

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of ) DOCKET NO. 961357-TC  
rules and requirements that ) ORDER NO. PSC-97-0226-FOF-TC  
prohibit provision of 0+ local ) ISSUED: February 26, 1997  
and 0+ intraLATA calls using )  
store-and-forward pay telephones )  
located in confinement )  
institutions by Security Telecom )  
Corporation. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING WAIVER PETITION

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. CASE BACKGROUND

Security Telecom Corporation (Security) holds pay telephone certificate no. 4233 with an effective regulation date of August 29, 1995, and was granted a Certificate to provide Interexchange Telecommunications Service on October 8, 1996, certificate no. 4742. Security is incorporated under the laws of the State of Texas.

Security currently provides service through fifty-one instruments located in a confinement facility in Bay County. Security also offers telecommunication services to inmates of confinement institutions within the state of Florida. The Company installs sophisticated premises equipment in confinement

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

institutions that permits inmates to make outgoing, collect-only calls without the assistance of a live operator. The company's service is provided through telephone instruments connected to a centralized call processing unit with store-and-forward capability.

## II. Security's Waiver Request

On November 13, 1996, Security filed a petition for a waiver of Rules 25-24.515(7), and 25-24.620(2)(c) and (d), Florida Administrative Code, and the policies contained in Orders Nos. PSC-95-0918-FOF-TP, PSC-95-0203-FOF-TP, and 24101, to permit it to provide 0+ local and 0+ intraLATA calls from its store-and-forward pay telephones located in confinement facilities at no more than the rates charged by the serving local exchange company for the same call (Attachment A).

A Notice of the Waiver Petition was sent to the Secretary of State for publication in the Florida Administrative Weekly on December 4, 1996. The end of the comment period for this decision was January 12, 1997, and no comments were received. The statutory deadline for our decision on this petition was February 11, 1997. We voted to grant the petition at the February 4, 1997, Agenda Conference within the statutory deadline.

We have issued Order No. PSC-96-0884-FOF-TP implementing 1+intraLATA competition via presubscription for non-LEC pay telephone providers and call aggregators. We have also granted exemptions to allow telephone providers to handle 0+local and intraLATA traffic in confinement facilities.

There seems to be no compelling reason to continue the prohibition against pay telephone providers in confinement facilities handling local and intraLATA calls on a collect basis since Florida Statutes have been amended to permit competition for local telephone service, and we have been instructed to encourage such competition. Section 364.01(4)(e), Florida Statutes instructs us to, "Encourage all providers of telecommunications services to introduce new or experimental telecommunications services free of unnecessary regulatory restraints." Section 364.01(4)(f), Florida Statutes instructs us to "eliminate any rules and/or regulations which will delay or impair the transition to competition."

## IV. Conclusion

Allowing Security to handle local and intraLATA 0+ calls from confinement facilities will facilitate competition as the company

will be able to more effectively compete for those sites where the traffic is predominately local and intraLATA. Security is capable of providing 0+ local and 0+ intraLATA service immediately as the technology is already in place within the pay telephone. Upon consideration, we grant Security's petition for waiver to allow it to handle 0+ local and 0+ intraLATA calls from confinement facilities.

Further, this docket shall be closed unless a person whose substantial interests are affected by the our decision files a protest within 21 days of the issuance of the Proposed Agency Action.

As stated above, we have approved similar requests from five other pay telephone providers. Those decisions were protested by three of the rate of return regulated LECs. We find that Security should not be prohibited from carrying this traffic in a LEC's territory if that LEC does not protest the Commission's action. Accordingly, a protest filed by a local exchange company shall be applicable only to that local exchange company's territory and shall not prevent Security from carrying this traffic in a non-protesting LEC's territory.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Security Telecom Corporation's petition for a waiver of Rules 25-24.515(7), and 25-24.620(2)(c) and (d), Florida Administrative Code, and the policies contained in Orders Nos. PSC-95-0918-FOF-TP, PSC-95-0203-FOF-TP, and 24101, to permit it to provide 0+ local and 0+ intraLATA calls from its store-and-forward pay telephones located in confinement facilities at no more than the rates charged by the serving local exchange company for the same call, is hereby granted as described in the body of this Order. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this docket shall be closed. It is further

ORDERED that a protest filed by a local exchange company shall only be applicable to that local exchange company's territory and shall not prevent Security Telecom Corporation from handling this traffic in the territory of a local exchange company that does not protest this Order.

