

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

January 9, 1997

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *BHS*
DIVISION OF LEGAL SERVICES (COX) *WPC MCB* *WDD*

RE: DOCKET NO. 961224-TI - ONE CALL COMMUNICATIONS, INC.
d/b/a OPTICOM - PETITION FOR EXEMPTION FROM RULE 25-
24.515(7), F.A.C. TO PERMIT PROVISION OF 0+ LOCAL AND 0+
INTRALATA CALLS FROM PAY TELEPHONES LOCATED IN
CONFINEMENT FACILITIES.

AGENDA: 01/21/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961224.RCM

CASE BACKGROUND

One Call Communications, Inc. d/b/a OPTICOM (OPTICOM) holds pay telephone certificate no. 2443 with an effective regulation date of May 15, 1990.

On October 29, 1996, OPTICOM filed a Petition for a waiver of those rules and policies currently prohibiting it from providing 0+ local and 0+ intraLATA calls from store-and-forward pay telephones located in confinement facilities (Attachment A). Pursuant to Order No. 22848 issued May 14, 1990 in Docket No. 891244-TI, OPTICOM provides intrastate operator services in Florida and provides such calls on a local, intraLATA and interLATA basis in many of the other states in which it provides operator services. OPTICOM does not intend to offer basic local service and therefore, does not seek certification as an alternative local exchange company. The Company seeks only to expand its authority to include the provision of operator assisted local calls originating from payphone locations in confinement facilities.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant OPTICOM'S Petition for exemption from Rule 25-24.515(7), and Rule 25-24.620(2)(c) and (d) Florida Administrative Code, and the policies contained in Orders Nos. 95-0918, 95-0203, and 24101 to permit it to handle and bill 0+ local and 0+ intralata calls from pay telephones located in confinement facilities at no more than the rates charged by the serving local exchange company for the same call?

RECOMMENDATION: Yes.

STAFF ANALYSIS: The Commission has already issued Order No. PSC-96-0884-FOF-TP implementing 1+intraLATA competition via presubscription for non-LEC pay telephone providers and call aggregators. The Commission has also granted exemptions to allow five other pay telephone providers to handle 0+local and intraLATA traffic in confinement facilities (951198-TC, 951546-TP, 960407-TC, 960570-TC and 960603-TC). Three small rate-of-return regulated LECs (Quincy Telephone Company, Alltel Florida, Inc., and Indiantown Telephone System, Inc.) filed protests to the Orders granting those exemptions and all five dockets have been scheduled for hearing.

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 the Commission has been instructed to encourage such competition. Section 364.01(4)(e), Florida Statutes instructs the Commission 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 the Commission to "Eliminate any rules and/or regulations which will delay or impair the transition to competition."

Allowing OPTICOM 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. OPTICOM is capable of providing 0+ local and 0+ intraLATA service immediately as the technology is already in place within the pay telephone. Staff believes OPTICOM's petition to handle 0+ local and 0+ intraLATA calls from confinement facilities should be granted.

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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. A protest filed by a local exchange company shall be applicable only to that local exchange company's territory and shall not prevent OPTICOM from carrying this traffic in a non-protesting LEC's territory.

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.

As stated in the staff analysis of issue 1, the Commission has approved similar requests from five other pay telephone providers. Those decisions were protested by three of the rate of return regulated LECs. Staff does not believe OPTICOM should 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 OPTICOM from carrying this traffic in a non-protesting LEC's territory.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for waiver of)
rules and policies which prohibit)
provision of operator-assisted local)
calls by One Call Communications, Inc.)
d/b/a OPTICOM)

Docket No. 961224-TI

Filed:

Petition for Waiver

One Call Communications, Inc. d/b/a OPTICOM (OPTICOM), pursuant to Commission Rule 25-24.505, Florida Administrative Code, hereby files this Petition requesting a waiver of the rules and policies which prohibit OPTICOM from handling operator-assisted local calls. Specifically, OPTICOM requests a waiver of Rule 25-24.515 (7) and Rules 25-24.620 (2) (c) and (d), Florida Administrative Code, and the policies contained in various Commission orders which prohibit operator service providers from handling operator-assisted local calls. In support of its Petition, OPTICOM respectfully offers the following:

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

One Call Communications, Inc. d/b/a OPTICOM
801 Congressional Boulevard
Carmel, Indiana 46032

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

Deborah Barrett, Vice President
One Call Communications, Inc.
801 Congressional Boulevard
Carmel, Indiana 46032
(317) 843-1300 (phone)
(317) 580-7496 (fax)

3. Pursuant to Commission Order No. 22848 issued May 14, 1990 in Docket No. 891244-TI, OPTICOM provides intrastate operator services in Florida, and provides such

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calls on a local, intraLATA and interLATA basis in many of the other states in which it provides operator services.

4. OPTICOM requests that this Commission authorize it to carry and bill operator-assisted local traffic in Florida.

5. The Commission recently granted such authorization to five inmate services providers. OPTICOM sees no reason for preventing operator service providers from carrying the same calls.

6. Although OPTICOM is currently authorized to provide interLATA and intraLATA operator services, the Commission has reserved to the LECs the authority to provide operator-assisted local. OPTICOM respectfully states that regulatory changes have rendered continuation of this dialing monopoly inappropriate.

7. On July 1, 1995, competition for all local services was mandated by the Florida Legislature effective January 1, 1996. The Legislature found that competition in the local exchange market is in the public interest.

8. OPTICOM does not intend to offer basic local service and, therefore, does not seek certification as an alternative local exchange company. OPTICOM seeks only to expand its existing authority to include the provision of operator-assisted local calls.

9. OPTICOM believes that Florida's new telecommunications statutes allow the Commission to grant the requested authority. Allowing OPTICOM to provide and bill operator-assisted local traffic 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.

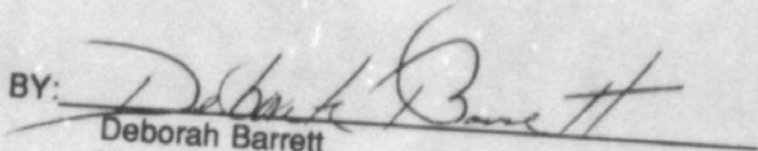
WHEREFORE, OPTICOM respectfully requests that the Commission enter an order granting a waiver of the applicable rules and orders currently prohibiting it from providing and billing operator-assisted local calls in Florida.

DATED this 8th day of October, 1996.

Respectfully submitted,

One Call Communications, Inc.
d/b/a OPTICOM

BY:


Deborah Barrett
Vice President