

VOTE SHEET

DATE: May 6, 1997

RE: DOCKET NO. 970166-TI - Petition for exemption from Rules 25-4.113, 25-24.471, and 25-24.515, F.A.C. and for authorization to discontinue service without notice and to require advance payment for service to certain customers, and for such other relief as may be appropriate, by MCI Telecommunications Corporation.

Issue 1: Should the Commission grant MCI's request for an exemption from Rules 25-4.113, 25-24.471, and 25-24.515, F.A.C., to permit MCI to block collect calls to local exchange company subscribers MCI believes to be a credit risk and to require advance payments from those subscribers before completing additional collect calls, as set forth in its tariffs T-97-0109 and T-97-0110?

Recommendation: No. MCI's petition for exemption does not meet the requirements of Section 120.542, F.S. The petition fails to demonstrate how the exemption will serve the purpose of the underlying statutes or how the

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DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

*To the June 10, 1997
 Commission Conference*

DOCUMENT NUMBER-DATE

04630 MAY-85

FPSC-RECORDS/REPORTING

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Issue 1: (Continued)

purpose will be achieved by other means. Furthermore, the procedure, if implemented, would subject recipients of collect calls from correctional facility inmates to undue prejudice or disadvantage in violation of Section 364.10, F.S. MCI should not be allowed to implement its fraud control measures, without notice, in a "monopoly" environment controlled by MCI. The "monopoly" environment of the prison facility should remain subject to effective regulation in order to protect the public welfare, pursuant to Section 364.01(4)(c), F.S. MCI should also be ordered to withdraw or refile tariffs T-97-0109 and T-97-0110 accordingly.

Alternative Recommendation: MCI's petition should be granted, in part. Although it does not meet the specific requirements of Chapter 120, F.S., MCI's petition for exemption substantially complies with the intent and purpose of that section. MCI's petition for exemption should be granted, as it pertains to tariff T-97-0109, as long as the term "certain facilities," found in Section 2.2.2.2 of the tariff, does not include correctional or hospital confinement facilities. As it pertains to tariff T-97-0110, however, the petition should be denied. MCI should not be allowed to block calls from confinement facilities unless inmates are allowed to call the personal 800 numbers of their families and friends, or to use competitive services of other carriers. Furthermore, MCI should be directed to submit a supplemental report to the Commission outlining how it will address any billing and advance payment problems that may arise, as well as how quickly a block will be lifted once payment has been made. MCI should also be ordered to withdraw or refile tariffs T-97-0109 and T-97-0110 accordingly.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the Commission's proposed agency action files a protest within 21 days, this docket should be closed.