

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date December 17, 1998

Docket No. 981878-TL

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

4. Suggested Docket Title Petition by Public Payphone U.S.A., Inc. for waiver of Rules and Requirements prohibiting provision of 0+ local and 0+ intralATA calls 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:\PSC\RAR\MP\ESTDKT.
PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

14196 DEC 17 98

FPSC-RECORDS/REPORTING



210 N. Park Ave.
Winter Park, FL
32789

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

Tel: 407-740-8575
Fax: 407-740-0613
tmi@tminc.com

December 8, 1998
Via Overnight

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DEC 10 1998

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

FPSC - Records/Reporting

Re: Petition for Waiver of Rules and Requirements Prohibiting Provision of 0+ Local and IntraLATA Calls From Store and Forward Pay Telephones Located in Confinement Institutions by Public Payphone U.S.A., Inc.

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 related to 0+ local and intraLATA calls from 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: FLP9800A

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

RECEIVED

DEC 14 1998

CMU

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of rules and)
requirements prohibiting provision of)
0+ local and 0+ intraLATA calls 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 Communications Services, Inc. ("Public Payphone") petitions the Florida Public Service Commission ("Commission") for a waiver of those rules and requirements prohibiting Public Payphone from providing 0+ local and 0+ intraLATA calls using store-and-forward pay telephones located in 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 U.S.A., Inc. 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 waivers of Rules 25-24.515(7) and 25-24.620(2)(c) and (d). These rules prohibit Public Payphone from providing and billing for 0+ local and 0+ intraLATA calls placed by inmates of confinement institutions. Specifically, Public Payphone seeks authority to provide and bill for 0+ local and intraLATA calls placed by inmates using its store-and-forward pay telephones. Public Payphone believes that the benefits afforded to confinement institutions and the general public, such as call screening and blocking, currently proposed with its interLATA service will be enhanced if Public Payphone is allowed to handle 0+ local and 0+ intraLATA calls as well.

6. Waivers requested by Public Payphone are similar to those already granted by the Commission to other pay telephone providers including Ameritel Pay Phones, Inc.¹, ATN, Inc.², Global Tel*Link³, InVision Telecom, Inc.⁴, and T-Netix, Inc.⁵ In its orders granting waivers similar to those requested by Public Payphone, the Commission recognized that no reason could be found to prevent NPATS from carrying 0+ local and 0+ intraLATA calls. In addition, the Commission found that allowing NPATS to carry such calls is a step toward a more competitive market place.

7. Should these waivers be granted, Public Payphone agrees to charge no more than the serving local exchange carrier for local and intraLATA 0+ calls placed from confinement institutions.

¹ In Re: Petition for waiver of Rules 25-24.620(2)(c) and (d) and 25-24.515(7), F.A.C., by Ameritel Pay Phones, Inc., Docket No. 960570-TC, Order No. PSC-96-1063-FOF-TC, Issued August 20, 1996.

² In Re: Request for waiver of rules and policies which prohibit provision of 0+ local and 0+ intraLATA calls from store-and-forward pay telephones located in confinement facilities, by ATN, Inc., Docket No. 960603-TC, Order No. PSC-96-1062-FOF-TC, Issued August 20, 1996.

³ In Re: Petition for waiver of rules and policies to permit provision of 0+ local and 0+ intraLATA utilizing store and forward technology at pay telephones located in correctional institutions and other confinement facilities, by Global Tel*Link Corporation, Docket No. 951198-TC, Order No. PSC-96-0867-FOF-TC, Issued July 2, 1996.

⁴ In Re: Petition for waiver of requirement prohibiting provision of 0+ local and 0+ intraLATA calls from store-and-forward pay telephones located in confinement facilities, by InVision Telecom, Inc., Docket No. 960407-TC, Order No. PSC-96-1009-FOF-TC, Issued August 7, 1996.

⁵ In Re: Petition for waiver of Rule 25-24.515 (7), F.A.C., and Rule 25-24.620(2)(c) and (d), F.A.C., regarding 0+ local and 0+ intraLATA traffic, by T-Netix, Inc., Docket No. 95-1456-TP, Order No. PSC-96-0868-FOF-TP, Issued July 2, 1996.

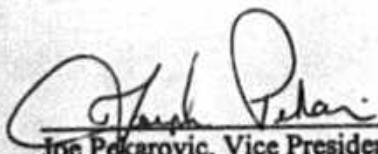
8. Pursuant to FS 120.542 Public Payphone provides the following additional information in support of its request for waiver:

Public Payphone believes that it will suffer a substantial hardship due to a significant loss of fraud control if the Company is forced to route 0+ local and 0+ intraLATA calls to the LEC. Public Payphone believes that its store-and-forward technology is 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. In addition, the Company's service eliminates the opportunity for an inmate to harass a live operator.

Public Payphone further believes that it will suffer a substantial hardship and be forced to forgo substantial amounts of revenue if it is forced to route 0+ local and 0+ intraLATA calls to the LEC. 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 a waiver of the applicable rules, orders and policies currently prohibiting it from providing and billing for 0+ local and 0+ intraLATA calls made from store-and-forward pay telephones located in confinement institutions, and for such other relief as may be appropriate.

Respectfully submitted this 26 day of October, 1998.



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