



Public Service Commission

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RECORDS AND REPORTING

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DATE: SEPTEMBER 10, 1998

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

FROM: DIVISION OF LEGAL SERVICES (KEATING) *MCB for BK*
DIVISION OF COMMUNICATIONS (MCCOY) *jm*

RE: DOCKET NO. 980951 - PETITION OF GLOBAL TEL*LINK CORPORATION FOR EXEMPTION FROM ORDER, RULES, AND REGULATIONS PROHIBITING TERMINATION OF CONVERSATIONS AFTER TEN MINUTES ON CALLS PLACED FROM PAY TELEPHONES LOCATED IN CONFINEMENT INSTITUTIONS.

AGENDA: SEPTEMBER 22, 1998 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: OCTOBER 27, 1998 - 90 DAY STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980951.RCM

CASE BACKGROUND

Global Tel*link Corporation (Global) holds pay telephone Certificate Number 3878, with an effective regulation date of March 10, 1996. Global currently provides pay telephone service to approximately nineteen (19) correctional facilities for the Florida Department of Corrections in various locations throughout Florida.

On July 28, 1998, Global filed a waiver petition of those rules and regulations which prohibit Global from terminating calls placed from pay telephones located in Florida confinement institutions in less than fifteen (15) minutes, Rules 25-24-515(5), and 25-24.515(15), Florida Administrative Code. Global seeks the waiver so that it can terminate such calls after ten (10) minutes of conversation.

DOCUMENT NO.
9872-18
9-10-98

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Pursuant to Section 120.542(6), Florida Statutes, notice of Global's petition for waiver was submitted to the Secretary of State on August 11, 1998, for publication in the Florida Administrative Weekly. No comments were submitted during the comment period which ended September 4, 1998. In accordance with Section 120.542(7), Florida Statutes, the Commission must rule on this petition by October 27, 1998.

The Commission has previously approved a similar request for exemption from Orders, Rules and Regulations prohibiting termination of conversations after ten (10) minutes on calls placed from pay telephones located in confinement facilities within the state of Florida in Docket Number 970551-TC for Sprint Communications Company Limited Partnership and Docket Number 971113-TC for MCI Telecommunications Corporation.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Global's petition for an exemption from the provisions of Rule 25-24.515(5) and 25-24.515(15), Florida Administrative Code, which prohibit termination of conversations after ten (10) minutes on calls placed from pay telephones located in confinement institutions?

RECOMMENDATION: Yes. Global's petition should be granted, however, Global should still adhere to the audible and written notification requirements of Rule 25-24.515 (5), Florida Administrative Code. (MCCOY)

STAFF ANALYSIS: Through this petition, Global is requesting a waiver of the Commission's Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code. These rules specifically require notice at all pay stations that terminate conversation after fifteen (15) minutes. In view of the fact that the rule requires notice for termination at fifteen (15) minutes, but does not provide for termination of calls in less than fifteen (15) minutes, Global believes that these rules may prohibit Global from terminating calls, placed by inmates of confinement institutions, prior to fifteen (15) minutes. Thus, Global has requested this waiver for permission to terminate calls after ten (10) minutes of conversation. Global agrees, however, that it will comply with the audible and written disconnect notification requirements of Rule 25-24.515(5), Florida Administrative Code.

Global states that it is seeking this waiver because the Department of Corrections wants to have the capability to limit calls from confinement facilities to a ten (10) minute duration

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during certain periods and circumstances. Global asserts that limiting calls to no longer than ten (10) minutes could be useful in very crowded telephone conditions. Global believes that forcing corrections officials to allow a minimum fifteen (15) minute call duration by inmates is an unnecessary limit on corrections officials' authority in a confinement setting without reason. Therefore, Global contends that the present rule could be a substantial hardship on corrections officials.

In addition, Global asserts that the protection to the pay telephone end user intended by Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, is not necessary in the inmate calling environment because corrections officials presently have the ability to control inmate calling. Reducing conversation time from fifteen (15) minutes to ten (10) minutes will not disadvantage inmates and will provide the Department of Corrections time in situations that warrant reduced conversation time.

Currently, Global offers pay telephone services to inmates of confinement institutions within the state of Florida using sophisticated equipment that permits inmates to place outbound, collect-only calls. Global's system was designed specifically to help governmental corrections facilities deal with their unique needs and problems. Such problems include call forwarding schemes, credit card abuse, subscription improprieties, and harassing telephone calls to victims, witnesses, and judges. Global asserts that the ability to limit calls, along with other security features, will allow correctional officials to prevent inmate abuse and fraud.

Staff is aware that early termination of calls will simply lead to higher costs to the called party (due to double operator surcharges) if inmates are allowed to dial the called party in successive ten (10) minute increments. To the extent that the called party receives two calls from the same inmate, staff believes the waiver should not apply. Under those circumstances, Global and the facility will benefit from higher revenues for what is otherwise a single call. Therefore, staff will monitor complaints to determine whether the inmate's phone time is actually reduced to ten (10) minutes or whether the called party is billed two operator surcharges for conversation totaling fifteen (15) minutes or less. If, based on complaints, staff observes double operator surcharges occurring on a regular basis, staff will bring this matter to the Commission's attention.

Staff believes that Global's petition meets the specifications set forth in Section 120.542(5), Florida Statutes which state that the petitioner must demonstrate that the purposes of the underlying statute will be met, and application of the rule would create substantial hardship or violate principles of fairness. Staff,

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therefore, recommends that Global's Petition for Waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, be granted for those pay telephones located in confinement facilities.

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's territory and shall not prevent Global from terminating conversations after 10 minutes on calls placed from pay telephones located in confinement institutions. (KEATING)

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.