ORDER NO. PSC-97-0226-FOF-TC  
DOCKET NO. 961357-TC  
PAGE 4

By ORDER of the Florida Public Service Commission, this 26th  
day of February, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

WPC

Commissioner Susan F. Clark dissented.



NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 19, 1997.

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 substantially 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.

ORDER NO. PSC-97-0226-FOF-TC  
DOCKET NO. 961357-TC  
PAGE 6



ATTACHMENT A  
PAGE 1 OF 6

November 7, 1996

210 N. Park Ave.  
P.O. Drawer 200  
Winter Park, FL  
32790-0200

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

961357-JZ

Tel: 407-740-8575  
Fax: 407-740-0613

Re: 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 Security  
Telecom Corporation

Dear Sir/Madam:

Enclosed for filing are the original and fifteen (15) copies of the above-referenced petition of Security Telecom Corporation for waiver of Commission rules and requirements related to 0+ local and intraLATA calls from confinement institutions.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for this purpose.

Questions regarding this filing may be directed to my attention at (407) 740-8575.

Yours truly,

Hal Stringer  
Consultant to  
Security Telecom Corporation

cc: Marge Winter - Security  
file: STC - FL PATS  
tms: FL96001

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of rules and )  
requirements prohibiting provision of )  
0+ local and 0+ intraLATA calls from )  
store-and-forward pay telephones located ) Docket No. \_\_\_\_\_  
in confinement institutions by )  
Security Telecom Corporation )  
\_\_\_\_\_ )

PETITION FOR WAIVER

Pursuant to Commission Rule 25-24.505(3), Florida Administrative Code, Security Telecom Corporation ("Security Telecom") petitions the Florida Public Service Commission ("Commission") for a waiver of those rules and requirements prohibiting Security Telecom from providing 0+ local and 0+ intraLATA calls using store-and-forward pay telephones located in confinement institutions within the state of Florida. In support of its petition, Security Telecom states:

1. Petitioner's name and address are:

Security Telecom Corporation  
1209 W. North Carrier, Suite 300  
Grand Prairie, Texas 75050  
Telephone: (214) 988-3737  
Facsimile: (214) 988-3774

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

Jeff Rothell  
President  
Security Telecom Corporation  
1209 W. North Carrier, Suite 300  
Grand Prairie, Texas 75050  
Telephone: (214) 988-3737  
Facsimile: (214) 988-3774

and Hal Stringer  
Consultant to Security Telecom  
Technologies Management, Inc.  
P.O. Drawer 200  
Winter Park, FL 32790-0200  
Telephone: (407) 740-8575  
Facsimile: (407) 740-0613

3. Security Telecom Corporation is incorporated under the laws of the State of Texas. Security Telecom currently holds a Certificate to Provide Pay Telephone Service, No. 4233, granted by the Commission on August 7, 1995 in Docket No. 950626-TC. In addition, the Company was recently granted a Certificate to Provide Interexchange Telecommunications Service, No. 4742 on October 8, 1996 in Docket No. 960812-TI. Security Telecom currently provides service through fifty-one instruments located in a confinement facility in Bay County.

4. Security Telecom offers telecommunications services to inmates of confinement institutions within the state of Florida. The Company installs sophisticated premises equipment in confinement institutions that permits inmates to make outgoing, collect-only calls without the assistance of a live operator. The company's service is provided through telephone instruments connected to a centralized call processing unit with store-and-forward capability.

Through this equipment, the company provides a number of controls and restrictions that serve to reduce or eliminate fraudulent use of telephone services. These restrictions also provide the confinement institution with increased control over the use of the telecommunications services by inmates of the institution.

Currently, automated 0+ collect-only interLATA calls may be placed by inmates within the confinement institution over resold facilities subscribed to by Security Telecom. Local and intraLATA calls are routed to the serving local exchange carrier for handling. Security Telecom's system collects and stores interLATA call detail information for each call. These call records are retrieved Security Telecom via dial up modem and submitted for billing through the its billing agent. Ultimately, call charges appear on the called party's monthly local phone bill.



