

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date December 17, 1998

Docket No. 981877-TC

1. Division Name/Staff Name Communications/Yambor
2. OPR Communications
3. OCR Legal

4. Suggested Docket Title Petition by Public Payphone U.S.A., Inc. for exemption from Rules and Orders which prohibit concentration of line services for calls made from store-and-forward pay telephones located in confinement institutions.

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)

Public Payphone U.S.A., Inc. _____
11859 Wilshire Blvd, Suite 600 _____
Los Angeles, CA 90025 _____

2. Interested Persons and their representatives (if any)

6. Check one:

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

I:\P\C\R\R\WP\ESTDKT.
PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

14155 DEC 17 87

PSC-RECORDS/REPORTING



December 8, 1998
Via Overnight

210 N. Park Ave.
Winter Park, FL
32789

P.O. Drawer 200
Winter Park, FL
32790-0200

Tel: 407-740-8575
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tmi@tminc.com

Ms. Blanca Bayo, Director
Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Boulevard
Gerald L. Gunter Building, Room 270
Tallahassee, FL 32399-0870

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DEC 10 1998

FPSC - Records/Reporting

Re: Petition by Public Payphone U.S.A., Inc. for exemption from rules and orders which prohibit concentration of line services for calls made from store-and-forward pay telephones located in confinement institutions

Dear Sir/Madam:

Enclosed for filing are sixteen (16) copies of the above-referenced petition of Public Payphone U.S.A., Inc. for waiver of Commission rules and requirements prohibiting line concentration in confinement institutions.

The original of this petition signed by Mr. Joseph Pekarovic was previously filed as an attachment to the Application of Public Payphone U.S.A., Inc. for Authority to Provide Interexchange Services (Docket No. 981491-TI). At the request of Commission Staff, the enclosed petition is re-filed to insure separate docketing of the company's request for waiver of rules.

Please acknowledge receipt of this filing by returning, filed stamped, the extra copy of this letter in the self-addressed stamped envelope.

I may be reached at (407) 740-8575 with any questions, comments or correspondence regarding this application. Thank you for your assistance in this matter.

Sincerely,

Monique Byrnes
Consultant to
Public Payphone U.S.A., Inc.

cc: Dave Goodman - PCS
file: PCS, FL - COCOT
tms: FLP9800B

RECEIVED

DEC 14 1998

RECEIVED & FILED

CMU

FPSC BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for exemption from rules)
and orders which prohibit concentration of)
line services for calls made from)
store-and-forward pay telephones located)
in confinement institutions by)
Public Payphone U.S.A., Inc.)
_____)

Docket No. _____

PETITION FOR WAIVER

Pursuant to Commission Rule 25-24.505(3), Florida Administrative Code, Public Payphone U.S.A., Inc. ("Public Payphone") petitions the Florida Public Service Commission ("Commission") for exemption from those rules and requirements prohibiting Public Payphone from utilizing line concentration in the provision of store-and-forward pay telephones to inmates of confinement institutions within the state of Florida. In support of its petition, Public Payphone states:

1. Petitioner's name and address are:

Public Payphone U.S.A., Inc.
11859 Wilshire Boulevard, Suite 600
Los Angeles, California 90025
Telephone: (310) 473-6222
Facsimile: (310) 473-3484
Toll-Free: (800) 266-2274

2. All notices, orders or documents regarding this petition should be directed to:

Mr. Dave Goodman or
Customer Service Manager
Public Payphone U.S.A., Inc.
11859 Wilshire Boulevard, Suite 600
Los Angeles, California 90025
Telephone: (310) 473-6222
Facsimile: (310) 473-3484
Toll-Free: (800) 266-2274

Ms. Monique Byrnes, Consultant to
Public Payphone U.S.A., Inc.
c/o Technologies Management, Inc.
P.O. Drawer 200
Winter Park, FL 32790-0200
Telephone: (407) 740-8575
Facsimile: (407) 740-0613

3. Public Payphone is incorporated under the laws of the State of Nevada. Public Payphone filed concurrent with this petition, an application for Certificate to Provide Pay Telephone Service with the Commission. At this time, the company does not provide service within the State of Florida.

