

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

MEMORANDUM

JANUARY 23, 1997

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

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *BBB*  
DIVISION OF LEGAL SERVICES (COM) *MCB*

RE: DOCKET NO. 961363-TC - NORTH AMERICAN INTELECOM, INC. -  
PETITION FOR EXEMPTION FROM RULE 25-24.515(9), FLORIDA  
ADMINISTRATIVE CODE, AND ORDER NO. 14529, TO ALLOW  
INSTALLATION OF UP TO THREE PAY TELEPHONE INSTRUMENTS PER  
ACCESS LINE IN CONFINEMENT FACILITIES, BY NORTH AMERICAN  
INTELECOM, INC.

AGENDA: 02/04/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961363.RCM

CASE BACKGROUND

North American InTeleCom, Inc. (North American) holds pay telephone Certificate No. 2459, with an effective regulation date of March 21, 1990. North American operates pay telephones in various confinement facilities throughout Florida.

On November 11, 1996, North American filed a petition for waiver of those rules and policies currently prohibiting North American 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. In addition, the provisions of Rule 25-24.515(9), Florida Administrative Code,

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require each telephone instrument to be connected as provided in the LEC's access tariff.

#### DISCUSSION OF ISSUES

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

**RECOMMENDATION:** Yes, the exemption should be granted for North American'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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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 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. However, if the administrators of a correctional facility are not satisfied with the level of access, we believe that North American will be responsive to the facility as failure to do so might jeopardize its contract for pay telephone service.

Staff recommends that North American'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 Global 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 North American should be prohibited from using a concentration of no more than three pay telephone instruments per access line in a LEC's 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 North American from using a concentration of no more than three pay telephone instruments per access line in a non-protesting LEC's territory.





ORIGINAL FILE COPY

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Edward J. Taylor, Jr. Vice President - Operations

November 11, 1996

Blanca S. Bayo  
State of Florida  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

961363-TC

Dear Ms. Bayo:

As a party of record and interested party, North American InTeleCom, Inc. respectfully requests a similar waiver for pay telephones throughout Florida to that granted ATN in the attached notice, allowing installation of three telephone instruments per access line for payphones located in confinement facilities.

Thank you in advance for your consideration.

Sincerely,

Edward J. Taylor, Jr.  
Vice President, Operations

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_ EJT/mh
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
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- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_



210 N. Park Avenue, Winter Park, Florida 32789 Telephone: (407) 740-8575 Facsimile: (407) 740-0613

## **Florida Grants ATN Waiver For Payphone Inmate Service**

Effective October 8, 1996, the Florida PUC granted a waiver to ATN, Inc. allowing installation of three telephone instruments per access line for payphones located in confinement facilities.

ATN presently operates approximately 100 pay telephones throughout Florida. Rule 25-24.505(3) of the Florida Administrative Code requires a separate pay telephone for each access line. This is required to avoid pay telephone customers from getting a busy signal when attempting to make an emergency call (e.g., to 911.)

In the Order, the Commission recognized that confinement facilities have their own emergency response systems in place, consequently, access for 911 is not required. The Commission stated that it believes by permitting three pay telephones for every access line would allow adequate access for the inmate population.

The Order applies to ATN only. All other inmate pay telephone providers in Florida wanting similar line concentration, must file a waiver with the Florida PUC requesting such.

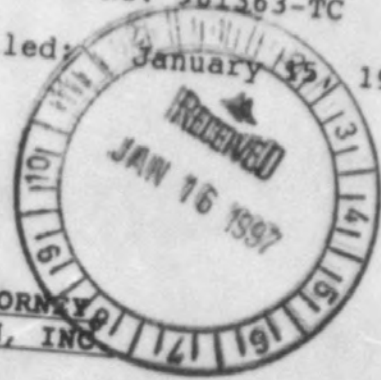
Source: Florida Docket 960805-TC, dated September 17, 1996

*C. Mu/Hawkins*

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for exemption  
from Rule 25-24.515(9), F.A.C.,  
and Order No. 14529, to allow  
installation of up to three pay  
telephone instruments per access  
line in confinement facilities by  
North American InTeleCom, Inc.

Docket No. 961363-TC  
Filed: January 15, 1997



NOTICE OF APPEARANCE OF ATTORNEY  
FOR NORTH AMERICAN INTELECOM, INC.

North American InTeleCom, Inc. hereby enters the appearance of  
the undersigned as attorney of record in this matter.

All notices, pleadings and orders should be directed to:

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

Respectfully submitted, this 15th day of January, 1997.

*Patrick K. Wiggins*

Patrick K. Wiggins  
Wiggins & Villacorta, P.A.  
Post Office Drawer 1657  
Suite B  
Tallahassee, Florida 32302  
(904) 222-1534

Attorney for North American  
InTeleCom, Inc.