

HOPPING GREEN SAMS & SMITH
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET
POST OFFICE BOX 6926
TALLAHASSEE, FLORIDA 32314
19041 222-7800
FAX 19041 224-8551
FAX 19041 425-3415

ORIGINAL
FILE COPY

GARY R. HUNTER, JR.
JONATHAN T. JOHNSON
ROBERT A. MANNING
ANGELA R. MORRISON
GARY V. PERRO
KAREN W. PETERSON
R. SCOTT RUTH
W. STEVE SYKES
T. KENT WETHERELL, II
OF COUNSEL
W. ROBERT FOXES

JAMES S. ALVES
BRIAN H. BIBEAU
KATHLEEN BLIZZARD
ELIZABETH C. BOWMAN
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
RALPH A. DIMEO
THOMAS M. DIROSE
WILLIAM H. GREEN
WADE L. HOPPING
FRANK E. MATTHEWS
RICHARD D. NELSON
MICHAEL P. PETROVICH
DAVID L. POWELL
WILLIAM D. PRESTON
CAROLYN S. RAEPPEL
DOUGLAS S. ROBERTS
GARY P. SAMS
ROBERT P. SMITH
CHERYL G. STUART

Writer's Direct Dial No.
(904) 425-2313

August 26, 1997

Ms. Blanca S. Bayó
Director, Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

971113-TC

Re: MCI Petition for Waiver

Dear Ms. Bayó:

Enclosed for filing on behalf of MCI Telecommunications Corporation are the original and 15 copies of MCI's Petition for Exemption from Order, Rules and Regulations Prohibiting Termination of Conversations After Ten Minutes on Calls Placed From Pay Telephones Located in Confinement Institutions.

By copy of this letter this document has been provided to the parties on the attached service list.

Very truly yours,

Richard D. Melson
Richard D. Melson

RDM/cc
Enclosures

RECORDS & REPORTING

ENCLOSURES OF RECORDS

DOCUMENT NUMBER-DATE
08612 AUG 26 97
FPSC-RECORDS/REPORTING

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FILE 0-77

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of MCI)
Telecommunications Corporation for)
Exemption From Order, Rules and)
Regulations Prohibiting Termination)
of Conversations After Ten Minutes)
on Calls Placed From Pay Telephones)
Located in Confinement Institutions.)
_____)

Docket No.
Filed: August 26, 1997

PETITION FOR WAIVER

Comes now MCI Telecommunications Corporation ("MCI"), pursuant to Commission Rule 25-24.505(3), Florida Administrative Code, and Section 120.542, Florida Statutes, and files this Petition for Waiver with the Florida Public Service Commission ("Commission") for exemption from those Orders, Rules and Regulations of the Commission prohibiting MCI from terminating conversation after ten minutes on calls placed from pay telephones located in confinement institutions within the state of Florida. In support of its petition, MCI states as follows:

- 1. Petitioner's name and address are:

MCI Telecommunications Corporation
780 Johnson Ferry Road, Suite 700
Atlanta, Georgia 30342

- 2. All notices, orders or documents regarding this petition should be directed to:

Richard Melson
Hopping Green Sams & Smith, P.A.
123 South Calhoun street
Tallahassee, Florida 32301

and

DOCUMENT NUMBER-DATE
08612 AUG 26 97
FPSC-RECORDS/REPORTING

Thomas K. Bond
MCI Telecommunications Corporation
780 Johnson Ferry Road, Suite 700
Atlanta, Georgia 30342

3. MCI is certified to Provide Pay Telephone Services in the State of Florida. MCI holds pay telephone Certificate No. 3080, with an effective regulation date of July 23, 1992.

4. MCI offers pay telephone services to inmates of confinement institutions within the state of Florida using sophisticated equipment that permits inmates to place outbound, collect-only calls. MCI's system was developed specifically to help governmental corrections facilities deal with their unique needs and problems. Such problems include call forwarding schemes, credit card abuse, subscription improprieties, and harassing telephone calls to victims, witnesses and judges. MCI provides an extensive, flexible set of tools for the prison administrator, all designed on a customized site-by-site basis. MCI currently serves approximately 25 correctional facilities and 5 work camps for the Florida Department of Corrections.

5. Through the instant petition, MCI seeks a waiver of the Commission's Rules 25-24.515(5) and 25-24.515(15) F.A.C. These rules appear to prohibit MCI from terminating conversations in less than fifteen minutes on calls placed by inmates of confinement institutions. While it is not clear that this is the case, out of an abundance of caution, MCI seeks the waivers as set out in this petition.

6. The Department of Corrections seeks to have the capability to limit such calls to a ten minute duration during certain periods and circumstances in confinement institutions. Rule 25-24.515(15) provides certain exemptions for pay stations in confinement institutions, including exemption from rule 25-24.515(5), except for the audible and written fifteen minute disconnect notification. Reducing conversation time from fifteen minutes to ten minutes will not disadvantage inmates and will provide the Department of Corrections with additional control over conversation time if the situation warrants reduced conversation time.

7. The purpose of the rule that appears to limit calls to not less than 15 minutes in duration presumably is to limit the ability of COCOT's to limit calls and force customers to regenerate calls at additional initial cost per minute. This protection to the pay telephone user is not necessary in the inmate calling environment because corrections officials have the ability to control inmate calling presently. The addition of limiting calls to no longer than 10 minutes could be useful in very crowded telephone conditions. Forcing corrections officials to allow a minimum of 15 minute call duration calls by inmates is an unnecessary limit on corrections officials' authority in the inmate setting without reason. The present rule could be a substantial hardship on corrections officials. Accordingly, the rule waiver requested herein is consistent with the provisions of Section 120.542, Florida Statutes. The Commission is authorized to grant variances and waivers to requirements of their rules consistent with Section 120.542, Florida Statutes. Therefore, MCI would submit

that approval of the requested rule waiver would not violate, in any manner, Section 120.542, Florida Statutes.

8. In the event the Commission grants the waivers requested herein, MCI agrees to comply with the audible and written disconnect notification requirements of Rule 25-24.515(5).

9. The Commission recently approved a similar request for exemption from Orders, Rules and Regulations prohibiting termination of conversations after ten minutes on calls placed from pay telephones located in confinement institutions within the state of Florida filed by Sprint Communications Company Limited Partnership ("Sprint"). Docket No. 970551-TC. Sprint also serves Florida Department of Corrections Confinement facilities. To avoid inmate confusion, and to promote the other policies discussed above, the Department of Corrections desires to have the same payphone policies in place at all of its facilities.

WHEREFORE, MCI Telecommunications Corporation respectfully requests that the Commission:

- (1) Grant MCI a waiver from the provisions of the Commission's Rules 25-24.515(5) and 25-24.515(15) Florida Administrative Code; and
- (2) Grant MCI such other relief as may be appropriate in the circumstances.

Respectfully submitted,

MCI Telecommunications Corporation



Richard D. Melson
Hopping Green Sams & Smith, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301

Thomas K. Bond
MCI Telecommunications Corporation
780 Johnson Ferry Road, Suite 700
Atlanta, Georgia 30342

Attorneys for MCI Telecommunications
Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by hand delivery this 26th day of August, 1997.

Martha Brown
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399



Attorney