

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 11/20/98

Docket No. 981691-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 25-24.515(8), Florida Administrative Code, That Each Pay Telephone Shall Allow Incoming Calls by GTE Florida Incorporated
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)

GTE Florida Incorporated

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
13221 NOV 23 98
PSC RAR 10 (REVISED 01/96)

FLORIDA PUBLIC SERVICE COMMISSION
REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER: 813-972-9729

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): University Park Transit Center
13105 27th Street, North
Tampa, FL 33612

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: Peter A. Daks DATE 10/10/98

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Peter A. Daks, President

NAME OF PAY TELEPHONE COMPANY: GTE Florida Incorporated

MAILING ADDRESS: One Tampa City Center, 201 N Franklin St - MC FLTC0100, Tampa, FL 33602

APPROVED

10/5/98
LAW DEPT

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: Sharon Dent DATE 10/14/98

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

MAILING ADDRESS: 201 N Franklin St, Tampa, FL 33602

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: Cal Henderson DATE 10/14/98

NAME & POSITION/TITLE (PRINT OR TYPE): Sheriff Cal Henderson

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

MAILING ADDRESS: P. O. Box 3571, Tampa, FL 33601



98 OCT 30 PM 2:25

Beverly Y. Menard
Regulatory & Governmental Affairs
Assistant Vice President - Florida/Georgia

GTE Service Corporation

One Tampa City Center
Post Office Box 110, FLTC0616
Tampa, Florida 33601-0110
813-483-2526
813-223-4888 (Facsimile)

October 28, 1998

Ms Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Rm 110
Tallahassee, Florida 32399-0850

98 OCT 30 11 1:32
Administrative

D Ms Bayo:

**SUBJECT: DOCKET NO.
WAIVER OF RULE 25-24.515(8), F.A.C.**

On behalf of GTE Florida, Incorporated, enclosed for filing is the original and five copies of our request for waiver of Rule 25-4 515(8), F A C , which we ask that you file in the above captioned matter

We request that the pay telephones located at the address 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 location and numbers of the public telephones are as follows

13105 27th Street North, Tampa, 813-972-9729

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).

RECEIVED

NOV 0 1998

Ms Blanco Bayo
October 28, 1998
Page 2

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 for waiver which is attached.

The Commission has previously granted a waiver of this Rule in Order No. 97-0669, issued June 10, 1997, approving GTE Florida's petition for waiver of the rule for pay telephones located in St. Petersburg. 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,

Beverly Y. Menard

Beverly Y. Menard
Regulatory & Governmental Affairs
Assistant Vice President - Florida/Georgia

BYM:DBK:wjh