

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for waiver of )  
Rule 25-24.515 (7) and Rule )  
25-24.620 (2) (c) and (d), )  
F.A.C., regarding 0- and 0+ )  
intraLATA traffic by )  
AmeriTel Pay Phones, Inc. )

Docket No. 960570-TC

Filed: May 6, 1996

**PETITION FOR WAIVER OF  
RULES 25-24.620(2)(c), (d) AND 25-24.515(7)  
FLORIDA ADMINISTRATIVE CODE  
BY  
AMERITEL PAY PHONES, INC.**

AmeriTel Pay Phones, Inc. (AmeriTel), pursuant to Commission Rule 25-24.505, Florida Administrative Code, hereby files this Petition for waiver of Rule 25-24.515(7) and Rule 25-24.620 (2) (c) and (d), Florida Administrative Code, regarding certain 0+ local and 0+ intraLATA traffic. In support, AmeriTel shows:

**Procedural Background**

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

AmeriTel Pay Phones, Inc.  
611 SW Third Street  
Lee's Summit, Missouri 64063

2. All notices, pleadings and orders should be directed to:

Marsha E. Rule  
Wiggins & Villacorta, P.A.  
Post Office Drawer 1657  
Tallahassee, Florida 32302  
(904) 222-1534 (phone)  
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### Relief Requested

3. AmeriTel requests that this Commission authorize it to carry and bill (through other entities, if necessary) 0+ local and intraLATA traffic from inmate facilities in Florida.

### Background

4. AmeriTel, a telecommunications company specializing in inmate communications services, holds Florida Pay Telephone Certificate No. 4204. The company provides inmate services to over 700 facilities in 26 states.

5. AmeriTel's pay telephone service in confinement facilities is provisioned through the use of store and forward technology to convert 0+ calls to 1+ automated calls. Although its equipment is capable of routing 0+ intraLATA toll and 0+ local calls to other providers, current Commission rules require AmeriTel to forward such calls to the serving LEC. Several staff recommendations currently pending, however, would allow all non-LEC pay phone providers to select the carrier for 0+ intraLATA toll service<sup>1</sup> and would allow certain inmate service providers to carry 0+ local calls<sup>2</sup>. To the extent such waiver is necessary after

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<sup>1</sup> Docket No. 960492-TP: Implementation of 1+ intraLATA presubscription for non-LEC pay telephones and call aggregators

<sup>2</sup> Docket No. 951198-TC: Petition for waiver of rules and policies 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. 951546-TP: Petition for waiver of Rule 25-24.515(7) and Rule 25-24.620(2)(c) and (d), F.A.C., regarding 0+ local and 0+ intraLATA traffic by T-Netix, Inc.; and Docket No. 960407-TC: 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.

Commission action on these recommendations, AmeriTel seeks a waiver of Rule 25-24.515(7), F.A.C. and Rule 25-24.620(2)(c) and (d), F.A.C., in order to select the carrier of 0+ local and 0+ intralATA toll traffic originating at inmate facilities in Florida.

Discussion

6. Rule 25-24.620(2)(c) and (d), and Rule 25-24.515(7), Florida Administrative Code, require all intraLATA calls to be routed to the local exchange company unless the end user dials the access code for a specific long distance carrier. Recently, however, the Commission's Order No. PSC-95-0203-FOF-TP, issued in Docket No. 930330-TL, became final after appeal, authorizing intraLATA presubscription and allowing interexchange carriers to compete for intraLATA toll traffic.

7. Relying in large part on Order No. PSC-0203-FOF-TP, Commission staff recently recommended that all non-LEC pay phone providers, call aggregators and shared tenant service providers be allowed to route 1+ and 0+ intraLATA traffic to the carrier of their choice. See, staff recommendation dated April 25, 1996 in Docket No. 960492-TP: Implementation of IntraLATA presubscription by non-LEC pay telephones, call aggregators and shared tenant service providers. To the extent necessary, AmeriTel seeks authority to route 0+ intraLATA toll traffic from inmate facilities to the carrier of its choice, with the understanding that its request will become moot if the Commission approves the staff recommendation in Docket No. 960492-TP.

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8. In addition to the authority that may be granted to all non-LEC pay phone providers in Docket No. 960492-TP, AmeriTel seeks authorization to provide and bill 0+ local service from inmate facilities within Florida. As stated above, Commission staff recently recommended granting such authorization to three inmate services providers in Docket No. 951198-TC, Docket No. 951546-TP and Docket No. 960407-TC, all of which are scheduled to be heard by the Commission on May 7, 1996.

9. Like the inmate service providers in the above-referenced dockets, AmeriTel believes that Florida's new telecommunications statutes allow the Commission to grant the requested authority. Allowing AmeriTel to provide and bill 0+ local traffic from inmate facilities encourages competition as provided by Sections 364.01(3) and 364.01(4)(b), Florida Statutes, and is consistent with Sections 364.01(4)(e) and (f), Florida Statutes, which direct the Commission to avoid rules, regulations and regulatory constraints that would delay or impair implementation of competition.

10. As recognized by Commission staff, allowing inmate service providers to provide and bill local 0+ calls from confinement facilities can provide benefits including elimination of operator abuse by inmates, reduction of fraudulent calling and possibility of lower rates. AmeriTel wishes to offer these benefits to the institutions and inmates to whom it provides services, and respectfully requests the Commission to grant this petition.

THEREFORE, for the reasons stated above, AmeriTel requests that the Commission enter an order granting a waiver of Rules 25-24.515(7) and 25-24.620(2)(c) and (d), Florida Administrative Code, and authorizing it to carry and bill (through other entities, if necessary) 0+ local and intraLATA traffic originated at Florida inmate facilities without delivering traffic to the applicable local exchange company.

Respectfully submitted this 6th day of May, 1996.

*Patricia Wiggins for*  
MARSHA E. RULE, *Require*

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