

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** NOVEMBER 4, 1999

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

**FROM:** DIVISION OF TELECOMMUNICATIONS (ISLER) *Dji*  
DIVISION OF LEGAL SERVICES (FORDHAM) *L.F.Y. PK*

**RE:** DOCKET NO. 990954-TP - PETITION FOR WAIVER OF RULE 25-24.920(1)(B), (3)(A), (B), AND (C), AND (4), F.A.C., WHICH REQUIRES CUSTOMER SERVICE PROVISIONS TO PRE-PAID CALLING, BY GLOBAL TEL\*LINK CORPORATION.

**AGENDA:** 11/16/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** STATUTORY DEADLINE WAIVED

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990954.RCM

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### CASE BACKGROUND

Global Tel\*Link Corporation (Global) was granted Pay Telephone Certificate No. 3878 and Interexchange Telecommunications Certificate No. 3972 on March 20, 1996.

Global provides telecommunications service to approximately 18 county confinement facilities around the state. The company is in the process of implementing an inmate debit card system, which would be an option in addition to the traditional outbound, collect-only calling program currently in effect.

Commission Rule 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure, provides for several requirements concerning customer service that must be provided. Global filed the petition on July 23, 1999, for a waiver of Rule 25-24.920(1)(b), (3)(a), (b), and (c), and (4), F.A.C. (ATTACHMENT A). The Notice of Petition for Waiver was submitted to the

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Secretary of State for publication in the Florida Administrative Weekly August 11, 1999. The comment period ended September 3, 1999, and no comments were received. This docket was deferred from the October 4 and October 19 Agenda Conferences to allow staff more time to review the issues. On October 18, the company waived the statutory deadline.

This is staff's recommendation regarding Global's petition for waiver of Rule 25-24.920(1)(b), (3)(a), (b), and (c), and (4), F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant Global Tel\*Link Corporation's petition for a waiver of Rule 25-24.920(1)(b), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure?

**RECOMMENDATION:** Yes. Staff recommends the Commission grant Global's petition for a waiver as long as Global insures the prison provides the required information. Although Global is not providing the required information to the prison inmates, it is providing the required information to the prison facilities. Staff believes that Global has met the intent of the Commission's rule through other means. (Isler)

**STAFF ANALYSIS:** Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure, states in pertinent part:

(1) The following information shall be legibly printed on the card:

(b) Toll-free customer service number

On July 23, 1999, Global filed a request for a waiver of Rule 25-24.920(1)(b), (3)(a), (b), and (c), and (4), F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure. According to the petition and conversations staff had with Ms. Jennifer Clark, Regulatory Analyst for Global, Global provides telecommunications services to inmates at approximately 18 Florida county jails with whom Global has contracted. Global is currently in the process of implementing its optional inmate debit card program at only one of the 18 facilities. However, it is the company's goal to implement the program at all of the facilities it serves. This program allows the inmate to purchase a prepaid calling service account from the facility's commissary. According to Global, this program is favored by the facilities, which the company predicts will help eliminate bad debt and relieve the financial burden of inmate friends and family members acceptance of collect calls.

Global stated in its petition that inmates are not allowed access to "live operator options, including 800 service, for security reasons." Global stated that it does have a 24-hour, seven days a week, toll free customer service line that is available to facility administrators.

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In addition, the company requested a waiver of Rule 25-24.920(3)(a), (b), and (c), F.A.C., which requires companies to provide its certificate number, rates and surcharges, and balance of use, through its toll free number. The information required by this rule is provided to the facility administrators. The administrators would then be able to promptly resolve any problem or complaint that arose. Therefore, since the company is providing the information to the facility administrators, staff believes that a waiver of Rule 25-24.920(3)(a), (b), and (c), F.A.C., is moot if the Commission approves staff's recommendation in Issue 1.

Staff recommends that the waiver requested in this docket should be granted. The waiver is being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting these waivers will not impede the continued provision of telecommunications service to the using public as intended by the underlying statute and that application of the rule will create a substantial hardship for Global and the confinement facility. Accordingly, staff believes that the Commission should grant Global's petition for a waiver of Rule 25-24.920(1)(b), F.A.C.

**ISSUE 2:** Should the Commission grant Global Tel\*Link Corporation's petition for a waiver of Rule 25-24.920(4), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure?

**RECOMMENDATION:** Yes. Staff recommends the Commission grant Global's petition for a waiver as long as Global insures the prison provides the required information. Although Global is not providing the required information to the prison inmates, it is providing the required information to the prison facilities. Staff believes that Global has met the intent of the Commission's rule through other means. (Isler)

**STAFF ANALYSIS:** Rule 25-24.920(4), F.A.C., states:

Each company shall provide a live operator to answer incoming calls 24 hours a day, 7 days a week or shall electronically voice record end user complaints. A combination of live operators or recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of the recording.

The company is requesting a waiver of this rule because the end user, the inmate, will not have access to its customer service number 24 hours a day, 7 days a week. However, as previously stated, the inmate cannot call toll free numbers and the facility administrators will have access 24 hours a day to the company's toll free customer service number.

Staff recommends that the waiver requested in this docket should be granted. The waiver is being requested in accordance with the requirements of Chapter 120.542(2), Florida Statutes. The petitioner has demonstrated that granting these waivers will not impede the continued provision of telecommunications service to the using public as intended by the underlying statute. Accordingly, staff believes that the Commission should grant Global a waiver since the intent of the rule is being met through other means.

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**ISSUE 3:** Should this docket be closed?

