

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of Rule)	DOCKET NO. 900569-TC
25-24.515(3), (4), and (6), F.A.C.,)	
regarding access to "911" local)	ORDER NO. 25016
directory assistance, and locally)	
available interexchange companies, by)	ISSUED: 9/5/91
EQUAL ACCESS CORPORATION.)	
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING PETITION FOR RULE WAIVER

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Equal Access Corporation (Equal Access or the Company) filed a petition for a rule waiver on May 23, 1990. In its petition, Equal Access stated that prior to the installation of their pay phones in the Brevard County Detention Center, Brevard Minimum Security Prison, Walton County Jail, Union County Jail, and Gadsden County Correction, phone service was provided by the serving local exchange company.

In the petition filed by Equal Access, the Company requested no access to 911 or local directory assistance, no credit card or coin calls, limited duration of calls, and waiver of the rule requiring access to all locally available interexchange companies. Equal Access also indicated that the inmates will be dialing 0+NXX+XXXX for calls within the home area code and 0+NPA+NXX+XXXX for long distance calls. Equal Access will be utilizing store and forward technology to handle operator assisted interLATA calls. All intraLATA traffic would be routed to the appropriate local exchange company.

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In order for Equal Access to provide this type of restricted phone service, a waiver of Rules 25-24.515(3), (4), and (6), Florida Administrative Code, is necessary. These three subsections are as follows:

25-24.515 Pay Telephone Service

- (3) Each telephone station shall permit access to the universal telephone number "911", where operable, without requiring the use of a coin, paper money or a credit card. Where such number is not operable, the stations shall permit access to a local exchange company toll operator under the same conditions.
- (4) Each telephone station shall, without charge, permit access to local directory assistance and the telephone number of any person responsible for repairs or refunds but may provide access by coin return. Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.
- (6) Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

A waiver of subsections 3, 4, and 6 of Rule 25-24.515 is in the public interest because of problems with harassing calls and fraudulent use of telephone services common to prison pay telephone stations. Such fraud is ultimately borne by the general public through higher telephone charges. Therefore, based on the information presented, in order to implement a service which minimizes the risk of abuse and fraud from the prison population, we approve the required waiver of Rule 25-24.515(3), (4), and (6) with the restrictions described below.

Since a pay telephone certificate gives the holder statewide authority to place phones virtually anywhere, this waiver should only apply to pay phones located in penal institutions.

Additionally, because the inmates will be unable to access other interexchange carriers of choice, by use of access codes or otherwise, we believe that Equal Access should not be allowed to charge up to one dollar (\$1.00) over the ATT-C daytime rate plus

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operator charges. Equal Access should be allowed to charge no more than the ATT-C DDD time-of-day rates plus operator charges for interLATA calls. We believe that inmates and their relatives should have this additional protection because access to other carriers is limited. These limitations are consistent with our past actions concerning pay telephones located in prisons. Equal Access has agreed to not charge or allow the IXC serving its PATS instruments in prisons to charge over the ATT-C DDD time-of-day rates.

We would note that the actions taken herein are consistent with our actions taken in previous dockets concerned with pay telephone service in confinement facilities and with our actions in Docket No. 860723-TP.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Equal Access Corporation's request for the waiver of Rule 25-24.515(3), (4) and (6), Florida Administrative Code, requiring access to 911 or the local exchange company operator, directory assistance and all locally available interexchange companies is hereby approved subject to the restrictions set forth below. It is further

ORDERED that Equal Access Corporation's request to block 0-calls from the pay telephones it operates in confinement facilities is approved. It is further

ORDERED that the above-cited rule waivers shall apply only to those stations placed in penal institutions for the express use of inmates. It is further

ORDERED that because the inmates may be restricted to an interexchange company Equal Access Corporation may not charge or allow the interexchange company servicing its instruments in confinement facilities to charge more than the ATT-C DDD time-of-day rates plus operator charges for interLATA calls. It is further

ORDERED that this docket shall be closed after the close of the proposed agency action protest period described below unless an objection is filed pursuant to the restrictions set forth below.

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By ORDER of the Florida Public Service Commission, this 5th
day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 9/26/91.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the

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specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.