



Public Service Commission

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DATE: NOVEMBER 5, 1998

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

FROM: DIVISION OF LEGAL SERVICES (KEATING) *JK MCB*
DIVISION OF COMMUNICATIONS (MCCOY) *Jm*

RE: DOCKET NO. 980951-TC - 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: NOVEMBER 17, 1998 - REGULAR AGENDA - PROCEDURAL MATTER- PARTICIPATION LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: 90-DAY STATUTORY DEADLINE HAS BEEN WAIVED

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\980951AR.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 sought the

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waiver so that it could terminate such calls after ten (10) minutes of conversation.

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 was required to rule on the petition by October 27, 1998. By Order No. PSC-98-1323-FOF-TC, issued October 9, 1998, the Commission approved Global's petition for waiver. Order No. PSC-98-1323-FOF-TC was not protested.

By letter dated October 28, 1998, Global informed the Commission that it had an error in its original petition for waiver. Global asked that its petition and Order No. PSC-98-1323-FOF-TC be amended to reflect that Global provides operator services to county correctional facilities, instead of Florida Department of Corrections facilities. Thus, Global's request for waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, would affect county correctional facilities rather than State of Florida correctional facilities. Global also asked that its petition be clarified to reflect that it only seeks to have this waiver applied on a facility-by-facility basis at the election of the county facility administrators.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve Global's amended petition for waiver 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, and amend Order No. PSC-98-1323-FOF-TC to reflect that Global provides operator services in county correctional facilities?

RECOMMENDATION: Yes. Global's amended petition should be granted, and Order No. PSC-98-1323-FOF-TC should be amended to reflect Global's corrections to its petition. Order No. PSC-98-1323-FOF-TC should otherwise be affirmed. (KEATING)

STAFF ANALYSIS: As set forth in the Case Background, by letter dated October 28, 1998, Global informed the Commission that it had

made an error in its original petition for waiver. Global asked, therefore, that its petition and Order No. PSC-98-1323-FOF-TC be amended to reflect that Global provides operator services to county correctional facilities, instead of Florida Department of Corrections facilities. Thus, Global's request for waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, would affect county correctional facilities, instead of State of Florida correctional facilities. Global states that it currently serves 19 county correctional facilities in Florida. Global asserts that the county correctional facility administrators want to be able to limit calls from confinement facilities to 10 minutes during certain periods and circumstances. Global also asked that its petition be clarified to reflect that it only seeks to have this waiver applied on a facility-by-facility basis at the election of the county facility administrators.

Staff believes that Global's error was inadvertent. Further, even though the requested waiver would apply to county correctional facilities rather than state facilities, staff believes that the 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, therefore, recommends that Global's Amended Petition for Waiver of Rules 25-24.515(5) and 25-24.515(15), Florida Administrative Code, be approved for those pay telephones located in county confinement facilities on a case-by-case basis at the election of the county facility administrators. Order No. PSC-98-1323-FOF-TC should be amended to reflect these corrections, and should be affirmed in all other respects. As set forth in Order No. PSC-98-1323-FOF-TC, staff will continue to monitor complaints to determine whether an inmate's phone time is actually reduced to 10 minutes or whether the called party is billed two operator surcharges for conversation totaling 15 minutes or less.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves Issue 1, no further matters will remain for the Commission to decide. This Docket should, therefore, be closed. (KEATING)

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STAFF ANALYSIS: Yes. If the Commission approves Issue 1, no further matters will remain for the Commission to decide. This Docket should, therefore, be closed.