



Harvey L. Spears, Jr.  
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June 30, 2000

ORIGINAL

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

Dear Ms. Bayo:

RE: Docket No. 000815-TC  
Waiver of Rule 25-24.515(13), F.A.C.

00 JUL -3 AM 9:59  
MAIL ROOM

Enclosed please find the original and 5 copies 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 telephone located at the address 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 number of the public telephone are as follows:

Creative Mindz Learning Academy  
625 Lovejoy Road  
Ft. Walton Beach, Florida 32547 850/664-0589

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

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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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Harvey L. Spears, Jr.", written in a cursive style with a long horizontal flourish extending to the right.

Harvey L. Spears, Jr.

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) 850-664-0589

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 625 LOVEJOY RD., FT. WALTON BEACH, FLORIDA

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: CREATIVE MINDZ LEARNING ACADEMY

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: Jackie Brock DATE: 6-26-00

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

NAME OF PAY TELEPHONE COMPANY: Sprint-Florida

MAILING ADDRESS & TELEPHONE NUMBER: 962 First Street Bldg.D Altamonte Springs, FL 32701

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: Shaunda D. Sefters DATE: 6/22/00

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): Creative Mindz Learning Academy

MAILING ADDRESS & TELEPHONE NUMBER: 625 Lovejoy Rd; FWB, FL; 32547 850-796-1127

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: Charles W. Morris DATE: 6/22/00

NAME & POSITION/TITLE (PRINT OR TYPE): Charles W. Morris, Sheriff

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

MAILING ADDRESS & TELEPHONE NUMBER: 1250 Eglin Parkway, Shalimar, FL. (850)651-7410

# **Community Police**

## Problem Referral Worksheet

**Nature of Problem:** There are several pay telephones located within the Hetherington and Sylvania Heights "Community Policing" areas of responsibilities in which we believe are being used to conduct drug dealing activities. We have received several complaints from businesses owners and neighbors about large number of individuals hanging out around the pay telephones. They have also reported incidents of possible drug transitions within the area.

**Location:** The above stated "Problem" has been observed at the following locations:

- "Six Brothers Food Mart", 727 Mayflower Ave, (Hetherington) Fort Walton Beach, Florida
- "Creative Mindz Learning Academy" (child care center), 625 Lovejoy Rd. (Sylvania Heights) Fort Walton Beach, Florida

**Time Occurring:** The stated problem occurs at all hours of the day.

**How was the problem identified:** The business owner and employees first identified the problem. Neighbors within the area have stated their concerns about the large groups of individuals hanging around the business (pay telephone area).

**Who is affected by the problem:** Businesses, customers and local residents. In general, the entire Community.

**Additional narrative concerning the problem:** Since my assignment to the Hetherington area as Community Officer, I have observed the stated problem. An increase in patrolling the area has shown a small decrease in the gathering of individuals around the pay telephones. Please note that this problem is not just a law enforcement issue, it is a Community issue. The following are recommend solutions based on my observations and interviews with citizens and telephone contact with Sprint Telephone Company Security Division.

**Suggestions for solving the problem:** To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone locations listed above, I have requested assistance from Sprint Telephone Company to reprogram the pay telephones to "Block Incoming Calls". Sprint has provided the required work order forms to be completed by the business owners and the Sheriff's Office.

Request that the following pay telephones be converted to call out service only:

850-862-1591; 727 Mayflower Ave, Ft. Walton Beach, Fl.  
850-862-1596; 727 Mayflower Ave, Ft. Walton Beach, Fl.  
850-664-0589; 625 Lovejoy Rd. Ft. Walton Beach, Fl.