

Cannon Telephone Company



5521 Greenville, Suite 104
Dallas, Texas 75206

P.O. Box 729081-870
Dallas, Texas 75372

(214) 373-2000
(214) 369-1500 Fax
(800) ASK JAIL
dcutrer@cannontelephone.com

August 26, 1998

RECEIVED

AUG 31 1998

Florida Public Service Commission
Division of Communications
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

CMU

981092-TC

RE: First Amended Petition for Waiver of Rules and Requirements
Prohibiting Provision of 0+ Local and IntraLATA Calls From
Store and Forward Pay Telephones Located in Confinement
Institutions by Cannon Telephone Company

Sirs:

Enclosed for filing are the original and five copies of the above-referenced First Amended
Petition.

Mr. Will Cox of your staff suggested the Amendment.

As always, thanks for your courtesies.

Sincerely,

Dan Cutrer

Enclosure

1998

09554

09554

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Waiver of Rules and §
Requirements Prohibiting Provisions of §
0+ Local and 0+ Intra-LATA Calls From §
Store and Forward Pay Telephones Located §
In Confinement Institutions by §
Cannon Telephone Company §

Docket No. 33119-102

FIRST AMENDED PETITION FOR WAIVER

Pursuant to Commission Rule 25-24.505(3), Florida Administrative Code, Cannon Telephone Company ("Cannon") petitions the Florida Public Service Commission ("Commission") for a waiver from those rules and requirements prohibiting Cannon from providing 0+ local and 0+ Intra-LATA calls using store-and-forward pay telephones to inmates of confinement institutions within the State of Florida. In support of this Petition, Cannon states:

1. Petitioner's name and address are:

Cannon Telephone Company
5521 Greenville, Suite 104
Dallas, Texas 75206
(214) 373-2000
(214) 369-1500
dcutrer@swbell.net

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

Dan Cutrer
General Counsel
Cannon Telephone Company
5521 Greenville, Suite 104
Dallas, Texas 75206
(214) 373-2000
(214) 369-1500 Fax
dcutrer@swbell.net

3. Cannon is incorporated under the laws of the State of Texas. Cannon has previously filed an Application for Certificate to Provide Pay Telephone Service with this Commission. At this time Cannon does not provide service within the State of Florida.
4. Cannon proposes in its Application for a Certificate to Provide Pay Telephone Service to offer telecommunications services to inmates of confinement institutions

within the State of Florida, similar to services it currently offers in other jurisdictions. Cannon installs sophisticated on-premises equipment in confinement institutions that permits inmates to make outgoing, collect-only calls without the assistance of a live operator. Cannon's services are provided through telephone handsets connected to a centralized call processing unit with store-and-forward capability.

Through the use of this equipment, Cannon provides a number of controls and restrictions that reduce fraudulent use of telephone services. These restrictions also provide management of the confinement institutions with increased control over the use of the telecommunications services used by inmates of the institution.

5. Cannon seeks exemptions from Rules and Orders restricting concentration of access lines connected to its equipment and instruments. Where traffic permits, Cannon desires to install its call-processing systems with fewer access lines than instruments. The use of line concentration allows Cannon to deploy a greater number of instruments in locations inside a facility which would not normally warrant dedicated access lines. A greater number of telephone instruments simplifies a confinement institution's management of inmate access to telecommunications services.

Section 120.542(2), Florida Statutes, provides that:

"[W]aivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person or when application of a rule would create a substantial hardship ... For purposes of this section, substantial hardship means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the ... waiver."

6. Rules regarding line concentration were first adopted by this Commission in Order No. 14529, issued July 1, 1985. By this Order, the Commission requires one pay telephone instrument be installed per access line. Order 14529 requires one PATS instrument per access line so as to prevent a busy signal when a customer or user attempts to use the pay telephone during an emergency situation.

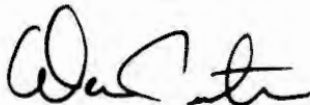
Rule 25-24.515(9), Florida Administrative Code, further requires that each telephone instrument be connected as provided in the tariff for the Local Exchange Carrier ("LEC") serving the institution. LEC tariffs generally contain language that permits only one instrument per line. The exemption requested by Cannon is similar to one already granted by the Commission to ATN, Inc.¹ In its Orders granting waivers to ATN, Inc., the Commission recognized that confinement institutions have their own emergency response systems in place, and Rule 25-14.515(15), Florida Administrative Code, exempts payphones located in confinement facilities from the requirements to provide access to 911. For these reasons, the Commission describes as "moot" the requirement for one instrument per line with respect to emergency calls in confinement institutions.

¹In RE: Petition for Waiver of Rules and Orders Which Currently Prohibit Concentration of Line Services for Calls Made from Store-and-Forward Coinless Pay Telephones Located in Confinement Facilities, and for such other and further relief as may be appropriate, by ATN, Inc., Docket No. 960805-TC, Order No. PSC-96-1157-FOF-TC, Issued September 17, 1996.

7. Cannon will design and engineer its systems so that the number of access lines installed is sufficient to support inmate call traffic during the busiest hour of the day. Should the exemption requested herein be granted, Cannon agrees to use no more than three telephone instruments per LEC access line in those institutions it will serve.

Wherefore, Cannon Telephone Company respectfully requests, subject to approval of its Application for Certification, that it be granted exemption from the provisions of Rule 25-14.515(9), Florida Administrative Code, and its Order No. 14529 issued July 1, 1985, relating to line concentration, and for such other and further relief as to which it may be entitled.

Respectfully submitted this 25th day of August, 1998.



Dan Cutrer
Corporate Secretary
5521 Greenville, Suite 104
Dallas, TX 75206

¹ In Re: Petition for Waiver of Rules and Orders Which Currently Prohibit Concentration of Line Services for Calls Made from Store-and-Forward Coinless Pay Telephones Located in Confinement Facilities, and for Such Other Relief as May Be Appropriate, by ATN, Inc., Docket No. 960805-TC, Order No. PSC 96-1157-FOF-TC, Issued September 17, 1996.