11 51 AM '97
TALLAHASSEE, FLA.

June 26, 1997

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



**RE: Docket No. _____
Waiver of Rule 25-24.515(8), F.A.C.**

Dear Ms. Bayo:

On Behalf of Peoples Telephone Company, Inc. d/b/a PTC, enclosed please find the original and five copies of our request for waiver of Rule 25-24.515(8), F.A.C. Which we ask that you file in the above captioned matter.

We request that the pay telephones located at the addresses below be exempted from the provisions of Rule 25-24.515(8), 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 locations and numbers of the public telephones are as follows:

941-297-8101	XYZ Liquor Store
	1075 Spint Lake Rd.
	Winter Haven, Florida 33880

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 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 this location 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 identified above has either joined in or agreed to this request

Ms. Blanca S. Bayo
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for waiver which is attached.

The Commission has previously granted waiver of this Rule in Order No. 97-0425, issued April 16, 1997, approving Peoples Telephone Company, Inc.'s petition for waiver of the rule for pay telephones located in Winter Haven. The owners had requested blocking of incoming calls to restrict the usefulness of the public phone for unlawful activity.

Please advise by Order if our request for the waiver has been accepted.

Sincerely,



Randel Carr
Manager Regulatory Affairs

Enclosures

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FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (941) 297-8101

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 1075 Spirit Lake Rd.
XYZ LIQUOR STORE WINTER HAVEN, FL 33886

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(8) or 25-4.076(6), F.A.C., as appropriate). 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 the 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: Randel Can DATE: 6-20-96

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Randel Can, Regulatory Manager

NAME OF PAY TELEPHONE COMPANY: PEOPLES TELEPHONE COMPANY INC.

MAILING ADDRESS: 2300 NW 89TH PLACE MIAMI FLORIDA 33172

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: Lionel J. Auge DATE: 3/3/97

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Lionel J. Auge

MAILING ADDRESS: 1348 Edgewater Bch Dr Lakeland FL 33805

I, the undersigned Chief of the law enforcement agency of 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 this 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 misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: Lawrence Crow DATE: 6-9-97

NAME & POSITION/TITLE (PRINT OR TYPE): Sheriff Lawrence Crow

NAME OF LAW ENFORCEMENT AGENCY: Polk County Sheriff's Office

MAILING ADDRESS: 455 North Broadway, Bartow, Florida 33830