

BellSouth Public Communications, Inc.  
75 Bagby Drive  
Homewood, Alabama 35209

December 04, 2002

Ms. Blanca 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. 021219-TC  
Waiver of Rule 25-24.515(13), F.A.C.

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 to file in the above captioned matter.

We request that the pay telephones located at the addresse(s) 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(s) and number(s) of the public telephones are as follows:

Monterey Homes (305) 621-2084  
5463 NW 186<sup>th</sup> Street  
Opa Locka, FL 33055

DOCUMENT NUMBER-DATE  
13401 DEC-98  
FPSC-COMMISSION CLERK

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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 location(s) 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,

Manager – Business Office  
BellSouth Public Communications, Inc.

Enclosures

**FLORIDA PUBLIC SERVICE COMMISSION**

**REQUEST TO BLOCK INCOMING CALLS**

Original Request (check one)       Subsequent Request

- ✓ PAY TELEPHONE NUMBER: (ONE NUMBER PER REQUEST, NO EXCEPTIONS) (305) 621-2084
- ✓ PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): 5463 NW 186<sup>th</sup> Street
- ✓ Opa-Locka Florida 33056
- ✓ NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: Monterey Homes

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: Rachel Russell      DATE: 12-3-02  
 NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): Rachel K. Russell, COO  
 NAME OF PAY TELEPHONE COMPANY: BellSouth Public Communications, Inc.  
 MAILING ADDRESS & TELEPHONE NUMBER: 75 Bagby Drive  
Homewood, AL 35209      (205) 943-2606

Location Provider

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: Myra E. Barba      DATE: 11/19/02  
 NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): MONTEREY MOA  
 MAILING ADDRESS & TELEPHONE NUMBER: 10021 PINES BLVD S. 104A  
PENAROCKE PINES 33024

Law Enforcement

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: 11/25/02  
 NAME & POSITION/TITLE (PRINT OR TYPE): Carlos Alvarez, Director ATTN: Commander Frank (Sheriff)  
 NAME OF LAW ENFORCEMENT AGENCY: Miami-Dade Police Department      Vecin  
 MAILING ADDRESS & TELEPHONE NUMBER: 9105 NW 25 Street - 305-471-3230