

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

September 28, 1995

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WALLS) *W*
DIVISION OF LEGAL SERVICES (BILLMEIER) *LIB FL*

RE: DOCKET NO. 950897-TC - PETITION OF NORTH AMERICAN
INTELECOM, INC. FOR AN EXEMPTION FROM PORTIONS OF RULE
25-24.515(8) Florida Administrative Code.

AGENDA: 10/10/95 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE.

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\950897.RCM

CASE BACKGROUND

On July 28, 1995, North American InTeleCom, Inc. (NAI), pursuant to the provisions of Section 364.3375(1)(b), Florida Statutes petitioned this Commission to be exempted from certain portions of Rule 25-24.515, Florida Administrative Code (Attachment 1).

NAI is a certificated provider of intrastate pay telephone service (PATS) in Florida. As a part of that service, NAI seeks to offer its customers, location owners throughout the state of Florida, incoming call blocking as approved by the FPSC.

Certain NAI customers have requested incoming call blocking. NAI states that it has the technical capability to block incoming calls by programming its own pay telephones from remote locations. Therefore, NAI requests that the Commission grant an exemption to Rule 25-24.515(8) Florida Administrative Code insofar as it mandates central office intercept, and permit NAI to provide call blocking using its programming capabilities.

DOCUMENT NUMBER-DATE

09612 SEP 28 95

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant North American InTeleCom, Inc. an exemption from portions of Rule 25-24.515(8), Florida Administrative Code insofar as it mandates central office intercept?

RECOMMENDATION: No, the Commission should not grant North American InTeleCom an exemption from portions of Rule 25-24.515(8) Florida Administrative Code.

STAFF ANALYSIS: Staff believes that the appropriate method for performing pay telephone incoming call blocking is accomplished by using the central office intercept of the local exchange company (LEC) because:

- The LEC central office intercept provides a special information tone (SIT) which can identify incoming calls that are blocked, ensuring that the calling party is not charged for any attempted local or long distance incoming calls. NAI cannot provide this feature. In addition, the LEC central office provides the caller with an intercept message that the call cannot be completed with no charge to the calling party. This feature is not offered by NAI.
- Call blocking by NAI incurs some risk that an incoming local or long distance call will be seen as a completed call by the telephone network, causing an unnecessary charge. When blocking is accomplished by disconnecting the ringer at the pay telephone the incoming caller has no way of knowing the pay telephone is blocked. A caller from one pay telephone to another pay telephone could repeatedly lose \$.25 attempting to complete the call because there would be no intercept message and no coin return. A call dialed to a blocked pay telephone from other than another pay telephone could needlessly stay on line or repeatedly dial the blocked telephone number. During this time there is risk that the call may be completed through the window used by NAI for down loading and programming.
- NAI proposes reprogramming or down loading data during a periodic window of (3-5 minutes). This requires the pay telephone line be open to receive calls when NAI is not

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using the line. The periodic window can be at an early morning low traffic time and kept brief as proposed by NAI to minimize completion of incoming calls, however, the periodic window and the time of day for reprogramming is at the discretion of the PATS service provider (NAI). The LEC central office provides a common location to control and monitor call blocking.

- The interest of the general public is better served when the central office intercept is used to inform the party making the incoming call that the blocked pay telephone call will not be completed. This avoids the possible wrong charges and useless repetitive call attempts to a number that will never answer and makes it possible for the caller, including 911 emergency response, to more quickly select an alternative means of communication.

Therefore, it is staff's position that the petition of North American InTeleCom. Inc. for an exemption from portions of Rule 25-24.515(8) Florida Administrative Code should be denied.

ISSUE 2: Should this docket be closed without further action by the Commission?

RECOMMENDATION: Yes, unless a person whose interests are substantially affected by the Commission's decision files a protest within 21 days of the issuance of this order, the docket should be closed after the expiration of the protest period.

