

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of) DOCKET NO. 920083-TC
Rules 25-24.515(3), (4), (5),) ORDER NO. PSC-92-0151-FOF-TC
(6), (8), and (11), F.A.C., for) ISSUED: 4/2/92
service provided to inmates of)
correctional institutions by)
TELEPHONE REMANUFACTURING COR-)
PORATION OF AMERICA, INC.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
LUIS J. LAUREDO
J. TERRY DEASON
BETTY EASLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING PETITION FOR 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.

Telephone Remanufacturing Corporation of America, Inc. (TRCA) has been a certificated Pay Telephone service (PATS) provider since July 14, 1997. As a certificated PATS provider, TRCA is subject to our jurisdiction.

On January 29, 1992 TRCA filed a petition requesting waiver of Rules 25-24.515 (3), (4), (5), (6) and (11), Florida Administrative Code for PATS instruments it intended to operate in confinement facilities. TRCA indicated that it intended to restrict all local directory assistance credit card or coin access calls, access to repair services and access to all locally available interexchange carriers. TRCA also indicated intended to require the use of O+NPA+NXX+XXXX. TRCA also requested partial waiver of Rule No. 25-24.515(8) to allow it to provide PATS through a PBX without the discrete coin access line for each PATS instrument.

In Docket 860723-TP we considered many of these issues surrounding the aforementioned requests by TRCA. Our decision in that docket was memorialized in Order No. 24101 issued on February 14, 1991. In that Order we determined that the following special requirements were appropriate in confinement facilities:

DOCUMENT NUMBER-DATE
03220 APR-2 1992
PSC-RECORDS/REPORTING

- A. PATS providers may deny access to 911 and 411 calls.
- B. PATS providers may deny access to all locally available interexchange carriers.
- C. A limited time duration of fifteen (15) minutes may be placed on all calls. However, notice of disconnect must be made prior to termination of call.
- D. PATS providers who wish to utilize the debit card phone in confinement facilities may charge no more than \$1.00 for local calls.
- E. PATS may charge no more than the appropriate AT&T time-of-day rates, plus operator charges.

A waiver of subsections(3), (4), (5), (6) and (11) of Rule 25-24.515 is necessary in order to provide the type of restricted telephone service outlined in Order No. 24101. Such restrictions are desirable because of problems with harassing calls and fraudulent use of telephone services common to prison pay telephone stations. Such abuse is ultimately borne by the general public through higher telephone charges.

In waiving these Rules, we must make note of the limits to the waiver. The waiver is limited to pay telephone instruments operated in confinement facilities. Additionally, because inmates will be unable to access the interexchange carriers of their choice certain protection must apply. Specifically TRCA shall not be permitted to charge more than the ATT-C DDD time-of-day rates plus operator charges for interLATA calls.

In its petition, TRCA also requested authority to block 0-calls from its pay telephone instruments. Blocking of 0-calling is consistent with our previous discussion in matters concerning PATS in confinement facilities. However, 0+ local and intraLATA toll calls must continue to be routed directly to the LEC in accordance with our decision in Order No. 24101.

With regard to TRCA's petition for waiver of Rule 24-24.515(8), we find that TRCA has not sufficiently satisfied its burden to demonstrate the public benefit of this Rule waiver. In denying this portion of the petition we wish to emphasize that this denial is without prejudice to TRCA.

Based on the foregoing it is hereby

ORDER NO. PSC-92-0151-FOF-TC
DOCKET NO. 920083-TC
PAGE 3

ORDERED by the Florida Public Service Commission that Telephone Remanufacturing Corporation of America's petition for waiver of Rule 25-24.515(3), (4), (5), (6) and (11), Florida Administrative Code is hereby approved as outlined in the body of this order. It is further

ORDERED that Telephone Remanufacturing Corporation of America may not charge more than the AT&T-C DDD time-of-day rate plus operator charges. It is further

ORDERED the Telephone Remanufacturing Corporation of America petition to block O-local calls in hereby granted but O+local and intraLATA calls must continue to be routed to the Local Exchange Company. It is further

ORDERED that the waiver and instructions in this Order are limited to pay telephone instruments operated in confinement facilities. It is further

ORDERED that Telephone Remanufacturing Corporation of America's petition to waiver of Rule 25-24.515(8) is denied without prejudice to the company. It is further

ORDERED that any protest of this Order must be filed pursuant to the requirements set forth below. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirement set forth below.

By ORDER of the Florida Public Service Commission, this 2nd day of APRIL, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

JKA.lfb

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 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 4/23/92.

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.

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 wastewater 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.