

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date July 30, 1997

Docket No. 990995-TC

1. Division Name/Staff Name Communications / Natalie Monteiro

2. OPR Natalie M. Monteiro (CMU)

3. OCR \_\_\_\_\_

4. Suggested Docket Title Petitions for waiver of Rules 25-24.515(9), 25-24.515(7), and 25-24.620(2)(c) and (d), Florida Administrative Code, regarding the number of access lines per pay telephone and 0\* local and 0\* intralATA traffic in confinement facilities, by Pay Tel Communications, Inc. d/b/a Pay Tel Communications, Inc. of the Southeast

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.  
B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

Pay Tel Communications, Inc. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Interested Persons and their representatives (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Check one:

- Documentation is attached.  
 Documentation will be provided with recommendation.

RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION  
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July 25, 1997

**HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

Re: Petition for Waiver of Rules 25-24.515(7) and 25-  
24.620(2)(c) and (d)

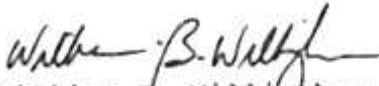
Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Pay Tel Communications, Inc. ("Pay Tel") are the original and fifteen copies of Pay Tel's Petition for Waiver of Rules 25-24.515(7) and 25-24.620(2)(c) and (d).

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

  
William B. Willingham

WBW/rl

7-18-97



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Pay Tel  
Communications, Inc., d/b/a  
Pay Tel Communications, Inc.  
of the Southeast for a waiver  
of orders, rules and regula-  
tions prohibiting provision  
of 0+ local and 0+ intraLATA  
calls from store-and-forward  
pay telephones located in  
confinement institutions.

Docket No. 970975-TC

Filed: July 25, 1993

**PETITION FOR WAIVER OF RULES  
25-24.515(7) AND 25-24.620(2)(c) AND (d)**

Pay Tel Communications, Inc., d/b/a Pay Tel Communications, Inc. of the Southeast ("Pay Tel"), pursuant to Rule 28-104.002, Florida Administrative Code, and Section 120.542(5), Florida Statutes, herewith petitions the Florida Public Service Commission (the "Commission") for a waiver of Rules 25-24.515(7) and 25-24.620(2)(c) and (d) and any other rules, orders or regulations that prohibit Pay Tel from providing and billing 0+ local and 0+ intraLATA calls placed by inmates of confinement institutions through Pay Tel's pay telephone facilities that use store-and-forward technology and in support thereof states as follows:

1. Petitioners name and address are:

Pay Tel Communications, Inc.  
P. O. Box 8179  
9A Oak Branch Drive  
Greensboro, NC 27407  
1-800-729-8355 (telephone)  
1-800-776-8423 (facsimile)

2. All notices, orders and documents regarding this Petition should be directed to:

Kenneth A. Hoffman, Esq.  
William B. Willingham, Esq.  
RUTLEDGE, ECENIA, UNDERWOOD, PURNELL  
& HOFFMAN, P.A.  
P. O. Box 551  
Tallahassee, Florida 32302-0551  
(850) 681-6788 (telephone)  
(850) 681-6515 (facsimile)

3. Pay Tel is certificated to provide pay telephone services in Florida.<sup>1</sup> Pay Tel currently does not provide pay telephone service to correctional institutions in Florida, but plans to do so in the very near future.

4. The facilities that Pay-Tel will provide to the correctional institutions contain store-and-forward technology. Store-and-forward technology enables Pay Tel to provide and bill for 0+ local and 0+ intraLATA calls placed by end-users without the assistance of a live operator. Store-and-forward technology is particularly well suited to the provision of inmate service because it provides a number of controls and restrictions that serve to reduce or eliminate fraudulent use of pay telephone services. For example, prior to the time that charges for the call must be accepted, the person who receives the call will hear an announcement that the call is from a confinement facility, thereby assisting the person in making an informed choice about whether to

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<sup>1</sup>Certificate No. 4935; Order PSC-96-1115-FOF-TC.

accept the call. The technology also eliminates the opportunity for the caller to harass a live operator.

5. Pay Tel requests a permanent waiver of the Commission's rules, orders and regulations that prohibit Pay Tel from providing and billing for 0+ local and 0+ intraLATA calls placed by inmates from confinement institutions, which prohibitions are set forth in Rules 25-24.515(7) and 25-24.620(2)(c) and (d). Rule 25-24.515(7) requires pay telephone providers to route all intraLATA calls, including operator service calls, to the local exchange company ("LEC") unless the end-user dials an access code for its carrier of choice. Rule 25-24.620(2)(c) requires pay telephone providers to route all end-user dialed 0+ and 0- intraLATA local and toll calls to the LEC unless the end-user dials the appropriate access code for its carrier of choice. Rule 25-24.620(2)(d) requires pay telephone providers to route all end-user dialed 0- calls to the LEC operator at no charge to the end-user when no additional digits are dialed after five (5) seconds. These rules were implemented pursuant to Sections 364.337 and 364.3376, Florida Statutes.

