

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of)	DOCKET NO. 900606-TC
Rules 25-24.515(3), (4), and (6),)	
F.A.C., regarding access from correction-)	ORDER NO. 24995
al institutions to 911 or the local)	
exchange company toll operator, directory))	ISSUED: 9/3/91
assistance, and all locally available)	
interexchange companies, by AMERICAN)	
PAYPHONES, INC.)	
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING RULE WAIVER

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

On July 30, 1990, American Payphones, Inc. (American or the Company) filed a petition for waiver of Rules 25-24.515(3), (4), and (6), Florida Administrative Code, which provide:

(3) Each telephone station shall permit access to the universal telephone number "911", where operable, without requiring the use of a coin, paper money or a credit card. Where such number is not operable, the stations shall permit access to a local exchange company toll operator under the same conditions.

(4) Each telephone station shall, without charge, permit access to local directory assistance and the telephone number of any person responsible for repairs or refunds but may provide access by coin return. Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.

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(6) Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.

In its petition, American proposed the following restrictions to its payphones in penal institutions: no access to 911 service or directory assistance; denial of access to all locally available interexchange carriers; no credit card or coin calls; and limited duration of calls. American also indicated that the inmates will dial 0+NXX+XXXX or 0- for local calls or calls within the same area code, and 0+NPA+NXX+XXXX or 0- for long distance calls. American routes 0- calls to Southern Bell, and all 0+0 calls to AT&T. All intraLATA traffic would be routed to the appropriate local exchange company.

By Order No. 24101, issued February 14, 1991, we determined that the non-local exchange pay telephone providers (NPATS) could apply certain restrictions to their pay phone stations, where appropriate, in confinement facilities. Those restrictions include:

1. NPATS providers may deny access to 911 and 411 calls.
2. NPATS providers may deny access to all locally available interexchange carriers.
3. A limited time duration of 15 minutes may be placed on all calls. But, notice of disconnect must be made prior to termination of call.
4. NPATS providers placing a debit card phone in confinement facilities may charge no more than \$1.00 for local calls.
5. NPATS may charge no more than the appropriate AT&T time-of-day rates, plus operator charges.

We believe American's request for rule waiver is appropriate; however, we find that the waiver shall be subject to two limitations. First, this waiver shall apply only to payphones located in penal institutions. Additionally, since access to interexchange carriers is restricted to AT&T, until the new end user rate caps set by Order No. 24101 go into effect, American shall charge no more than the AT&T direct distance dialing time-of-day rates plus operator charges for interLATA calls. These

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limitations are consistent with our previous decisions regarding payphones located in penal institutions. Finally, the Company may request an additional rule waiver, and asks that this docket remain open. Pursuant to our authority under Section 364.3375, Florida Statutes, we hereby approve American Payphones, Inc.'s request for waiver of Rule 25-24.515(3), (5), and (6), subject to the above limitations.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that American Payphones, Inc.'s request for waiver of Rule 25-24.515(3), (4), and (6), Florida Administrative Code, is hereby approved subject to the limitations contained in the body of this order. It is further

ORDERED that this docket shall remain open pending an additional rule waiver request from American Payphones, Inc.

By ORDER of the Florida Public Commission, this 3rd day of
SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

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

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 9/24/91.

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 adversely 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 sewer 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.