In addition to call processing, Security Telecom's systems offer restrictive call blocking and screening. These features provide confinement institutions with the maximum degree of control over telecommunications services and help to minimize fraud. Call blocking prevents calls to directory assistance, "0-", 800 numbers, pay-per-call services, and emergency numbers (including 911) in order to reduce prank calls and fraudulent use of long distance services. Access to other interexchange carriers may also be denied. Call screening serves to eliminate harassing or threatening calls to individuals such as judges, sheriffs, witnesses or jury members. Security Telecom's systems allow institutions to enforce telephone curfews, without manual intervention, by pre-setting the hours during which calls can be processed from a given telephone instrument.

5. Security Telecom seeks waivers of Rules 25-24.515(7) and 25-24.620(2)(c) and (d). These rules currently prohibit Security Telecom from providing and billing for 0+ local and 0+ intraLATA calls placed by inmates of confinement institutions. Specifically, Security Telecom seeks authority to provide and bill for 0+ local and intraLATA calls placed by inmates using its store-and-forward pay telephones. Security Telecom believes that benefits afforded to confinement institutions and the general public, such as call screening and blocking, currently provided with its interLATA service will be enhanced if Security Telecom is allowed to handle 0+ local and 0+ intraLATA calls as well.

6. Waivers requested by Security Telecom are similar to those already granted by the Commission to other pay telephone providers including Ameritel Pay Phones, Inc.<sup>1</sup>, ATN, Inc.<sup>2</sup>, Global Tel\*Link<sup>3</sup>, InVision Telecom, Inc.<sup>4</sup>, and T-Netix, Inc.<sup>5</sup> In its orders granting waivers similar to those requested by Security Telecom, the Commission recognized that no reason could be found to prevent NPATS from carrying 0+ local and 0+ intraLATA calls. In addition, the Commission found that allowing NPATS to carry such calls is a step toward a more competitive market place.

7. Security Telecom agrees to charge no more than the servicing local exchange carrier for local and intraLATA 0+ calls placed from confinement institutions.

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<sup>1</sup> In Re: Petition for waiver of Rules 25-24.620(2)(c) and (d) and 25-24.515(7), F.A.C., by Ameritel Pay Phones, Inc., Docket No. 960570-TC, Order No. PSC-96-1063-FOF-TC, Issued August 20, 1996.

<sup>2</sup> In Re: Request for waiver of rules and policies which prohibit provision of 0+ local and 0+ intraLATA calls from store-and-forward pay telephones located in confinement facilities, by ATN, Inc., Docket No. 960603-TC, Order No. PSC-96-1062-FOF-TC, Issued August 20, 1996.

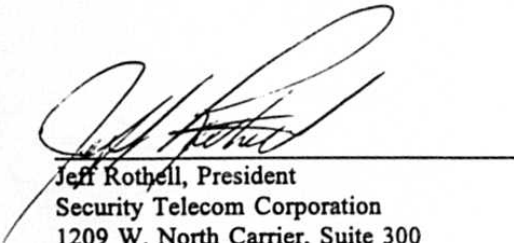
<sup>3</sup> In Re: Petition for waiver of rules and policies to permit provision of 0+ local and 0+ intraLATA utilizing store and forward technology at pay telephones located in correctional institutions and other confinement facilities, by Global Tel\*Link Corporation, Docket No. 951198-TC, Order No. PSC-96-0867-FOF-TC, Issued July 2, 1996.

<sup>4</sup> In Re: Petition for waiver of requirement prohibiting provision of 0+ local and 0+ intraLATA calls from store-and-forward pay telephones located in confinement facilities, by InVision Telecom, Inc., Docket No. 960407-TC, Order No. PSC-96-1009-FOF-TC, Issued August 7, 1996.

<sup>5</sup> In Re: Petition for waiver of Rule 25-24.515 (7), F.A.C., and Rule 25-24.620(2)(c) and (d), F.A.C., regarding 0+ local and 0+ intraLATA traffic, by T-Netix, Inc., Docket No. 95-1456-TP, Order No. PSC-96-0868-FOF-TP, Issued July 2, 1996.

WHEREFORE, Security Telecom Corporation respectfully requests that it be granted a waiver of the applicable rules, orders and policies currently prohibiting it from providing and billing for 0+ local and 0+ intraLATA calls made from store-and-forward pay telephones located in confinement institutions, and for such other relief as may be appropriate.

Respectfully submitted this 21<sup>st</sup> of October, 1996.



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Jeff Rothell, President  
Security Telecom Corporation  
1209 W. North Carrier, Suite 300  
Grand Prairie, Texas 75050