

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

OCTOBER 17, 1996

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *BSSA*
DIVISION OF LEGAL SERVICES (PELLEGRINI) *MCB for CP*

RE: DOCKET NO. 961074-TL - BELL SOUTH TELECOMMUNICATIONS -
PETITION FOR WAIVER OF RULE 25-24.515(9), FLORIDA
ADMINISTRATIVE CODE

AGENDA: 10/29/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961074.RCM

CASE BACKGROUND

BellSouth Telecommunications, Inc. (BellSouth) holds pay telephone certificate no. 4287, with an effective regulation date of October 12, 1995. BellSouth presently does not operate any pay telephones in confinement facilities outside its service territory, but does currently provide coinless pay telephones in confinement facilities within its service territory.

On September 10, 1996, BellSouth, pursuant to Rule 25-22.036, Florida Administrative Code, filed a Petition for Waiver of Rule 25-24.515(9), Florida Administrative Code, which prohibits the company from installing concentrators to allow up to three instruments per access line for its payphones located in confinement facilities (Attachment A). Staff believes the petition is more properly termed a petition for exemption authorized by Rule 25-24.505(3), Florida Administrative Code.

By Order No. 14529, issued July 1, 1985, the Commission required that only one pay telephone instrument be installed per access line. Local exchange company (LEC) tariffs generally reflect this requirement and contain language requiring pay telephone providers to order a separate public telephone access line for each telephone instrument installed. In addition, the provisions of Rule 25-24.515(9), Florida Administrative Code,

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require each telephone instrument to be connected as provided in the LEC's access tariff. Staff's recommendation addresses BellSouth's petition for an exemption from Rule 25-24.515(9), Florida Administrative Code, and related policy.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant BellSouth's petition for an exemption from the provisions of Rule 25-24.515(9), Florida Administrative Code, and Order No. 14529 which prohibit BellSouth from installing up to three pay telephone instruments per access line in confinement facilities?

RECOMMENDATION: Yes, the exemption should be granted for BellSouth's pay telephones located in confinement facilities only and provided there is a concentration of no more than three pay telephone instruments per access line.

STAFF ANALYSIS: The policy of a one to one ratio of payphone instruments to access lines was established in Order No. 14529, issued July 1, 1985, in docket No. 820537-TP, which states:

We find that it is also in the public interest that we require one PATS instrument per coin access line. We reach this conclusion in the effort to avoid a payphone customer getting a busy signal when he attempts to use the payphone when an emergency arises. The probability of getting a busy signal increases when a line is shared by several PATS instruments.

LEC tariffs contain language requiring pay telephone providers to order a separate public telephone access line for each telephone instrument installed. In addition, Rule 25-24.515(9), Florida Administrative Code, states, "Each telephone station must be connected as provided in the pay telephone access tariff offered by the local exchange company."

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Confinement facilities have their own emergency response systems in place and Rule 25-24.515(15), Florida Administrative Code, exempts payphones located in confinement facilities from the requirement to provide access to 911. For these reasons, there is no concern with inmates getting a busy signal when they try to reach emergency services.

Order No. PSC-96-1157-FOF-TC issued on September 17, 1996, in Docket No. 960805-TC, allowed ATN, Inc., an exemption from Rule 25-24.515(9), Florida Administrative Code and related policy, which prohibit the company from installing concentrators to allow up to three instruments per access line for its payphones located in confinement facilities.

Staff has summarized the key points BellSouth made in its petition below.

- 1) Inmate equipment available to payphone service providers allows a provider to configure the inmate payphone system according to the needs of the facility administrator and according to the accessibility to the payphones by resident inmates. In those instances where the administrator exercises his ability to control access to the payphones or rotates access through cell blocks at different times of day, concentration allows the payphone provider and facility administrator to utilize fewer lines to provide dial tone to different phones at different times; i.e., so that there is dial tone only at the phones that are accessible at any given time.
- 2) Traffic engineering can ensure that access can be provided to those inmates who have access to the payphones when and where it is needed without the additional expense and regulatory constraint required by one to one access lines.

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- 3) Because of this unique ability to control payphones in jails, prisons or correctional facilities, and because access to 911 service is denied to the inmates on payphones, concentration is appropriate in this environment.

Staff believes that a three to one ratio of payphones to access lines will allow adequate access to telephone service by the inmate population. However, if the administrators of a correctional facility are not satisfied with the level of access, staff believes that BellSouth would be responsive to the facility as failure to do so might jeopardize its contract for pay telephone service.

Staff recommends that BellSouth's petition be granted for exemption for pay telephones located in confinement facilities only and provided there is a concentration of no more than three pay telephone instruments per access line.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.

STAFF ANALYSIS: This docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.

J. Phillip Carver
General Attorney

BellSouth Telecommunications, Inc.
c/o Nancy H. Sims
Suite 400
150 So. Monroe Street
Tallahassee, Florida 32301
Telephone: 305 347-5558

September 10, 1996

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Ms. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

Re: Petition for Waiver - Line Concentration

Dear Mrs. Bayó:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Waiver, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

J. Phillip Carver (LL)
J. Phillip Carver

Enclosures

cc: All Parties of Record
R. G. Beatty
A. M. Lombardo
William J. Ellenberg II

DOCUMENT NUMBER-DATE

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CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.
Mail this 10th day of September, 1996 to:

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

J. Phillip Carver (BZ)
J. Phillip Carver

3. Pleadings and process in this matter may be served upon

Robert G. Beatty
Phillip Carver
Stephen M. Klimacek
c/o Nancy Sims
BellSouth Telecommunications, Inc.
W. Monroe Street, Suite 400
Tallahassee, FL 32301

4. BellSouth currently provides coinless pay telephone services to confinement facilities.

5. Pursuant to Rule 25-24.515(9), BellSouth must connect its telephone station as required by the pay telephone access tariff of the local exchange company. By way of example, paragraph A7.3.1e of the General Services Tariff of GTE of Florida states as follows: "A subscriber must use a separate Public Telephone Access Line for each CPE public telephone installed"

6. Inmate equipment available to payphone service providers allows a provider to configure the inmate payphone system according to the needs of the facility administrator and according to the accessibility to the payphones by resident inmates. In those instances where the administrator exercises his ability to control access to the payphones or rotates access through cell blocks at different times of day, concentration allows the payphone provider and facility administrator to utilize fewer lines to provide dial tone to different phones at different times; i.e., so that there is dial tone only at the phones that are accessible at any given time.

7. Traffic engineering can ensure that access can be provided to those inmates who have access to the payphones when and where it is needed without

the additional expense and regulatory constraint required by one to one access lines.

8. Because of this unique ability to control access to payphones in jails, prisons or correctional facilities, and because access to 911 service is denied to the inmates on payphones, concentration is appropriate in this environment.

WHEREFORE, BellSouth respectfully requests that it be granted a waiver of the applicable rules and orders currently prohibiting concentration of access line services for calls made from its pay telephones located in confinement facilities.

Respectfully submitted this 10th day of September, 1996.

BellSouth Telecommunications, Inc.

Robert G. Beatty (BL)

Robert G. Beatty

J. Phillip Carver

Stephen M. Klimacek

c/o Nancy H. Sims

150 S. Monroe St., Ste. 400

Tallahassee, Florida 32301

(305) 347-5561