

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of Rule 25-24.920(1)(b), (3)(a), (b), and (c), and (4), F.A.C., which requires customer service provisions to pre-paid calling, by Global Tel\*Link Corporation.

DOCKET NO. 990954-TP  
ORDER NO. PSC-00-0225-PAA-TP  
ISSUED: February 3, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING EXEMPTION FROM REQUIREMENT FOR CERTAIN CUSTOMER SERVICE PROVISIONS TO PRE-PAID CALLING FROM DETENTION FACILITIES

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Global Tel\*Link Corporation (Global) was granted Pay Telephone Certificate No. 3878 and Interexchange Telecommunications Certificate No. 3972 on March 20, 1996.

Global provides telecommunications service to approximately 18 county confinement facilities around the state. The company is in the process of implementing an inmate debit card system, which would be an option in addition to the traditional outbound, collect-only calling program currently in effect.

The Request for Exemption from portions of Rule 25-24.920, Florida Administrative Code, was filed on July 23, 1999. The Notice of Request for Exemption was submitted to the Secretary of

DOCUMENT NUMBER-DATE

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State for publication in the Florida Administrative Weekly September 1, 1999, pursuant to Section 120.542, Florida Statutes. No comments were submitted during the comment period, which ended September 24, 1999. On October 18, 1999, the company waived the statutory deadline applicable to this Petition.

The debit card system would allow the inmate to purchase a prepaid calling service account from the facility's commissary. According to Global, this program is favored by the detention facilities it serves and, in addition, will help eliminate bad debt and relieve financial burden on inmate friends and family members. Inmates, however, for security reasons, are not allowed access to live operator options, including 800 service. Therefore, those services which are required by the rules for which waiver is being requested would be provided to the facilities, rather than the inmate holding the account. The facilities would then make the information available to the inmate under conditions consistent with security guidelines.

Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure, provides for several requirements concerning customer service that must be provided. Global filed its Petition on July 23, 1999, for a waiver of Florida Administrative Code Rules 25-24.920(1)(b), toll-free customer service number printed on card; (3)(a), (b), and (c), certificate number, rates and surcharges, and balance of use on card provided through customer service number; and (4) a live operator to answer incoming calls 24 hours a day, 7 days a week.

Upon consideration, it appears appropriate to grant the request of Global. Global has demonstrated that these waivers are in the public interest under Sections 364.01 and 364.3375, Florida Statutes. Further, Global has demonstrated that the enforcement of the customer service requirements would result in substantial hardship for detention facility administration as the requirements are inconsistent with detention facility policies designed for safeguarding the public. Furthermore, the purposes of the underlying statute are fulfilled because the information is made available to inmates, subject to facility security guidelines.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request of Global Tel\*Link Corporation for waiver of Rule 25-24.920(1)(b), (3)(a), (b), and (c), and (4), Florida Administrative Code, is hereby granted, as set forth in the body of this Order.

ORDERED that Global Tel\*Link Corporation shall directly notify the Communications Division of the Florida Public Service Commission in the event it files a new tariff relating to the use of pre-paid calling provisions for inmates in detention facilities. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd day of February, 2000.



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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CLF

DISSENT

Commissioner Garcia dissents, without comment, from the decision contained herein.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 24, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a consummating order.

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.

M E M O R A N D U M

February 2, 2000

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) *DK*

RE: DOCKET NO. 990954-TO *9* - PETITION FOR WAIVER OF RULE 25-24.920(1)(B), (3)(A), (B), AND (C), AND (4), F.A.C., WHICH REQUIRES CUSTOMER SERVICE PROVISIONS TO PRE-PAID CALLING, BY GLOBAL TEL\*LINK CORPORATION.

*0225-PBA*

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING EXEMPTION FROM REQUIREMENT FOR CERTAIN CUSTOMER SERVICE PROVISIONS TO PRE-PAID CALLING FROM DETENTION FACILITIES, to be issued in the above-referenced docket. (Number of pages in order - 4)

CLF/anc  
Attachment  
cc: Division of Communications  
I: 990954pa.clf

*faxed  
mailed*

*20*