

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date July 26, 2000

Docket No. 000953-TC

- 1. Division Name/Staff Name Competitive Services/Isler
- 2. OPR Competitive Services/Isler
- 3. OCR Legal Services

4. Suggested Docket Title Request for 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 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)

<u>Jim Bimonte</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

09038-JUL 26 8

FPCO-RECORDS/REPORTING



SOUTHEAST PAY TELEPHONE



Southeast Pay Telephone, Incorporated

July 20, 2000

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. _____
Waiver of Rule 25-24.515(13), F.A.C.

2000 JUL 25 PM 3:40
DIVISION OF
COMPETITIVE SERVICES

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 telephones located at the addresses 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 numbers of the public telephones are as follows:

Neighborhood Market
3060 N.W. 60th Avenue
Sunrise, Florida 33313

954-749-9523
954-749-9075

Ms. Bianca S. Bayo
Director, Records and Reporting
Florida Public Service Commission
July 20, 2000
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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).

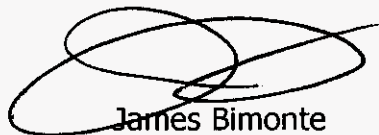
In addition, as explained below, granting this waiver will lift the "substantial hardship" that the rule imposes on law enforcement, the location provider and the law abiding using public. The Police Department has requested that we submit this request for a waiver of the rule because of the use of the 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.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

James Bimonte
President

/am



City of Sunrise, Florida

Police Department

10440 WEST OAKLAND PARK BOULEVARD, SUNRISE, FLORIDA 33351
(954) 746-3600 • FAX (954) 746-3341



DAVID T. BOYETT
Chief of Police

July 11, 2000

Jim Bimonte, President/C.E.O
Southeast Pay Telephones
1393 Southwest 12 Avenue
Pompano Beach, Florida 33069

Dear Mr. Bimonte:

Recently you contacted the Sunrise Police Department in reference to installing pay telephones without the ability to receive incoming calls at the Neighborhood Market Store, 3060 N.W. 60 Avenue, Sunrise, Florida.

A review of our crime analysis data and information provided by our Vice, Intelligence, and Narcotics Unit indicates that there is some street level drug activity in that area. Based upon these facts, I agree that it would be beneficial to all parties involved if the pay phones in question were installed without the ability to receive incoming calls.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

David T. Boyett
Chief of Police

DTB/vc



An Accredited Law Enforcement Agency

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

Original Request (check one) Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 954-749-9523

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 3060 N.W. 60 Avenue, Sunrise, Florida 33313

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Neighborhood Market

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: 7/18/00

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: 954-782-1666

1393 S.W. 12 Avenue, Pompano Beach, Florida 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: 7/18/2000

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

MAILING ADDRESS & TELEPHONE NUMBER: 3060 NW 60th AVE Sunrise, FL 33313

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: 7-18-2000

NAME & POSITION/TITLE (PRINT OR TYPE): DAVID T. BOYETT / CHIEF OF POLICE

NAME OF LAW ENFORCEMENT AGENCY: CITY OF SUNRISE POLICE DEPT.

MAILING ADDRESS & TELEPHONE NUMBER: 10440 W. OAKLAND PARK BLVD. SUNRISE, FL 33351 954-746-3600

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

[X] Original Request (check one) [] Subsequent Request

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 954-749-9075

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 3060 N.W. 60 Avenue, Sunrise, Florida 33313

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Neighborhood Market

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: 7/18/00

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: 954-782-1666 1393 S.W. 12 Avenue, Pompano Beach, Florida 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: 7/18/00

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

MAILING ADDRESS & TELEPHONE NUMBER: 3060 NW 60th AVE sunrise FL 33313

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: 7-18-00

NAME & POSITION/TITLE (PRINT OR TYPE): DAVID T. BOYETT / CHIEF OF POLICE

NAME OF LAW ENFORCEMENT AGENCY: CITY OF SUNRISE POLICE DEPT.

MAILING ADDRESS & TELEPHONE NUMBER: 10440 W. OAKLAND PARK BLVD., SUNRISE, FL 33351 954-746-3600