REQUEST TO ESTABLISH DOCKET (PLEASE TYPE)

Docket No. 000953-TC Date July 26, 2000 1. Division Name/Staff Name Competitive Services/Isler 2. OPR <u>Competitive Services/Isler</u> 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. 8. 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: XX Documentation is attached. _ Documentation will be provided with recommendation.

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PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMPER-DATE 09038-JUL 268 FPSC-RECORDS/REPORTING





APCC :: American Public Communications Council (for North American Vibramanusci-solver Americality

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. 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 Page 2

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.

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,

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David T. Boyett Chief of Police

DTB/vc



An Accredited Law Enforcement Agency

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	REQUEST TO BLOCK INCOMING CALLS	
	🛿 Original Request (check one) 🗆 Subsequent Request	
AV TELEPHONE (NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) 954-749-9	523
	TION OF PAY TELEPHONE (ADDRESS):	
	60 Avenue, Sunrise, Florida 33313	
AME OF BUSINES	SS WHERE PAY TELEPHONE IS LOCATED: <u>Neighborhood</u> Market	
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		DATE: 7/18/00
	FFICER OF PAY TELEPHONE COMPANY (PENDOR TYPE) I'M Bimonte	
	PHONE COMPANY: Southeast Pay Telephone, Inc.	
lailing address J	R West President Statistics	
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1393 S.W	12 Avenue, Pompano Beach, Florida 33069	
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FLORIDA PUBLIC SERVICE COMMISSION

FPTA

REQUEST TO BLOCK INCOMING CALLS

Driginal Request (check one) D 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 graated 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."			
L, 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			
NAME OF DWNERAOFFICER 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			
L, 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: NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): MAILING ADDRESS & TELEPHONE NUMBER: 3060 AUX 6074 AUX 6074 AUX 6074 AUX 5007 Cise 3373			
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: NAME A POSITION/TITLE (PRINT OR TYPE): DAVID T. BOYETT / CU10F OF POLICE NAME OF LAW ENFORCEMENT AGENCY: CITY OF SUNPLISE POLICE DEFT.			
MAILING ADDRESS & TELEPHONE NUMBER: 10440 W. OAKLAND PARK BLVD., SUNRISE, FL 33351			

954-746-3600