4. Public Payphone proposes in its application for a Certificate to Provide Pay Telephone Service to offer telecommunications services to inmates of confinement institutions within the state of Florida similar to services it currently offers in other jurisdictions. The Company installs sophisticated premises equipment in confinement institutions that permits inmates to make outgoing, collect-only calls without the assistance of a live operator. The company's services are provided through telephone instruments connected to a centralized call processing unit with store-and-forward capability.

Through this equipment, the company provides a number of controls and restrictions that serve to reduce or eliminate fraudulent use of telephone services. These restrictions also provide the confinement institution with increased control over the use of the telecommunications services used by inmates of the institution.

5. Public Payphone seeks exemption from rules and orders restricting concentration of access lines connected to its equipment and instruments. Where traffic permits, the company desires to install its call processing systems with fewer access lines than instruments. The use of line concentration allows Public Payphone to deploy a greater number of instruments in facility locations which would not normally warrant dedicated access lines. A greater number of telephones simplifies a confinement institution's management of inmate access to telecommunications services.

6. Rules regarding line concentration were first adopted by the Commission in Order No. 14529, issued July 1, 1985. By this order, the Commission requires one pay telephone instrument be installed per access line. Order 14529 requires one PATS instrument per access line in order to prevent a busy signal when a customer or user attempts to use the payphone during an emergency situation.

Rule 25-24.515(9), Florida Administrative Code further requires that each telephone instrument be connected as provided in the tariff for the Local Exchange Carrier ("LEC") serving the institution. LEC tariffs generally contain language which permits only one instrument per line. The exemption requested by Public Payphone is similar to one already granted by the Commission to ATN, Inc.¹ In its orders granting waivers to ATN, Inc., the Commission recognized that confinement institutions 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 Commission describe as moot the requirement for one instrument per line with respect to emergency calls in confinement institutions.

7. Public Payphone will design and engineer its systems so that the number of access lines installed is sufficient to support inmate call traffic during the busiest hour of the day. Should the exemption requested herein be granted, Public Payphone agrees to use no more than three telephone instruments per LEC access line in those institutions it will serve.

¹ 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.

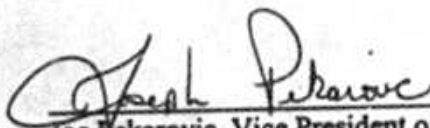
8. Pursuant to Commission Rule 25-24.505(3), Florida administrative Code, Public Payphone provides the following additional information in support of its request for waiver:

Public Payphone believes that it will suffer a substantial hardship if the line concentration prohibition is not waived. Absent a waiver, Public Payphone will be forced to purchase more pay telephone access lines and associated equipment than is necessary to provide inmate calling for a particular facility. Public Payphone believes that this unnecessary expenditure would result in lower profit margins, and possibly losses, for Public Payphone, and will unnecessarily increase Public Payphone's cost of providing service to inmate facilities.

Public Payphone further believes that not granting the requested waivers would violate principles of fairness as numerous competitors to Public Payphone have been granted such waivers in the past by the Commission. Granting Public Payphone the requested waiver would insure that Public Payphone is on an equal footing with its competitors when proposing service to inmate facilities.

WHEREFORE, Public Payphone U.S.A., Inc. respectfully requests, subject to approval of its application for certification, that it be granted exemption from the provisions of Rule 25-24.515(9), Florida Administrative Code and Order No. 14529 issued July 1, 1985 relating to line concentration, and for such other relief as may be appropriate.

Respectfully submitted this 26 day of October, 1998.



Joe Pekarovic, Vice President of Sales
Public Payphone U.S.A., Inc.
11859 Wilshire Boulevard, Suite 600
Los Angeles, California 90025