

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to )	DOCKET NO. 900286-TC
provide pay telephone service by ALTUS )	ORDER NO. 23506
TECHNOLOGIES, INC. )	ISSUED: 9-18-90
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

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 April 12, 1990, Altus Technologies, Inc. (Altus or the Company) submitted an application for a certificate of public convenience and necessity to enable it to provide pay telephone service (PATS), pursuant to Section 364.33, Florida Statutes. By Order No. 23101, issued June 22, 1990, we proposed granting a certificate to Altus. That action became final and effective on July 17, 1990, as reflected in Order No. 23231, issued July 19, 1990.

Altus has indicated that it intends to place pay telephones in penal institutions. Because of the potential for fraud and abuse, the Company has proposed denying the inmates access to repair, 911, 411, and all locally available interexchange carriers (IXCs) other than the presubscribed IXC for that location. InterLATA calls would be handled by the presubscribed IXC, while intraLATA calls (both toll and 0+ local) would be handled by the serving local exchange company (LEC). In order for Altus to provide the restricted telephone service described above, a waiver of Rule 25-24.515(3), (4), and (6), Florida Administrative Code, would be necessary. The Company has requested such a waiver.

We have granted a number of similar waiver requests to PATS providers. See, e.g., Order No. 22472, Order No. 22450, and Order

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. 23506  
DOCKET NO. 900286-TC  
PAGE 2

No. 21767. In all our previous orders, the waiver was limited to only those pay telephones placed in penal institutions for the use of inmates.

Upon consideration, we find it appropriate to grant the Company's rule waiver request. However, consistent with our previous action as discussed above, this waiver shall apply only to pay telephones in penal institutions and shall include only those restrictions set forth above. Any other pay telephones that Altus may install shall be subject to all our rules pertaining to pay telephone service.

In addition, because the inmates will be restricted to only one IXC, Altus shall not be permitted to charge more than the AT&T Communications of the Southern States, Inc. (ATT-C) Direct Distance Dialing (DDD) time-of-day rate, plus applicable operator charges, for interexchange calls placed by the inmates. This means Altus will not be allowed to bill the additional charge of up to one dollar that we normally allow nonLEC PATS providers to bill. We believe it is necessary to limit the rates where the billed party has no choice of interexchange carrier. This limitation is consistent with our prior actions concerning pay telephones located in penal institutions.

Finally, Altus has indicated that it does not wish to allow zero minus (0-) calls to be placed from its pay telephones in penal institutions. Altus states that prison administrators have requested such restricted service as an aid to reducing fraud and eliminating harassment of live operators. Further, Altus states, such a restriction helps prevent inmates from monopolizing the instrument, as well as the telephone network.

Upon consideration, we find it appropriate to grant the Company's request to disallow 0- calling from its pay telephones located in penal institutions. In accordance with our actions above, this restriction shall be applicable only to those pay telephones that Altus installs in penal institutions.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Altus Technologies, Inc.'s request for waiver of Rule 25-24.515(3), (4) and (6), Florida Administrative Code, is hereby granted as set forth herein. It is further

ORDER NO. 23506  
DOCKET NO. 900286-TC  
PAGE 3

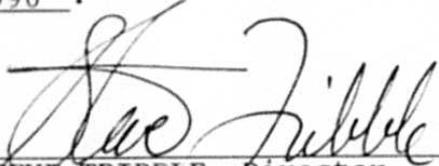
ORDERED that Altus Technologies, Inc. shall not charge more than the AT&T Communications of the Southern States, Inc.'s Direct Distance Dialing time-of-day rate, plus applicable operator charges, for interexchange calls, as set forth in the body of this Order. It is further

ORDERED that Altus Technologies, Inc.'s request to disallow zero minus (0-) calls from its pay telephones located in penal institutions is hereby approved as set forth herein. It is further

ORDERED that the effective date of our action described herein is the first working day following the date specified below, if no protest to this Proposed Agency Action is filed within the time frame specified below. It is further

ORDERED that this docket shall be closed by the consummating order to be issued in this docket, assuming no proper protest is received within the time frame specified below.

By ORDER of the Florida Public Service Commission, this 18th  
day of SEPTEMBER, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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

ORDER NO. 23506  
DOCKET NO. 900286-TC  
PAGE 4

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 October 9, 1990.

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, and as reflected in a subsequent 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.

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.