

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of ) DOCKET NO. 930986-TP  
Rule 25-24.620(2)(c) and (d), ) ORDER NO. PSC-95-0320-FOF-TP  
F.A.C., regarding O- and O+ ) ISSUED: March 7, 1995  
intraLATA traffic by Tele-Matic )  
Corporation. )  
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The following Commissioners participated in the disposition of this matter:

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

ORDER ACCEPTING VOLUNTARY DISMISSAL OF PROTEST  
AND MAKING ORDER NO. PSC-94-0759-FOF-TP FINAL AND EFFECTIVE

BY THE COMMISSION:

Tele-Matic Corporation (Telematic or the Company) possesses a certificate from the Commission as an operator service provider and a pay telephone provider. The Company is currently providing interLATA inmate services at Sumter Correctional Facility by utilizing a system that uses store and forward technology which can rate the calls and provide call detail for the collect calls made by inmates. On interLATA calls, the Company forwards the call detail to AT&T which provides the billing portion of the service through the appropriate local exchange company (LEC).

On February 15, 1994, Tele-Matic submitted a petition for exemption of rule wherein the Company sought to process intraLATA traffic in the same manner as interLATA traffic, instead of routing these calls directly to the local exchange company for completion. Tele-Matic felt that the exemption was in the public interest because it would allow the company to use its system to prevent inmates from making unauthorized calls. One noted drawback, however, was that its call detection system would limit the usage by inmates and individuals outside of the correctional facility of such features as call waiting and conference calling.

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Rule 25-24.515(7), Florida Administrative Code, requires that all intraLATA calls made from non-LEC payphones be routed to the LEC unless the end user dials the appropriate access code for their carrier of choice. This also is prohibited by Rule 25-24.620(2)(c)(d), Florida Administrative Code, which requires end user dialed 1+, 0+, and 0- calls to be routed by operator service providers to the LEC. Tele-Matic would have to be granted an exemption from the Rule in order to process intraLATA calls at Sumter Correctional Facility.

The Commission has considered the issue of diverting 0+ and 0- calls from the LEC many times. In Orders Numbers 13750, 13912, 20489, 20610, 21019, 21614, 22243, 23540, and 24101 the Commission declined to allow intraLATA calls to be diverted. Among the reasons is that this policy has been in effect since its original decision in 1984 and the 0- policy is consistent with the Commission's support of a standard nationwide dialing plan. See Order No. 20489.

Proposed Agency Action (PAA) Order PSC-94-0759-FOF-TP was issued on June 21, 1994, denying Tele-Matic's petition for exemption of Rule 25-24.620(2)(c)(d), Florida Administrative Code.

On July 12, 1994, Telematic protested the PAA Order. A hearing was scheduled and on December 5, 1994, the Prehearing Officer issued Order No. PSC-94-1560-PCO-TP, establishing the procedures to be utilized. On January 9, 1995, Tele-Matic filed a Notice of Voluntary Dismissal, voluntarily dismissing its protest to Order PSC-94-0759-FOF-TP.

Upon consideration, we accept Tele-Matic's voluntary dismissal of protest and declare Order No. PSC-94-0759-FOF-TP final and effective as of February 21, 1995.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tele-Matic's voluntary dismissal is accepted and Order No. PSC-94-0759-FOF-TP, denying the Petition for Exemption from Rule 25-24.620(2)(c) and (d), Florida Administrative Code, is final as of February 21, 1995. It is further

ORDERED that this docket is closed.

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By ORDER of the Florida Public Service Commission, this 7th  
day of March, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Hays  
Chief, Bureau of Records

( 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 hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.