

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver from portions)	DOCKET NO. 911047-TC
of Rule 25-24.515, F.A.C., regarding)	
provision of pay telephone service to)	ORDER NO. 25463
inmates located in correctional)	
facilities, by LONDON COMMUNICATIONS,)	ISSUED: 12/10/91
INC.)	
)	

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING PETITION FOR WAIVER OF
RULE 25-24.515(3), (4), (5), (6), (11), FLORIDA
ADMINISTRATIVE CODE, IN CONFINEMENT FACILITIES

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.

London Communications, Inc. (London or the Company) has been a certificated pay telephone service (PATS) provider since December 22, 1989. As a certificated PATS provider, London is subject to our jurisdiction.

On October 1, 1991, London filed a petition requesting that it be exempted from the provisions of Rule 25-24.515(3), (4), (5), (6) and (11), Florida Administrative Code. In its petition, London asserted that it was requesting this waiver to facilitate its PATS operations in confinement facilities.

In its petition, London requested authority to restrict access to 911, local directory assistance, use of credit cards or coin access, and access to all locally available interexchange carriers on those instruments it operates in confinement facilities. London further proposed limiting inmates to 0+NXX+XXXX access to local

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calls, and 0+NPA+NXX+XXXX access for long distance calls. London proposes to provide the long distance service itself and to provide automated collect only service when requested to do so by confinement facility administrators.

In order for London to provide this type of restricted phone service, a waiver of Rule 25-24.515(3),(4),(5),(6) and (11) is necessary. These subsections are as follows:

25-24.515 Pay Telephone Service

- (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.
- (5) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: telephone number and location address of such station, name or recognizable logo of the owner and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or

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toll services, and, where applicable, a statement that the phone is not maintained by the local exchange company).

- (6) Each telephone station which provides access to any interexchange company must provide access to all locally available interexchange companies.
- (11) Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.

In Docket No. 860723, we considered the special needs and circumstances of PATS providers operating in confinement facilities such as prisons, jails, and mental institutions. Our decision regarding such facilities were memorialized in Order No. 24101. In that Order we determined that the following restrictions were appropriate for non-local exchange pay telephone service (NPATS) providers operating in confinement facilities:

- A. NPATS providers may deny access to 911 and 411 calls.
- B. NPATS providers may deny access to all locally available interexchange carriers.
- C. A limited time duration of fifteen (15) minutes may be placed on all calls. However, notice of disconnect must be made prior to termination of call.

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- D. NPATS providers who wish to utilize the debit card telephone in confinement facilities may charge no more than \$1.00 for local calls.
- E. NPATS may charge no more than the appropriate AT&T time-of-day rates, plus operator charges.

However, in order to authorize the above restrictions on an industry-wide basis, rule amendments are necessary. Until such rule amendments are complete, we must approve such restrictions and rule waivers on a case-by-case basis.

In its petition, London also indicated that it was currently responding to a request for proposal (RFP) from the Florida Department of Corrections (FDOC). As part of the RFP, FDOC requests that pay telephones located in its facilities deny access to 0- calls. In previous rule waiver dockets, we have permitted confinement facility administrators some latitude in defining the telecommunications services appropriate for those facilities, given the unique conditions that surround such environments.

On September 19, 1990, in Docket No. 900286-TC, we issued Order No. 23506. By the terms of that Order, we granted Altus Technologies, Inc. (Altus) a certificate and approved its request for waiver of Rule 25-24.515(3),(4),(5),(6) and (11) for pay telephones operated in confinement facilities. In that same Order, we approved Altus' request to block 0- calls from its pay telephones located in confinement facilities. Based on FDOC's needs and our previous actions in Docket No. 900286-TC, we approve London's request to block 0- calls. However, we shall still require 0+ intraLATA traffic to be routed directly to the LEC.

We would note that all rule waivers and restrictive capabilities discussed in this docket are to be limited to confinement facilities. Any pay telephones London operates in non-confinement facilities shall be subject to the usual PATS service standards.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that pursuant to the petition by London Communications, Inc. requesting a waiver of Rule 25-24.515(3),(4),(5),(6) and (11), Florida Administrative Code, is hereby approved as outlined in the body of this Order. It is further

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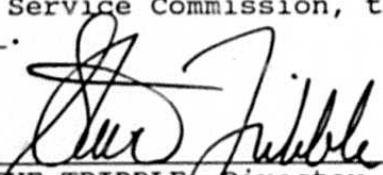
ORDERED that London Telecommunications, Inc.'s petition to deny access to 0- traffic in confinement facilities is hereby approved. It is further

ORDERED that these exceptions shall be limited to pay telephone instruments located in confinement facilities. It is further

ORDERED that any party adversely affected by this Order may respond in writing pursuant to the requirements set forth below. It is further

ORDERED that if no protest is filed pursuant to the requirements below, this Order shall become final and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 10th
day of DECEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

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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 12/31/91.

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 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.