

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of portions) DOCKET NO. 910739-TC
of Section 364.3375, F.S., and Rule)
25-24.515, F.A.C., regarding provision) ORDER NO. 25030
of pay telephone service to inmates at)
penal institutions, by NORTH AMERICAN) ISSUED: 9/9/91
INTELECOM, INC.)
_____)

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 July 1, 1991, North American Intelcom, Inc. (NAI 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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

In its petition, NAI 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. NAI also indicated that the inmates will dial 0+NXX+XXXX for local calls and 0+NPA+NXX+XXXX for toll calls. NAI has indicated that the presubscribed interexchange carrier for its payphones will be MCI. All intraLATA traffic will be routed to the appropriate local exchange company. NAI will provide automated collect-only service when requested by a particular prison administrator.

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 NAI'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 MCI, until the new end user rate caps set by Order No. 24101 go into effect, NAI 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, NAI states that it is responding to a request for proposal (RFP) from the Department of Corrections. 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 NAI'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 NAI's request to block all 0- calls originating from its payphones in penal institutions.

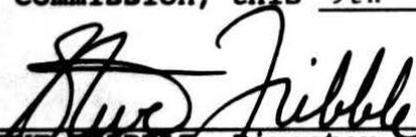
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that North American Intelcom, 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 North American Intelcom, 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.

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



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.

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. 910739-TC

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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
910739a.mgf

*Protests
due 9-30-91*

DOCUMENT NUMBER-DATE
08933 SEP -9 1991
FPSC-RECORDS/REPORTING