

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

MEMORANDUM

APRIL 24, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC MCB*
DIVISION OF COMMUNICATIONS (MOSES) *R*

RE: DOCKET NO. 960570-TC - PETITION FOR WAIVER OF RULES 25-24.620(2)(C) AND (D) AND 25-24.515(7), F.A.C., BY AMERITEL PAY PHONES, INC.

AGENDA: MAY 6, 1997 - REGULAR - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\LEG\WP\960570.DCM

CASE BACKGROUND

On May 6, 1996, AmeriTel Pay Phones, Inc. (AmeriTel) filed a petition for waiver of Commission rules and policies to permit provision of 0+local and 0+intraLATA utilizing store-and-forward technology at pay telephones located in correctional facilities and other confinement facilities (Docket No. 960570-TC). On August 20, 1996, the Commission issued Order No. PSC-96-1063-FOF-TC granting AmeriTel's waiver petition.

On September 16, 1996, ALLTEL Florida, Inc. (ALLTEL) filed a protest petition on Order No. PSC-96-1063-FOF-TC, and the matter was set for hearing. Subsequently, on February 27, 1997, ALLTEL filed a withdrawal of its protest petition. As a result, the following recommendations are appropriate.

DOCUMENT NUMBER DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 960570-TC
DATE: APRIL 24, 1997

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge the withdrawal of protest on Order No. PSC-96-1063-FOF-TC in Docket No. 960570-TC by ALLTEL Florida, Inc., and reinstate Order No. PSC-96-1063-FOF-TC, as a final order?

RECOMMENDATION: Yes. The Commission should acknowledge that ALLTEL has withdrawn its protest petition on Order No. PSC-96-1063-FOF-TC, and reinstate the order as a final order. The Order should be deemed effective the date of the Commission vote to grant the waiver petition.

STAFF ANALYSIS: With ALLTEL's protest petition withdrawn, there are no further issues for the Commission to address. Accordingly, the Commission should acknowledge that ALLTEL has withdrawn its protest petition on Order No. PSC-96-1063-FOF-TC, reinstate the Order, and declare the Order final. The Order should be deemed effective the date of the Commission vote to grant the waiver petition.

DOCKET NO. 960570-TC
DATE: APRIL 24, 1997

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, no further issues remain for the Commission to address. Therefore, this docket should be closed.

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no further matters remain for the Commission to address. Therefore, this docket should be closed.