

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of North American)
InTeleCom, Inc. for a Waiver from)
Portions of Section 364.3375, F.S.)
and Rule 25-24.515, F.A.C.)

Docket No. 910739-TC
Filed: 7-1-91

PETITION FOR WAIVER

North American InTeleCom, Inc. (NAI), pursuant to the provisions of Paragraph 364.3375(1)(b), Florida Statutes, hereby requests that this Commission waive certain portions of Section 364.3375, Florida Statutes, and Commission Rule 25-24.515. As grounds for this waiver request, NAI states as follows:

1. The exact name of Petitioner and address for its principal business office is:

North American InTeleCom, Inc.
12000 Crownpoint Drive
San Antonio, Texas 78233

2. The name and address of the person authorized to receive notices and communications with respect to this petition is:

Kathleen Villacorta
Wiggins & Villacorta, P.A.
501 East Tennessee Street
Suite B
Pcst Office Drawer 1657
Tallahassee, Florida 32302

3. On March 22, 1990, by Order No. 22720 in Docket No. 900081-TC, NAI was granted authority by this Commission to

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provide pay telephone service. NAI holds Certificate No. 2459.

4. NAI would like to provide its pay telephone service to inmates at penal institutions and, therefore, seeks a waiver of portions of Section 364.3375, F.S., and Commission Rule 24.515. This statutory section and rule are designed for the benefit of the transient public who will be using telephones and services with which they are not familiar. In promulgating them, the Legislature and the Commission have made basic policy decisions that balance the competing interests of consumer and service provider. Because of the unique nature of the pay telephone service to be provided by NAI, and the context within which this service is offered, these policy goals are inapplicable. Moreover, the confinement facility, which is operated by state, county or local government, has imposed operating requirements on NAI that fulfill the inmate's needs for the service without sacrificing the public interest by subjecting the provider, third parties, and the local exchange companies to fraud and harassment. The Legislature, recognizing that the public interest would be best served if the Commission had flexibility in its regulation of pay telephone service, provided in Paragraph 364.3375(1)(b), F.S., that exemption could be granted from some or all of the requirements of the chapter. Therefore, waiver is sought from the following :

- a. Paragraph 364.3375(2)(a), F.S., and Rule 25-24.515(3), F.A.C. - Access to 911 or the LEC operator.

- b. Paragraph 364.3375(2)(b), F.S., and Rule 25-24.515(4), F.A.C. - Access to local directory assistance and repair service.
- c. Paragraph 364.3375(3), F.S., and Rule 25-24.515(6), F.A.C. - Access to all locally available carriers.
- d. Paragraph 364.3375(2)(d), F.S., and Rule 25-24.515(5), F.A.C. - Posting of telephone number and location address, and phone number of party responsible for repairs.

5. As noted above, NAI intends to provide its pay telephone service at penal institutions through contracts with those entities. The telephones will be used exclusively by the inmates at the institutions. Because of the unique circumstances of the calling population and the potential for abuses in calling, the penal institution requires that NAI provide automated collect calling capability with default live operator capability and that all other access be blocked. NAI is also required to limit the length of calls made over its system. Furthermore, because only one service is to be provided, posting a telephone number and location address, as well as a phone number for reporting repairs, is unnecessary. Service difficulties are to be reported to the institution.

WHEREFORE, North American InTeleCom, Inc. respectfully requests that the Commission grant it a waiver of portions of

Section 364.3375, Florida Statutes, and Commission Rule 25-24.515, Florida Administrative Code, for its pay telephone service to be provided from penal institutions.

Submitted this 1st day of July, 1991.



Kathleen Villacorta
Wiggins & Villacorta, P.A.
501 East Tennessee Street, Suite B
Post Office Drawer 1657
Tallahassee, Florida 32302
(904) 222-1534

Counsel for North American
InTeleCom, Inc.

WIGGINS & VILLACORTA, P.A.

ATTORNEYS AT LAW

501 EAST TENNESSEE STREET

POST OFFICE DRAWER 1657

TALLAHASSEE, FLORIDA 32302

TELEPHONE (904) 222-1534

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July 24, 1991

**Pamela Austin
Regulatory Analyst
Division of Communications
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850**

**Re: Docket No. 910739-TC, Waiver Request of North American
InTeleCom, Inc.**

Dear Ms. Austin:

**North American InTeleCom, Inc. (NAI) provides the following
responses to the questions in your letter dated July 19, 1991:**

**1. It is NAI's belief that inmates at the institutions that
NAI would propose to serve currently have access to phone service.**

**2. It is NAI's belief that the current service consists of
operator assisted outgoing collect only calls. However, NAI is
responding to RFPs and has no first hand knowledge of who is
currently providing service at the various state and county
institutions.**

**3. With NAI's service, inmates will dial 0 + 7 digits for a
local call and 0 + 10 digits for a long distance call.**

**4. NAI would not generally allow a 0- call due to the
operating requirements placed on it by the institution issuing the
RFP.**

**5. When allowed by the institution, NAI can provide live
operator backup for its automated collect only service and
contracts with MCI for this backup.**

If you desire any additional information, please let me know.

Sincerely,


Kathleen Villacorta

WIGGINS & VILLACORTA, P.A.

ATTORNEYS AT LAW

501 EAST TENNESSEE STREET

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TALLAHASSEE, FLORIDA 32302

TELEPHONE (904) 222-1534

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July 1, 1991

**Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301**

TE192

**Re: Docket No. 910739-TC - Petition of North American
InTeleCom, Inc. for a Waiver from Portions of Section
364.3375, F.S. and Rule 25-24.515, F.A.C.**

Dear Mr. Tribble:

**Enclosed for filing are the original and 14 copies of North
American InTeleCom, Inc.'s Petition for Waiver in the above-
referenced matter.**

**Should you have any questions, please do not hesitate to
contact me.**

Sincerely,

Kathleen Villacorta
Kathleen Villacorta

**KV:prl
Enclosures
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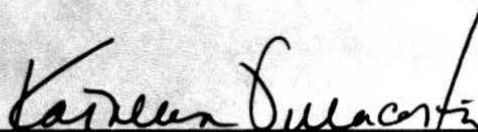
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Counsel for North American
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