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FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *Bliss RW*  
DIVISION OF LEGAL SERVICES (CULPEPPER) *BC ncb*

RE: DOCKET NO. 970551-TC - SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP - PETITION FOR EXEMPTION FROM ORDERS, RULES AND REGULATIONS WHICH PROHIBIT TERMINATION OF CONVERSATIONS AFTER TEN MINUTES ON CALLS PLACED FROM PAY TELEPHONES LOCATED IN CONFINEMENT INSTITUTIONS

AGENDA: 07/15/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: AUGUST 5, 1997 - STATUTORY DEADLINE FOR DECISION

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970551.RCM

CASE BACKGROUND

Sprint Communications Company Limited Partnership (Sprint LP) holds pay telephone certificate no. 5359, with an effective regulation date of June 11, 1997. Sprint LP does not yet provide service within the State of Florida. Sprint LP has, however, been awarded a contract by the Florida Department of Corrections to provide service to 53 correctional facilities in Florida.

On May 7, 1997, Sprint LP filed a waiver petition of those rules and regulations which prohibit Sprint from terminating calls placed from pay telephones located in Florida confinement institutions in less than 15 minutes, Rules 25-24.515(5), and 25-24.515(15), Florida Administrative Code. Sprint LP seeks the waiver so that it can terminate such calls in 10 minutes.

Pursuant to Section 120.542(6), Florida Statutes, notice of Sprint LP's petition for waiver was submitted to the Secretary of State on May 14, 1997 for publication in the Florida Administrative Weekly. No comments were submitted during the comment period which ended June 6, 1997. On June 30, 1997, Sprint amended its petition solely to comport with Section 120.542, Florida Statutes. In

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accordance with Section 120.542(7), Florida Statutes, the Commission must rule on this petition by August 5, 1997.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant Sprint LP's amended petition for an exemption from the provisions of Rule 25-24.515(5) and 25-24.515(15), Florida Administrative Code, which prohibit termination of conversations after ten minutes on calls placed from pay telephones located in confinement institutions?

**RECOMMENDATION:** Yes. Sprint LP's amended petition should be granted. (HAWKINS)

**STAFF ANALYSIS:** Through this petition, Sprint LP is requesting a waiver of the Commission's Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code. These rules specifically require notice at all paystations that terminate conversation after 15 minutes. In view of the fact that the rule requires notice for termination at 15 minutes, but does not provide for termination of calls in less than 15 minutes, Sprint LP believes that these rules may prohibit Sprint LP from terminating calls placed by inmates of confinement institutions in less than 15 minutes. Thus, Sprint LP has requested this waiver to allow it to terminate calls after ten minutes. Sprint agrees, however, that it will comply with the audible and written disconnect notification requirements of Rule 25-24.515(5), Florida Administrative Code.

Sprint LP states that it is seeking this waiver because the Department of Corrections wants to have the capability to limit calls from confinement facilities to a ten minute duration during certain periods and circumstances. Sprint LP asserts that limiting calls to no longer than ten minutes could be useful in very crowded telephone conditions. Forcing corrections officials to allow a minimum 15 minute call duration by inmates is an unnecessary limit on corrections officials' authority in the inmate setting without reason. The present rule could be a substantial hardship on corrections officials.

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In addition, Sprint LP asserts that the protection to the pay telephone user intended by Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, is not necessary in the inmate calling environment because corrections officials presently have the ability to control inmate calling. Reducing conversation time from 15 minutes to 10 minutes will not disadvantage inmates and will provide the Department of Corrections with additional control over conversation time in situations that warrant reduced conversation time. Sprint LP asserts that this ability to limit calls, along with other security features, have allowed correctional officials in other states to prevent inmate credit card and other fraud, break up a drug ring, and capture an escaped inmate who used the phone to arrange for a pick-up outside the institution.

Staff believes that Sprint LP's amended petition meets the specifications set forth in Section 120.542(5), Florida Statutes. Furthermore, Sprint LP's assertions regarding the Department of Corrections' desire to control the inmate calling environment sufficiently demonstrate that application of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, would work a substantial hardship not only on Sprint LP, but on corrections officials as well, in accordance with Section 120.542(2), Florida Statutes. Staff, therefore, recommends that Sprint LP's Amended Petition for Waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, be granted for those payphones located in confinement facilities.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, this docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. (CULPEPPER)

**STAFF ANALYSIS:** This docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.