

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for waiver of )  
Rule 25-24.515(3), (4), and (6). F.A.C., )  
for prison installations, by OWN YOUR )  
OWN PHONE CENTER, INC. )  
DOCKET NO. 900242-TC  
ORDER NO. 25027  
ISSUED: 9/9/91

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 ACTION  
ORDER GRANTING 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.

On January 16, 1990, Own Your Own Phone Centers, Inc. (PCI or the Company) filed a petition for waiver of Rule 25-24.515(3), (4), and (6), Florida Administrative Code, which provides:

(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.

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In its petition, PCI proposed the following restrictions to its payphones in penal institutions: no access to 911 service or directory assistance; denial of access to all locally available interexchange carriers; no credit card or coin calls; and limited duration of calls. PCI also indicated that the inmates will dial 0+NXX+XXXX+1 for calls within the home area code and 0+NPA+NXX+XXXX+1 for other toll calls. PCI has indicated that the presubscribed interexchange carrier for its payphones will be SouthernNet. All intraLATA traffic will be routed to the appropriate local exchange company.

By Order No. 24101, issued February 14, 1991, we determined that the non-local exchange pay telephone providers (NPATS) could apply certain restrictions to their pay telephone stations, where appropriate, in confinement facilities. Those restrictions include:

1. NPATS providers may deny access to 911 and 411 calls.
2. NPATS providers may deny access to all locally available interexchange carriers.
3. A limited time duration of 15 minutes may be placed on all calls. But, notice of disconnect must be made prior to termination of call.
4. NPATS providers placing a debit card phone in confinement facilities may charge no more than \$1.00 for local calls.
5. NPATS may charge no more than the appropriate AT&T time-of-day rates, plus operator charges.

We believe PCI's request for rule waiver is appropriate; however, we find that the waiver shall be subject to two limitations. First, this waiver shall apply only to payphones located in penal institutions. Additionally, since access to interexchange carriers is restricted to SoutherNet, until the new end user rate caps set by Order No. 24101 go into effect, PCI shall charge no more than the AT&T direct distance dialing time-of-day rates plus operator charges for interLATA calls. These limitations are consistent with our previous decisions regarding payphones located in penal institutions.

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Finally, the Company has requested our permission to block zero minus (0-) calls originating from its payphones located in confinement facilities. By Order No. 23506, issued September 19, 1990, in Docket No. 900286-TC, we approved such a request by Altus Technologies, Inc. Here, PCI states that such action is necessary to minimize fraud, since the proper answer supervision is not available. In previous rule waivers, we have given prison administrators some degree of latitude in defining the type of telecommunications service believed appropriate for their facilities, given the unique conditions that surround the confinement facility environment.

Pursuant to our authority under Section 364.3375, Florida Statutes, we hereby approve PCI's request for waiver of Rule 25-24.515(3), (5), and (6), subject to the above limitations. In addition, we find it appropriate to grant PCI's request to block all 0- calls originating from its payphones in penal institutions.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Own Your Own Phone Centers, Inc.'s request for waiver of Rule 25-24.515(3), (4), and (6), Florida Administrative Code, is hereby approved subject to the limitations contained in the body of this Order. It is further

ORDERED that Own Your Own Phone Centers, Inc. is hereby granted the authority to block all zero minus (0-) calls originating from its pay telephones located in penal institutions. It is further

ORDERED that our actions described herein shall become final and this docket shall be closed following expiration of the protest period specified below, if no proper protest to our proposed agency action is filed in accordance with the requirements set forth below.

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By ORDER of the Florida Public Commission, this 9th day of  
SEPTEMBER, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ABG

**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  
9/30/91.

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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 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.

**MEMORANDUM**

September 6, 1991

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (GREEN)  
RE: DOCKET NO. 900242-TC

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*US*

*25027*

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING  
RULE WAIVER in the above-referenced docket, which is ready to be  
issued.

ABG/mgf  
Attachment  
cc: Division of Communications  
  
900242a.mgf

*Protest*  
*due 9-30-91*

DOCUMENT NUMBER-DATE

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