**RECOMMENDATION:** Yes, this docket should be closed upon issuance of a consummating order 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. (Fordham)

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon issuance of a consummating order.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Global Tel\*Link                   §  
Corporation for Waiver of Florida               §     Docket No. 990954-TC  
Administrative Code, §25-24.920               §     Filed: July 22, 1999

**PETITION FOR WAIVER OF RULE**

COMES NOW, Global Tel\*Link Corporation ("Global"), pursuant to Rules 25-24.505(3) and 28-104.002, Florida Administrative Code, and Sections 120.542 and 364.337(4), Florida Statutes, and files this Petition For Waiver with the Florida Public Service Commission ("Commission") for exemption from the requirement of Rule 25-24.920(1)(b), (3)(a), (b), and (c), and (4) requiring customer service provisions to pre-paid calling.

1. Petitioner's name and address are:

Global Tel\*Link Corporation  
2609 Cameron Street  
Mobile, Alabama 36607

2. All notices, Orders or documents regarding this Petition should be directed to:

Jennifer Clark  
Regulatory Analyst  
2609 Cameron Street  
Mobile, Alabama 36607  
800/489-4500, ext 2275  
334/473-4588 (facsimile)

3. Global is certificated by the Commission to provide both pay telephone service and intrastate interexchange service pursuant to Certificate Numbers 3878 and 3972. Rule 25-24-920, written under the authority of Florida Statutes, 350.127(2), is the subject of this Petition and reads in pertinent part:

- (1) The following information shall be legibly printed on the [pre-paid calling] card:

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(b) Toll-free customer service number.

(3) Each company shall provide through its customer service number the following information:

- (a) Certificate number;
- (b) Rates and surcharges;
- (c) Balance of use in account; and

(4) Each company shall provide a live operator to answer incoming calls 24 hours a day, 7 days a week, or shall electronically voice record end user complaints. A combination of live operators or recorders may be used.

4. Global contracts with confinement facilities to provide pay telephone services to prisoners within the state of Florida which currently permit inmates to place outbound, collect-only calls. Global is in the process of implementing the "inmate debit card" program as an additional option to incarcerated individuals. This program will allow inmates the option of purchasing from the facility's commissary, a debit card to make phone calls, in addition to his/her 0+ collect option. This program is highly favored by facility administration, eliminates bad debt and relieves the financial burden of private individuals' acceptance of collect calls. To perfect a debit calling program in the corrections environment, Global respectfully requests waiver of Rule 25-24.920 (1)(b), (3)(a-c), and (4).

5. To implement this program, Global requests exemption from Rule 25-24.920(1)(b), requiring service providers to furnish a toll-free customer service number. Inmates are not allowed access to live operator options, including 800 service, for security reasons. Correctional facilities must avoid, to the extent possible, fraud, threats and potentially volatile circumstances which may arise from such access. The facility administration sits in the best position to serve the customer service function, in its technical sense, because only they are allowed direct contact with the inmate. Because



Global is not allowed the necessary access to its end user to serve the customer as these Rules are written, it respectfully requests waiver. In satisfaction of the rudimentary purpose, administrators will have access to Global's customer service line twenty-four hours a day, seven days per week providing for timely resolution of all inmate related debit card matters arising within the facility.

6. Similarly, Global requests waiver of § 25-24.920(3)(a-c) requiring the availability of the provider's, (a) Certificate number, (b) rates and surcharges, and (c) balance of use in account, through toll-free customer service access.

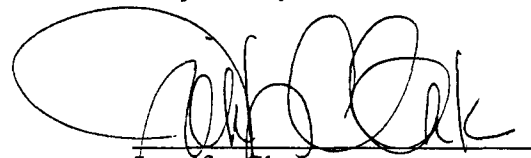
7. Global is prohibited by the facility from allowing inmates access to any calling options, other than 0+ collect, in light of the security issues outlined above. To satisfy the mandates of subsections of (a) and (b), Global proposes to render its Certificate number, rates and surcharges to the facility who may pass the information on at its discretion. With respect to subsection (c), Global will offer an "IVR" system allowing inmates direct access to his/her remaining account balance through an automated audible database. We expect to have this system in place in approximately 180 days. During the interim, Global will forward to each facility the account balances of each active card according to PIN number, on a daily basis. The format will be simple and user friendly yielding immediate access to card balances upon inmate inquiry. Thus, Global proposes this daily record to satisfy the underlying purpose of §25-24.920(3)(c).

8. Global also requests exemption from §25-24.920(4) requiring a twenty-four hour method of recording end user complaints. Global requests waiver to the extent that the facility administration receive complaints directly from the inmate. The facility then, has direct access to Global's customer service for prompt matter resolution. To reiterate,

inmates are not allowed access to live operators to ensure prison security. Global submits that this Rule will be ultimately satisfied because inmates have access to administrators at all times, who, in turn, have access to Global's customer service at all times. Global proposes that the facility deal directly with the inmates concerning debit card complaints, and Global will deal directly with the facility on an account specific basis. This plan should result in an appropriately administered debit program beneficial to both the inmates and the facility, incorporating timely resolution of all matters, concerns or complaints arising therefrom.

9. In summary, Global proposes an inmate debit calling program that will benefit the correctional facility, its inmates and their families. Moreover, Global has in place proposed methods of satisfying each rule from which it requests exemption. For the foregoing reasons, Global respectfully requests waiver of Florida Administrative Code, §§25-24-920(1)(b), (3)(a-c), and (4).

Respectfully submitted,



Jennifer Clark  
Regulatory Analyst to  
Global Tel\*Link Corporation  
2609 Cameron Street  
Mobile, Alabama 36607  
334/479-4500  
334/473-4588 (facsimile)