

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Public  
Payphone U.S.A., Inc. for waiver  
of rules and requirements  
prohibiting provision of 0+  
local and 0+ intraLATA calls  
from store-and-forward pay  
telephones located in  
confinement facilities.

DOCKET NO. 981878-TC  
ORDER NO. PSC-99-0662-FOF-TC  
ISSUED: April 6, 1999

The following Commissioners participated in the disposition of  
this matter:

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

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION

BY THE COMMISSION:

On December 17, 1998, Public Payphone U.S.A., Inc. filed a petition seeking an exemption from Rules 25-24.515(7), 25-24.620(2)(c) and (d), Florida Administrative Code, which requires all intraLATA calls, including local and operator service calls, to be routed to the customer's local exchange service provider. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the December 28, 1998, edition of the Florida Administrative Weekly. The comment period ended January 22, 1999. We received no comments regarding this petition. The statutory deadline for our decision regarding this petition was March 17, 1999.

Effective February 1, 1999, we amended our rules governing pay telephone providers and operator service providers. Thereafter, we received a letter from the company's consultant withdrawing its petition for exemption.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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We note that at the time the petition was filed, Rule 25-24.515(7), Florida Administrative Code, Pay Telephone Service, stated:

All intraLATA calls, including operator service calls, shall be routed to the local exchange company, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 800, 10XXX.

Effective February 1, 1999, new Rule 25-24.515(12), Florida Administrative Code, states in pertinent part:

All 0- calls shall be routed to a telecommunications company that is authorized by the Commission to handle 0-calls. All other calls, including operator service calls, may be routed to the pay telephone provider's carrier of choice, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888).

After a reviewing our amended rules, the company's consultant withdrew Public Payphone U.S.A., Inc.'s petition, because our amended rules allow 0+ local and 0+ intraLATA calls to be routed to the pay telephone provider's local and long distance carriers of choice, which is what the company wanted to be able to do. It appears, therefore, that the company is in compliance with the new Rule 25-24.515(12), Florida Administrative Code. The company does not, therefore, need an exemption. As such, we acknowledge Public Payphone U.S.A., Inc.'s withdrawal of its Petition for Exemption.

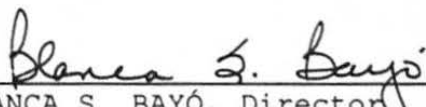
Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Public Payphone U.S.A., Inc.'s withdrawal of its Petition for Exemption is hereby acknowledged. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 5th day of April, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.