

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited authority )	DOCKET NO. 900195-TC
to provide automated operator and billing )	
functions for local and intraLATA calling )	ORDER NO. 25048
from penal institutions by PEOPLES )	
TELEPHONE COMPANY, INC. )	ISSUED: 9/12/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 SUSAN F. CLARK  
 J. TERRY DEASON  
 BETTY EASLEY

ORDER DENYING PETITION

BY THE COMMISSION:

On March 14, 1990, Peoples Telephone Company, Inc. (Peoples or the Company) filed its Petition for Expedited Authority to Provide Automated Operator and Billing Functions for Local and IntraLATA Calling from Penal Institutions (Petition). In response, we opened Docket No. 900195-TC to consider the Petition. On April 19, 1990, Southern Bell Telephone and Telegraph Company (Southern Bell) filed its Motion for Consolidation of Docket No. 900195-TC into the Commission's Docket No. 860723-TP (Motion). The Petition filed by Peoples seeks permission to handle local and intraLATA zero plus calls via the use of store and forward technology.

This matter was set for consideration at our May 15, 1990, Agenda Conference. At that time, we deferred consideration of the Petition and the Motion, pending the outcome of the hearing scheduled for August 1-3, 1990, in Docket No. 860723-TP. We took this action because the substantive issue addressed in the Petition was identical to one of the issues scheduled for resolution in Docket No. 860723-TP.

On February 14, 1991, we issued Order No. 24101, our final order following the hearing in Docket No. 860723-TP. Order No. 24101 provides in pertinent part:

We have not wavered from our original decision that all 0+ local and 0+ intraLATA toll calls must be handled by the LEC. In setting this policy, it was our intention to include the operator service function as well. We had the opportunity to reexamine this policy on a generic basis only recently in Docket Number 880812-TP and

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concluded that our dialing polices shall remain in effect....[W]e find it appropriate to deny authorization to NPATS providers to handle 0+ local and 0+ intraLATA traffic through the use of store and forward technology.

Order No. 24101, at Page 20.

Based upon our decision as reflected in Order No. 24101, we find it appropriate that the Petition filed by Peoples be denied. The issue raised in the Petition has been litigated and determined in Docket No. 860723-TP, where Peoples was represented through its membership in the Florida Pay Telephone Association, Inc. In addition, we find that Southern Bell's Motion is now moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition filed by Peoples Telephone Company, Inc. on March 14, 1990, is hereby denied for the reasons set forth herein. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 12th day of SEPTEMBER, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ABG

By: Kay Helgen  
Chief, Bureau of Records

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.