

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 08/05/98

Docket No. 981000-TC

- 1. Division Name/Staff Name Communications/McCoy
- 2. OPR Communications/McCoy
- 3. OCR Legal Services

4. Suggested Docket Title Request for Exemption from Requirement of Rule 25-26.515(8), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by Tampa PayPhones, Inc.

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)

Tampa PayPhones, Inc. _____

2. Interested Persons and their representatives (if any)

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

08348 AUG-6 98

REG. RECORDS/REPORTING



Tampa PayPhones, Inc.

Margaret L. Weaver
P.O. Box 291805
Tampa, Florida 33687-1805
813-985-8114

July 14, 1998

Florida Public Service Commission
Ms. Blanco S. Bayo
Director, Records and Reporting
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Rm. 110
Tallahassee, Florida 32399-0950

Dear Ms. Bayo:

RE: Docket Number 3665
Waiver of Rule 25-24.515(8) F.A.C.

On behalf of Tampa PayPhones, Inc., enclosed please find a signed original of a FLORIDA PUBLIC SERVICE COMMISSION REQUEST TO BLOCK INCOMING CALLS form to address a request for waiver of Rule 25-24.515(8), F.A.C., which I ask that you file in the above captioned matter.

I request that the pay telephone located at the address below be exempted from the provisions of Rule 24-24 515(8), Florida Administrative Code, which requires that all pay telephone stations to 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:

1. 2608 34th Street, Tampa, Florida 33605

This waiver is being requested in accordance with the requirements of Florida 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 public.

The property owner has requested that I submit this request for a waiver of the rule because of the possible use of the telephone at this location for allegedly illegal activities. The property owner believes the waiver will restrict the usefulness of the pay telephone for these activities. This location does not fit within the delineated exceptions to the rule and therefore this request for waiver is appropriate. The Police Department has agreed to this request for the same reason.

Please advise me by Order if this request for the waiver has been accepted. Timeliness is essential to the property owner.

Sincerely,

Margaret L. Weaver
Enclosure

Reck

RECEIVED-FPSC

98 JUL 23 AM 11:04

RECORDS AND REPORTING

RECEIVED

JUL 23 1998

CRU

REQUEST TO BLOCK INCOMING CALLS

Attn: Pam + 514

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS)

813-241-8299

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS):

3608 34th Street
Tampa, FL 33605

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 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:

M. Weaver

DATE

4/11/98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE):

Margaret L. Weaver, President

NAME OF PAY TELEPHONE COMPANY:

Tampa PayPhones, Inc.

813 988-4977 (fax)

MAILING ADDRESS: P.O. Box 291805; Tampa, Florida 33687-1805

813 988-8114

485-8114

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:

Dennis Barco

DATE

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

Dennis Barco

MAILING ADDRESS:

3608 34th Street, Tampa FL 33605

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 a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY:

L. Potenziano

DATE

6-11-98

NAME & POSITION/TITLE (PRINT OR TYPE):

Lieutenant Louis J. POTENZIANO

NAME OF LAW ENFORCEMENT AGENCY:

City of Tampa Police

MAILING ADDRESS:

411 N. FRANKLIN ST. ONE POLICE CENTER

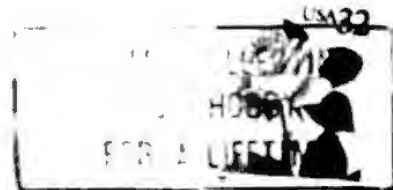
TAMPA, FL. 33602

FORM: PSC/CMU 2 (12/84)

Chief of Police Signature:

Bernie A. [Signature]

Margaret L. Weaver
Tampa PayPhones, Inc
PO Box 291805
Tampa, Florida 33687



SMU

Florida Public Service Commission
Ms. Blanco S. Bayo
Director, Records and Reporting
2540 Shumard Oak Boulevard Rm. 110
Tallahassee, Florida 32399-0850

32399-7019

