

MEMORANDUM

October 9, 1998

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *b/c MCB*
RE: DOCKET NO. 980951-TC - PETITION OF GLOBAL TEL*LINK CORPORATION FOR EXEMPTION FROM ORDER, RULES, AND REGULATIONS PROHIBITING TERMINATION OF CONVERSATIONS AFTER TEN MINUTES ON CALLS PLACED FROM PAY TELEPHONES LOCATED IN CONFINEMENT INSTITUTIONS.

98-1323-FDF-TC

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING RULE WAIVER, to be issued in the above-referenced docket. (Number of pages in order - 5)

BK/anr
Attachment
cc: Division of Communications
I: 980951or.bk

See 2

*faxed - 2/1
mailed -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Global
Tel*Link Corporation for
exemption from order, rules, and
regulations prohibiting
termination of conversations
after ten minutes on calls
placed from pay telephones
located in confinement
institutions.

DOCKET NO. 980951-TC
ORDER NO. PSC-98-1323-FOF-TC
ISSUED: October 9, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

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

Global Tel*link Corporation (Global) holds pay telephone
Certificate Number 3878, with an effective regulation date of
March 10, 1996. Global currently provides pay telephone service to
approximately nineteen (19) correctional facilities in various
locations throughout Florida for the Florida Department of
Corrections.

On July 28, 1998, Global filed a petition requesting
a waiver of those rules and regulations which prohibit it from
terminating calls placed from pay telephones located in Florida
confinement institutions in less than 15 minutes, Rules 25-

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

24.515(5), and 25-24.515(15), Florida Administrative Code. These rules require notice at all pay stations that terminate conversations after 15 minutes. Because the rules require notice for termination at 15 minutes, but do not provide for termination of calls in less than 15 minutes, Global believes that these rules may prohibit it from terminating calls placed by inmates of confinement institutions after less than 15 minutes have elapsed. Thus, Global seeks permission to terminate calls after 10 minutes of conversation. Global agrees that it will comply with the audible and written disconnect notification requirements of Rule 25-24.515(5), Florida Administrative Code.

Pursuant to Section 120.542(6), Florida Statutes, notice of Global's petition for waiver was submitted to the Secretary of State on August 12, 1998, for publication in the Florida Administrative Weekly. No comments were submitted during the comment period, which ended September 4, 1998. In accordance with Section 120.542(7), Florida Statutes, we are required to rule on this petition by October 27, 1998.

Global states that it is seeking this waiver because the Department of Corrections wants to be able to limit calls from confinement facilities to 0 minutes during certain periods and circumstances. Global believes that forcing corrections officials to allow a minimum 15 minute call duration by inmates is an unnecessary limit on corrections officials' authority in a confinement setting. Therefore, Global contends that the present limitation is a substantial hardship on corrections officials.

In addition, Global asserts that the protection to the pay telephone end user intended by Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, is not necessary in the inmate calling environment, because corrections officials presently have the ability to control inmate calling. Reducing conversation time from 15 minutes to 10 minutes will not place inmates at an unreasonable disadvantage and will provide the Department of Corrections with additional control over telephone privileges in situations that warrant reduced conversation time.

Currently, Global offers pay telephone services to inmates of confinement institutions within the state of Florida using sophisticated equipment that permits inmates to place outbound, collect-only calls. Global's system was designed specifically to help governmental corrections facilities deal with their unique needs and problems. Such problems include call forwarding schemes, credit card abuse, subscription improprieties, and harassing

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telephone calls to victims, witnesses, and judges. Global asserts that the ability to limit calls, along with other security features, will allow correctional officials to prevent inmate abuse and fraud.

We emphasize that we are concerned that early termination of calls could simply lead to higher costs to the called party due to double operator surcharges if inmates are allowed to dial the called party in successive 10 minute increments. Under those circumstances, Global and the facility will improperly benefit from higher revenues for what is otherwise a single call. In view of this concern, we direct our staff to monitor complaints to determine whether an inmate's phone time is actually reduced to 10 minutes or whether the called party is billed two operator surcharges for conversation totaling 15 minutes or less. If, based on complaints, our staff observes double operator surcharges occurring on a regular basis, they shall bring this matter to our attention.

Upon review, we find that Global's petition meets the specifications set forth in Section 120.542(5), Florida Statutes. Furthermore, Global's assertions regarding the Department of Corrections' desire to control the inmate calling environment sufficiently demonstrate that application of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, would work a substantial hardship not only on Global, but on corrections officials as well, in accordance with Section 120.542(2), Florida Statutes. We, therefore, grant Global's Petition for Waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, for those pay phones located in confinement facilities.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Global Tel*Link Corporation's Petition for Waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, is granted. It is further

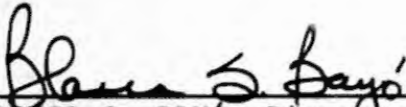
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

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ORDERED that a protest filed by a local exchange company shall apply only in that local exchange company's territory and shall not prevent Global Tel*Link from terminating calls from confinement facilities after ten minutes in other local exchange companies' territories. It is further

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

By ORDER of the Florida Public Service Commission this 9th day of October, 1998.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

BK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding,

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in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 30, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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 substantially 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.