

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Petition for waiver of)
Rule 25-24.515 (7) and Rule)
25-24.620 (2) (c) and (d),)
F.A.C., regarding 0- and 0+)
intraLATA traffic by)
North American InTeleCom, Inc.)

Docket No. 960829-70

Filed: 07/15/96

PETITION FOR WAIVER OF
RULES 25-24.620(2)(c), (d) AND 25-24.515(7)
FLORIDA ADMINISTRATIVE CODE
BY
NORTH AMERICAN INTELECOM, INC.

North American InTeleCom, Inc. (NAI), pursuant to Commission Rule 25-24.505, Florida Administrative Code, hereby files this Petition for waiver of Rule 25-24.515(7) and Rule 25-24.620 (2) (c) and (d), Florida Administrative Code, regarding certain 0+ local and 0+ intraLATA traffic. In support, NAI shows:

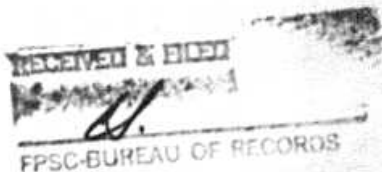
Procedural Background

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

North American InTeleCom, Inc.
14100 San Pedro Avenue, Suite 400
San Antonio, TX 78232

2. All notices, pleadings and orders should be directed to:

Marsha E. Rule
Wiggins & Villacorta, P.A.
Post Office Drawer 1657
Tallahassee, Florida 32302
(904) 222-1534 (phone)
(904) 222-1689 (fax)



Relief Requested

3. NAI requests that this Commission authorize it to carry and bill (through other entities, if necessary) 0+ local and intraLATA traffic from inmate facilities in Florida.

Background

4. NAI, a telecommunications company specializing in inmate communications services, holds Florida Pay Telephone Certificate No. 2459. The company provides collect-only inmate services to facilities throughout Florida.

5. NAI's pay telephone service in confinement facilities is provisioned through the use of store and forward technology to convert 0+ calls to 1+ automated calls. Although its equipment is capable of routing 0+ intraLATA toll and 0+ local calls to other providers, current Commission rules require NAI to forward such calls to the serving LEC. Recently, however, the Commission granted waivers of such rules to two inmate service providers, thereby allowing those providers to carry 0+ local and intraLATA toll calls. NAI seeks a similar rule waiver in order to provision 0+ local and 0+ intraLATA toll traffic originating at inmate facilities in Florida.

Discussion

6. Rule 25-24.620(2)(c) and (d), and Rule 25-24.515(7), Florida Administrative Code, require all intraLATA calls to be routed to the local exchange company unless the end user dials the access code for a specific long distance carrier. When those rules were promulgated, they embodied the Commission's policy of

reserving 0+ local and 0+ intraLATA calls to the serving LEC. In 1995, however, the Commission re-examined its policy, and found intraLATA presubscription to be in the public interest. Also in 1995, the Florida Legislature determined that competitive provision of telecommunications services, including local services, was similarly in the public interest.

7. Based on these policy changes, the Commission recently granted waivers of Rules 25-24.515(7) and 25-24.260 (c) and (d), Florida Administrative Code to two inmate service providers. In Order No. PSC-96-0868-FOF-TP, issued on July 2, 1996 in Docket No. 951546-TP, the Commission granted a petition for waiver filed by T-Netix, Inc. The Commission granted a similar waiver to Global Tel*Link Corporation in Order No. PSC-96-0867-FOF-TC, issued on July 2, 1996 in Docket No. 951198-TC. In its orders, the Commission concluded that it was in the public interest to grant these petitions.

8. The same public interest will be served by granting NAI a similar rule waiver. Like the inmate service providers in the above-referenced dockets, NAI believes that Florida's new telecommunications statutes allow the Commission to grant the requested authority. Allowing NAI to provide and bill 0+ local traffic from inmate facilities encourages competition as provided by Sections 364.01(3) and 364.01(4)(b), Florida Statutes, and is consistent with Sections 364.01(4)(e) and (f), Florida Statutes, which direct the Commission to avoid rules, regulations and

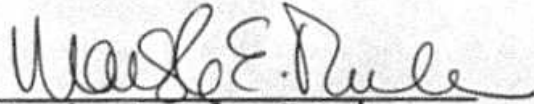
regulatory constraints that would delay or impair implementation of competition.

9. As recognized by the Commission in its recent orders, allowing inmate service providers to provide and bill local 0+ calls from confinement facilities can provide benefits including elimination of operator abuse by inmates, reduction of fraudulent calling and possibility of lower rates. NAI wishes to offer these benefits to the institutions and inmates to whom it provides services, and respectfully requests the Commission to grant this petition.

10. In connection with this petition, NAI agrees to charge no more than the rate charged by the serving local exchange company for 0+ intraLATA and 0+ local calls.

THEREFORE, for the reasons stated above, NAI requests that the Commission enter an order granting a waiver of Rules 25-24.515(7) and 25-24.620(2)(c) and (d), Florida Administrative Code, and authorizing it to carry and bill 0+ local and intraLATA traffic originated at Florida inmate facilities without delivering traffic to the applicable local exchange company. NAI also requests the Commission to order local exchange companies to bill such calls when billing is requested through a valid billing and collection agreement.

Respectfully submitted this 15th day of July, 1996.



Marsha E. Rule, Esquire

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.