6. Pursuant to the above-stated rules 0+ local and 0+ intraLATA toll calls are to be routed to the LEC. Absent a waiver, these rules prohibit pay telephone providers from providing and billing for 0+ local and 0+ intraLATA calls placed by inmates from confinement institutions. Pay Tel believes that the benefits afforded to confinement institutions and the general public, such

as call screening and blocking, will be enhanced if the above-stated rules are waived allowing Pay Tel to provide and bill 0+ local and 0+ intraLATA calls that originate from confinement institutions.

7. Pay Tel will suffer a substantial hardship if these prohibitions are not waived. Pay Tel will be forced to forgo substantial amounts of revenue if it is forced to route 0+ local and 0+ intraLATA calls to the LEC. Furthermore, there will be a significant loss of fraud control if Pay Tel is forced to route 0+ local and 0+ intraLATA calls to the LEC.

8. The Commission should grant a waiver of the above-stated rules in order to avoid violating the principles of fairness and equal protection to which Pay Tel is entitled. The Commission has previously granted identical waivers to other similarly situated pay telephone providers, including independent pay telephone providers.<sup>2</sup> In addition, the Commission has determined that non-LEC pay telephone providers may route 0+ intraLATA calls to the intraLATA carrier of their choice and a waiver for 0+ intraLATA calls should not even be required.<sup>3</sup>

9. The requested waiver serves the purposes of Chapter 364 by generally promoting the competitive provision of telecommunications service pursuant to Section 364.01(3), Florida

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<sup>2</sup> See, e.g., Order No. PSC-96-1413-FOF-TC.

<sup>3</sup> Order No. PSC-96-0884-FOF-TP.

Statutes, and by specifically encouraging the introduction of "new experimental telecommunications services free of unnecessary regulatory restraints" pursuant to Section 364.01(4)(e), Florida Statutes. The Commission has previously determined that allowing non-LEC pay telephone providers to provide and bill 0+ local and 0+ intraLATA calls is a step forward to a more competitive environment.<sup>4</sup>

WHEREFORE, Pay Tel respectfully requests that it be granted a waiver of the applicable rules, orders and regulations that currently prohibit it from providing and billing 0+ local and 0+ intraLATA calls placed by inmates of confinement institutions through Pay Tel's pay telephone facilities that use store-and-forward technology.

Respectfully submitted,

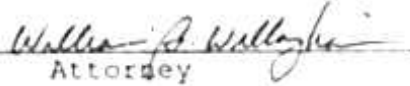
  
KENNETH A. HOFFMAN, ESQ.  
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(850) 681-6515 (facsimile)

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<sup>4</sup>See, e.g., Order No. PSC-96-1413-FOF-TC

**CERTIFICATE OF SERVICE**

I HEREBY certify that a copy of the foregoing was furnished to the Administrative Procedures Committee, Holland Building, Room 120, Tallahassee, Florida 32308 by **Hand Delivery** this 25th day of July, 1997.

  
Attorney

WAC \FAYTEL\FAYTEL.COM



9-4  
RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

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July 25, 1997

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Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

Re: Petition for Waiver of Rule 25-24.515(9)

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Pay Tel Communications, Inc. ("Pay Tel") are the original and fifteen copies of Pay Tel's Petition for Waiver of Rule 25-24.515(9).

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

*William B. Willingham*  
William B. Willingham

WBW/r1

File 1



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Pay Tel  
Communications, Inc., d/b/a  
Pay Tel Communications, Inc.  
of the Southeast for waiver of  
orders, rules and regulations  
which prohibit concentration  
of line services for pay  
telephone facilities that serve  
confinement institutions.

Docket No. 970975-TC

Filed: July 25, 1997

PETITION FOR WAIVER OF RULE 25-24.515(9)

Pay Tel Communications, Inc., d/b/a Pay Tel Communications, Inc. of the Southeast ("Pay Tel"), pursuant to Rule 28-104.002, Florida Administrative Code, and Section 120.542(5), Florida Statutes, herewith petitions the Florida Public Service Commission (the "Commission") for a waiver of Rule 25-24.515(9), Florida Administrative Code, and any other rules, orders or regulations that prohibit Pay Tel from utilizing line concentration in the provision of pay telephone service to inmates of confinement institutions within Florida, and in support thereof states as follows:

1. Petitioners name and address are:

Pay Tel Communications, Inc.  
P. O. Box 8179  
9A Oak Branch Drive  
Greensboro, NC 27407  
1-800-729-8355 (telephone)  
1-800-776-8423 (facsimile)

2. All notices, orders and documents regarding this Petition should be directed to:

Kenneth A. Hoffman, Esq.  
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P. O. Box 551  
Tallahassee, Florida 32302-0551  
(850) 681-6788 (telephone)  
(850) 681-6515 (facsimile)

3. Pay Tel is certificated to provide pay telephone services in Florida.<sup>1</sup> Pay Tel currently does not provide pay telephone service to correctional institutions in Florida, but plans to do so in the very near future.

