

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-94-0759-FOF-TP
F.A.C., regarding O- and O+) ISSUED: June 21, 1994
intraLATA traffic by TELE-MATIC)
CORPORATION.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PETITION FOR WAIVER OF RULE

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

Tele-Matic Corporation (Telematic or the Company) is certified by 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.

On February 15, 1994, Tele-Matic submitted a petition for exemption of rule wherein the Company seeks to process intraLATA traffic in the same manner as interLATA traffic, instead of routing these calls directly to the local exchange company (LEC) for completion. 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

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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- (when no additional digits are dialed) calls to be routed by operator service providers to the LEC. In order for Tele-Matic to process intraLATA calls at Sumter Correctional Facility, an exemption from these rules is required.

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 (Order 20489).

Tele-Matic claims that an exemption is in the public interest because it would allow the company to use its system to prevent inmates from making unauthorized calls. Tele-Matic's system is designed to detect someone trying to use the conference feature of local exchange service. If someone tries to conference a third party in on an existing conversation with an inmate, the call is terminated. We are troubled by the fact that this call detection system limits the usage, by inmates and individuals outside of the correctional facility, of such features as call waiting and conference calling. Upon consideration, we find that Tele-Matic has not shown that a waiver of the rule which reserves intraLATA calls to the LEC is in the public interest under these circumstances.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for Waiver of Rule 25-24.620(2)(c) and (d), Florida Administrative Code, is hereby denied. It is further

ORDERED that this Order shall become final and effective unless an appropriate petition is filed in accordance with the "Notice of Further Proceedings or Judicial Review" as set forth below. It is further

ORDERED that in the event that this Order becomes final, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 21st
day of June, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

WEW

Chairman J. Terry Deason dissented.

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.

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 July 12, 1994.

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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 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 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.