

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

JANUARY 9, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *2888 RMT*
DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

RE: LOCKET NO. 961289-TC - INVISION TELECOM, INC. - PETITION FOR WAIVER OF RULES AND POLICIES THAT PROHIBIT THE CONCENTRATION OF ACCESS LINE SERVICE FOR INMATE FACILITIES TO ALLOW CONCENTRATION OF UP TO THREE INSTRUMENTS TO ONE LINE, OR THE EQUIVALENT THEREOF, FOR PAY TELEPHONE SERVICES LOCATED IN CONFINEMENT FACILITIES, BY INVISION TELECOM, INC.

AGENDA: JANUARY 21, 1997 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\961289.RCM

CASE BACKGROUND

InVision Telecom, Inc. (InVision) holds pay telephone Certificate No. 3318, with an effective regulation date of May 4, 1993. InVision presently operates pay telephones in various confinement facilities throughout Florida.

On October 28, 1996, InVision filed a petition for waiver of those rules and policies currently prohibiting InVision from installing concentrators to allow up to three instruments per access line for its payphones located in confinement facilities. The petition is more properly a petition for exemption authorized by Rule 25-24.505(3), Florida Administrative Code.

By Order No. 14529, issued July 1, 1985, the Commission required that only one pay telephone instrument be installed per access line. Local exchange company (LEC) tariffs generally reflect this requirement and contain language requiring pay telephone providers to order a separate public telephone access line for each telephone instrument installed.

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In addition, the provisions of Rule 25-24.515(9), Florida Administrative Code, require each telephone instrument to be connected as provided in the LEC's access tariff.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant InVision's petition for an exemption from the provisions of Rule 25-24.515(9), Florida Administrative Code, and Order 14529 which prohibit InVision from installing up to three pay telephone instruments per access line in confinement facilities?

RECOMMENDATION: Yes, the exemption should be granted for InVision's pay telephones located in confinement facilities only and provided there is a concentration of no more than three pay telephone instruments per access line.

STAFF ANALYSIS: The policy of a one to one ratio of payphone instruments to access lines was established in Order No. 14529, issued July 1, 1985, which states:

"We find that it is also in the public interest that we require one PATS instrument per coin access line. We reach this conclusion in the effort to avoid a payphone customer getting a busy signal when he attempts to use the payphone when an emergency arises. The probability of getting a busy signal increases when a line is shared by several PATS instruments."

LEC tariffs contain language requiring pay telephone providers to order a separate public telephone access line for each telephone instrument installed. In addition, Rule 25-24.515(9), Florida Administrative Code, states, "Each telephone station must be connected as provided in the pay telephone access tariff offered by the local exchange company."

Confinement facilities have their own emergency response systems in place and Rule 25-24.515(15), Florida Administrative Code, exempts payphones located in confinement facilities from the requirement to provide access to 911. For these reasons, the concern with inmates getting a busy signal when they try to reach emergency services is moot.

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Staff has summarized the key points InVision made in its petition below.

- 1) InVision will be able to more cost effectively service a wider range of the inmate population within a specific confinement facility. Inmate access to telephone service will be improved since more instruments will be placed throughout the facility.
- 2) Concentrator equipment will allow access by all stations within the concentrated block of instruments to a series of access lines on a first-available line basis, thereby improving the statistical probability of connection to an outside line.
- 3) Though more instruments will be available for use throughout the facility, there will be no change in the fact that only one instrument at a time can be in use on a single access line. When all access lines are in use, all non-using instruments will receive a busy signal until an access line becomes available.
- 4) Generated revenues for the provider and the facility will be improved.
- 5) Experience with line concentration in confinement facilities has shown no adverse service effects.
- 6) InVision will not use concentrators anywhere other than confinement facilities.
- 7) The Commission's approval of InVision's petition is consistent with legislative mandates to avoid unnecessary regulatory constraints and to eliminate rules that delay or impair the transition to competition. (Sections 364.01(4)(e) and 364.01(4)(f), Florida Statutes)
- 8) The Commission, in Order No. PSC-96-1157-FOF-TC, issued September 17, 1996, has granted a waiver permitting ATN, Inc. to provide up to a three to one line concentration within inmate facilities.

Staff believes that a three to one ratio of payphones to access lines will allow adequate access to telephone service by the inmate population.

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However, if the administrators of a correctional facility were not satisfied with the level of access, we believe that InVision would be responsive to the facility as failure to do so might jeopardize its contract for pay telephone service.

Staff recommends that InVision's petition be granted.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action. A protest filed by a local exchange company shall be applicable only to that local exchange company's territory and shall not prevent InVision from using a concentration of no more than three pay telephone instruments per access line in a non-protesting LEC's territory.

STAFF ANALYSIS: This docket should be closed unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action.

Some of the Commission's recent decisions to exempt payphone providers serving confinement facilities from certain rules and policies has resulted in protests being filed by two rate of return regulated LECs. Staff does not believe InVision should be prohibited from using a concentration of no more than three pay telephone instruments per access line in a LECs territory if that LEC does not protest the Commission's action. Accordingly, a protest filed by a LEC shall be applicable only to that LEC's territory and shall not prevent InVision from using a concentration of no more than three pay telephone instruments per access line in a non-protesting territory.