STAFF ANALYSIS: Whether the Commission adopts or rejects staff's issue 1, its decision will result in a Proposed Agency Action order. Unless a person whose interests are substantially affected by the Commission's decision files a protest within 21 days of the issuance of this order, the docket should be closed after the expiration of the protest period.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of North American) Docket No. 95D 897-TC
InTeleCom, Inc. for a Waiver from)
Portions of Rule 25-24.515(8), F.A.C.) Filed: July 28, 1995

PETITION FOR WAIVER

North American InTeleCom, Inc. ("NAI"), pursuant to the provisions of Paragraph 364.3375(1)(b), Florida Statutes, hereby requests that this Commission waive certain portions of Commission Rule 25-24.515. As grounds for this waiver request, NAI states as follows:

1. The exact name of Petitioner and address for its principal business office is:

North American InTeleCom, Inc.
12000 Crownpoint Drive, Suite 175
San Antonio, TX 78233

2. The name and address of the person authorized to receive notices and communications with respect to this petition is:

Susan Davis Morley
Wiggins & Villacorta, P.A.
501 East Tennessee Street
Suite B
Post Office Drawer 1657
Tallahassee, Florida 32302

3. NAI is a certificated provider of pay telephone service on an intrastate basis in Florida. As part of that service, NAI seeks to provide its subscribers (PATS owners throughout the state of Florida) with incoming call blocking as deemed necessary and appropriate by the FPSC.

4. As recently amended, Rule 25-24.515(8), F.A.C. sets forth a procedure for obtaining an exemption for the general requirement

that PATS permit incoming calls. PATS owners, location owners and law enforcement officials must execute Form PSC/CMU2, Request to Block Incoming Calls, for review and approval by the FPSC. Assuming such approval is granted, the new rule requires that

central-office based intercept shall be provided at no charge to the end-user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement".

5. Certain of NAI's subscribers have requested the incoming call blocking addressed by Rule 25-24.515(8). However, because NAI has the technological capability to block incoming calls by programming its pay telephones, NAI requests that the Commission waive its rule insofar as it mandates central-office based intercept, and permit NAI to accomplish the requested call blocking through use of its own programming capabilities. NAI would execute such blocking only upon completion of the process outlined in Rule 25-24.515.

6. Permitting call blocking through NAI's own telephones will enable NAI to provide the incoming call blocking requested for law enforcement purposes, while allowing NAI to program its pay telephones from remote locations. Remote programming for purposes such as maintenance and rate adjustments can be accomplished during a very short (3-5 minute) interval, during which NAI employees will call the pay telephones and download the necessary information. NAI's pay telephones will be programmed to accept calls only during this very small periodic window, which can be set to occur during

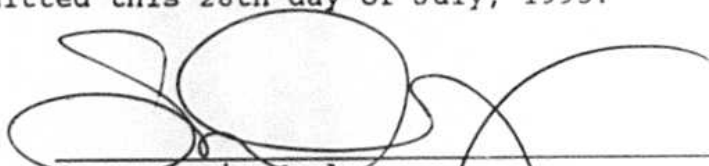
the very early morning (4:22 - 4:27 a.m., for example) or such other time as is selected by the FPSC.

7. While use of the programming window will permit completion of a call during the designated period, the probability that an end user other than NAI would be able to successfully complete a call during that time would be negligible. Once NAI contacts the pay telephone, the line will remain busy during the entire programming period; therefore, only those calls preceding NAI's programming contact would be processed. Further, in the unlikely event that a call is completed in advance of NAI's programming contact, the short length of the window would prevent sustained use of the pay telephone. The timing and limited length of the programming window should effectively eliminate use of the pay telephones in criminal activity.

8. Permitting NAI to provide its own call blocking mechanism will not result in a charge to the end user. Calls would not be completed during periods other than the programming window discussed above; therefore, no charges for connection or conversation time would be applicable.

WHEREFORE, North American InTeleCom, Inc. respectfully requests that the Commission grant it a waiver of portions of Commission Rule 25-24.515, Florida Administrative Code, to permit NAI to utilize its own blocking programming at its pay telephones.

Respectfully submitted this 28th day of July, 1995.



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