



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

RECORDS AND REPORTING

99 MAR -4 AM 10:04

RECEIVED-FPSC

**DATE:** MARCH 4, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (B. KEATING)

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Pix*  
DIVISION OF LEGAL SERVICES (B. KEATING) *MLB*

**RE:** DOCKET NO. 981878-TC - PETITION BY PUBLIC PAYPHONE U.S.A., INC. FOR WAIVER OF RULES AND REQUIREMENTS PROHIBITING PROVISION OF 0+ INTRALATA CALLS FROM STORE-AND-FORWARD PAY TELEPHONES LOCATED IN CONFINEMENT FACILITIES.

**AGENDA:** 03/16/99 - REGULAR AGENDA - VOLUNTARY WITHDRAWAL OF PETITION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** MARCH 17, 1999 - STATUTORY DEADLINE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981878.RCM

CASE BACKGROUND

On December 17, 1998, Public Payphone U.S.A., Inc. filed a petition for exemption from Rules 25-24.515(7), 25-24.620(2)(c) and (d), F.A.C., which requires all intraLATA calls, including local and operator service calls, to be routed to the provider of local exchange service. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly on December 28, 1998. The comment period ended January 22, 1999. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is March 17, 1999.

The rules governing pay telephone providers and operator service providers were amended with an effective date of February 1, 1999. Staff later received a letter from the company's consultant withdrawing its petition. (ATTACHMENT A) Staff believes the following recommendation is appropriate.

DOCUMENT NUMBER-DATE

02780 MAR-4 8

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge the company's request to withdraw its petition for exemption from the requirements that all intraLATA calls, including local and operator service calls, to be routed to the provider of local exchange service?

RECOMMENDATION: Yes, the Commission should acknowledge the company's request to withdraw its petition for exemption from the requirements that all intraLATA calls, including local and operator service calls, to be routed to the provider of local exchange service. (Isler)

STAFF ANALYSIS: At the time the petition was filed, Rule 25-24.515(7), F.A.C., Pay Telephone Service, stated:

All intraLATA calls, including operator service calls, shall be routed to the local exchange company, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 800, 10XXX.

Effective February 1, 1999, the pay telephone service rules were amended. Rule 25-24.515(12), F.A.C., states in pertinent part:

All 0- calls shall be routed to a telecommunications company that is authorized by the Commission to handle 0-calls. All other calls, including operator service calls, may be routed to the pay telephone provider's carrier of choice, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888).

After a review of the amended rules, the company's consultant wrote the Commission and withdrew its petition since the amended rules allow the calls in question (0+ local and 0+ intraLATA) to be routed to the pay telephone provider's local and long distance carriers of choice. Therefore, it appears the company is in compliance with the new rule. Accordingly, staff believes the Commission should acknowledge the company's request to withdraw its petition.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. With the withdrawal of the Petition, no other action needs to be taken by the Commission. This docket should, therefore, be closed. (B. Keating)

STAFF ANALYSIS: With the withdrawal of the Petition, no other action needs to be taken by the Commission. This docket should, therefore, be closed.

DOCKET NO. 981878  
DATE: MARCH 4, 1999  
ATTACHMENT A



March 3, 1999  
Via Overnight

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32789

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Winter Park, FL  
32790-0200

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Mr. Walter D'Haseleer, Director Communications  
Florida Public Service Commission  
Division of Communication  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building, Room 270  
Tallahassee, FL 32399-0850

RE: Withdrawal of Waiver filed on behalf of Public Payphone USA  
Docket No. 98-1878

Dear Mr. D'Haseleer:

Please accept this request on behalf of Public Payphone USA to withdraw the waiver petition filed under Docket No. 98-1878 on December 9, 1998 with the Florida Public Service Commission.

It is our understanding that the above referenced waiver request is no longer required due to recent changes in Florida rules for Pay Telephone service providers. This request follows telephone conversations with Ms. Monique Byrnes, Consultant to Public Payphone USA and Commission Staff.

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 request. Thank you for your assistance.

Sincerely,

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

MB/lk  
enclosures:  
cc: Dave Goodman - PCS  
file: PCS - FL  
tms: FLN9902