LAW OFFICES
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October 28, 1996

Ms. Blanca Bayo, Director
Division of Records and Reporting
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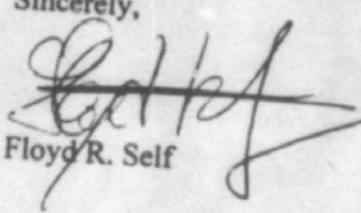
BY HAND DELIVERY

961289-TC

Dear Ms. Bayo:

Enclosed are an original and fifteen copies of Invision Telecom, Inc.'s Petition for Waiver.
Please indicate receipt of this document by stamping the enclosed extra copy of this letter.
Thank you for your assistance in this matter.

Sincerely,


Floyd R. Self

FRS/amb
Enclosures
cc: Barry E. Selvidge, Esq.

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11441 OCT 28 88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver for authorization)
to utilize line concentration for calls)
made from pay telephones located in)
confinement facilities, and for such other)
relief as may be appropriate, by)
Invision Telecom, Inc.)

Docket No.:
Filed: October 28, 1996

PETITION FOR WAIVER

Pursuant to Commission Rule 25-24.505 (3), Florida Administrative Code, Invision Telecom, Inc., ("Invision") petitions the Florida Public Service Commission ("Commission") for a waiver of those rules and policies currently prohibiting Invision from concentrating access line service for inmate facilities, and to allow concentration of up to a maximum of three instruments to one line, or the equivalent thereof, for pay telephone services located in confinement facilities within the state of Florida. In support of its petition, Invision states:

INTRODUCTION

1. Petitioner's complete name and address is:

Invision Telecom Inc.
2609 Cameron Street
Mobile, AL 36607

2. All notices, pleadings, orders, and other materials in this docket should be directed to the following on behalf of Invision:

Barry E. Selvidge, Vice President,
Regulatory Affairs and General
Counsel
Invision Telecom, Inc.
1150 Northmeadow Parkway, Suite 118
Roswell, GA 30076

Floyd R. Self, Esq.
Messer, Caparello, Madsen,
Goldman & Metz, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876

3. Invision is a privately owned corporation authorized to do business in the State of

Florida. Pursuant to Order No. PSC-95-1277-FOF-TC issued October 17, 1995 in Docket No. 940984-TC, Invision provides pay telephone services from confinement facilities located in the state of Florida.

RELIEF REQUESTED

4. Pursuant to Rule 25-24.505 (3), Florida Administrative Code, Invision is seeking a waiver of Rule 25-24.515 (9). Specifically, Invision seeks authority to provide up to a three to one line concentration, or the equivalent thereof including the option to use alternative interconnection facilities, within inmate facilities for pay telephone service for Invision-provided pay telephone equipment, installed in confinement facilities.

BACKGROUND

5. Invision currently provides pay telephone services to confinement facilities in Florida.

6. Technology advances in store-and-forward pay telephones and line concentrators have enabled inmate service providers to furnish quality calling services for callers and end users while meeting the unique inmate telephone access and security needs of the confinement facility. This well-developed and proven technology provides reliable call completion, without allowing inmates access to the public telephone network, thus reducing harassment and fraud. Concentration of up to three stations to each service line or service line equivalent, when utilizing T-1 facilities, allows the inmate telephone provider to cost effectively meet the access requirements and to cover a wider range of inmate population concentrations within a specific confinement facility. If more than one instrument occupies a single access line, only one instrument may use the line at a given time. All non-using stations would receive a busy signal until the access line became available. Invision respectfully states that technology advances and regulatory changes that have occurred since

the time this rule was promulgated now make it appropriate for the Commission to grant the limited waiver requested herein.

7. In addition, currently available concentrator equipment will allow access by all stations within the concentrated block of instruments to a series of access lines on a first-available line basis, or to T-1 facilities on a line-equivalent basis, thereby improving the statistical probability of connection to an outside line. The impact of multiple station to single line concentration on the inmate pay telephone service is estimated to be extremely minimal. Since more instruments can be deployed using this configuration, generated revenues for the provider and the facility operator will be improved, as will overall access to telephone service for the inmates.


8. Invision seeks to improve its cost-effectiveness and competitive efficiency by providing line concentration of its pay telephones located only in confinement facilities in order to better address the availability, security and control concerns that are paramount in the correctional environment. Invision desires only to do this in confinement facilities and will not use concentration anywhere else. Rule 25-24.515 (15) recognizes that regulatory requirements need to take into account the unique conditions and needs of confinement facilities. No adverse service effects have been observed or reported at those facilities where line concentration has been applied.

9. The Commission's approval of this waiver request is consistent with the legislative mandates to avoid "unnecessary regulatory constraints" and to eliminate rules that "delay or impair the transition to competition." Sections 364.01 (4) (e) and 364.01 (4) (f), Florida Statutes (1995). Furthermore, the Commission, in Order No. PSC-96-1157-FOF-TC, issued September 17, 1996, has already granted a waiver permitting ATN, Inc., to provide up to a three to one line concentration within inmate facilities.

WHEREFORE, INVISION respectfully requests that it be granted a waiver of the applicable rules and orders currently prohibiting concentration of line services for calls made from its pay telephones located in confinement facilities, on a single line or T-1 basic, and for the Commission to take such other relief as is consistent with this petition and the competitive policies embodied in revised chapter 364.

Respectfully submitted, this 28th day of October, 1996.

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