4. Where traffic permits, Pay Tel desires to install its call processing systems for correctional institutions with fewer access lines than instruments. To that end Pay Tel seeks a permanent waiver of (1) Rule 25-24.515(9), (2) any other rules, orders, and regulations of the Commission, and (3) any pay telephone tariffs of a local exchange company ("LEC") that prohibit Pay Tel from concentrating access lines connected to Pay Tel's equipment and instruments that serve correctional institutions. The waiver requested by Pay Tel is similar to waivers already granted by the Commission to other carriers.

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<sup>1</sup> Certificate No. 4935; Order PSC-96-1115-FOF-TC.

See, e.g., In Re: Petition for waiver of rules and orders which currently prohibit concentration of line services for calls made from store-and-forward coinless pay telephones located in confinement facilities, and for such other relief as may be

5. Rule 25-24.515(9), Florida Administrative Code, requires that each telephone station must be connected as provided in the pay telephone access tariff offered by the LEC. LEC tariffs generally contain language that requires one access line for each instrument, thereby prohibiting Pay Tel from concentrating access lines.

6. Rules regarding line concentration for pay telephones were first adopted by the Commission in Order No. 14529, issued July 1, 1985. Order No. 14529 requires one access line per pay telephone instrument, primarily for the purpose of preventing a busy signal when a customer or user attempts to use the pay telephone during an emergency situation. Rule 25-24.515(9) codifies the underlying rationale of Order No. 14529.

7. The underlying rationale of Rule 25-24.515(9) is not applicable in the inmate calling environment where there is no requirement that the pay telephone be available for emergency situations. The Commission has previously recognized that pay telephones located in confinement facilities need not be available for emergency situations because the institution has its own emergency response systems.<sup>1</sup> In addition, pay telephones in the

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appropriate, by ATN, Inc., Docket No. 960805-TC, Order No. PSC-96-1157-FOF-TC, Issued September 17, 1996.

<sup>1</sup> Id.; Rule 25-24.515(15), Florida Administrative Code, exempts pay telephones located in confinement facilities from the requirement to access "911".

inmate telecommunications setting do not have to be active all of the time and it is very unlikely that a majority of the pay telephones would be active at any one time. In any event, Pay Tel will design and engineer its systems so that the number of access lines installed is sufficient to support all of the inmate call traffic during the busiest hour of the day.

8. The Commission should grant a waiver of the above-stated rules in order to avoid violating the principles of fairness and equal protection to which Pay Tel is entitled. The Commission has previously granted identical waivers to other similarly situated pay telephone providers, including independent pay telephone providers.<sup>4</sup> Should the waiver requested herein be granted, Pay Tel agrees to use no more than three telephone instruments per L&C access line in each confinement institution that it serves, which concentration has previously been approved by the Commission.

9. Pay Tel will suffer a substantial hardship if the line concentration prohibitions are not waived. Absent a waiver, Pay Tel will be forced to purchase more pay telephone access lines and associated equipment than is necessary to provide inmate calling

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<sup>4</sup> See, e.g., In Re: Petition for waiver of rules and orders which currently prohibit concentration of line services for calls made from store-and-forward coinless pay telephones located in confinement facilities, and for such other relief as may be appropriate, by ATN, Inc., Docket No. 960805-TC, Order No. PSC-96-1157-FOF-TC, Issued September 17, 1996.

<sup>5</sup> Id.

for a particular institution. These unnecessary expenditures would result in lower profit margins, and possibly losses, for Pay Tel and will unnecessarily increase Pay Tel's cost of providing service to the institution.

WHEREFORE, Pay Tel respectfully requests that it be granted a waiver of the applicable rules, orders and regulations that currently prohibit Pay Tel from concentrating access lines connected to Pay Tel's equipment and instruments that serve correctional institutions.

Respectfully submitted,

  
KENNETH A. HOFFMAN, ESQ.  
WILLIAM B. WILLINGHAM, ESQ.  
RUTLEDGE, ECENIA, UNDERWOOD,  
PURNELL & HOFFMAN, P.A.  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that a copy of the foregoing was furnished to the Administrative Procedures Committee, Holland Building, Room 120, Tallahassee, Florida 32308 by **Hand Delivery** this 25th day of July, 1997.

  
Attorney