

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 05/11/98

Docket No. 980640-TC

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

4. Suggested Docket Title Request for Exemption from Requirement of Rule 25-24.515(B), Florida Administrative Code, That Each Pay Telephone Station Shall Allow Incoming Calls by ETS Payphones of Florida, 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>ETS Payphones of Florida, Inc.</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one: Documentation is attached.
 Documentation will be provided with recommendation.

ETS PAYPHONES of FLORIDA

230 PARNELL STREET ♦ MERRITT ISLAND FL 32953 ♦ (407) 452-5152 (800) 780-8078 FAX (407) 459-3648

Smith CMU
RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
98 MAY - 1
ROOM 51
FLORIDA OFFICE

April 29, 1998

Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

To whom it may concern:

RE: Docket No. 971000-TC
Waiver of Rule 25-24.515(8), F.A.C.

On behalf of ETS Payphones, Inc., 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 25-25.515 (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:

Barefoot Bay Recreation District	Payphone number & location
P.O. Box 779-233	(561)664-9904
Barefoot Bay, Fl 32976-9233	935 Barefoot Bay Blvd.
	Barefoot Bay, FL. 32976

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.

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

Sincerely,

Kathleen Rodamer
ETS Payphones

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST. NO EXCEPTIONS!) 561-664-9904
 PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 935 BAREFOOT BLVD
BAREFOOT BAY, FL 32976

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: Kathleen R RODAMER DATE 4/2/98
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Kathleen R. Rodamer / Branch Mgr.
 NAME OF PAY TELEPHONE COMPANY: ETS Payphones, Inc
 MAILING ADDRESS: 230 PARNELL ST MERRETT ISL FL 32953

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: Alb Lambert Community Manager DATE 4/24/98
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Barefoot Bay Recreation District
 MAILING ADDRESS: P.O. Box 779-233 Barefoot Bay, FL 32976-9233

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: FOR SHERIFF WILLIAMS: Robert A. Sarver DATE 4/21/98
 NAME & POSITION/TITLE (PRINT OR TYPE): ROBERT A. SARVER / CHIEF DEPUTY
 NAME OF LAW ENFORCEMENT AGENCY: BREVARD COUNTY SHERIFF'S OFFICE
 MAILING ADDRESS: 700 S. PARK AVE. TITUSVILLE, FL 32780