

MEMORANDUM

September 11, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (MURPHY) *cm*
RE: DOCKET NO. 910769-TL

TR

25057

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER WAIVING RULES 25-4.076(3) AND 25-4.076(5), FLORIDA ADMINISTRATIVE CODE in the above-referenced docket, which is ready to be issued.

CWM/mgf
Attachment
cc: Division of Communications
910769b.mgf

(4)

*pretests
due 10/4/91*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing intro-) DOCKET NO. 910769-TL
ducing public inmate calling services)
by SOUTHERN BELL TELEPHONE AND TELEGRAPH) ORDER NO. 25058
COMPANY)
ISSUED: 9/13/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER WAIVING RULES 25-4.076(3) AND
25-4.076(5), FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

By separate order issued in this docket, the Commission has approved Southern Bell Telephone and Telegraph Company's (Southern Bell or the Company) Tariff filing to introduce Public Inmate Calling Service. The Company's tariff filing was made in response to, and in compliance with, the guidelines delineated in Order No 24101, which was issued by the Commission in Docket No. 860723-TP.

The circumstances presented by confinement facilities necessitate that limitations be placed on the functioning of some pay telephones which are made available to inmates. The Commission is in the process of implementing rule changes to allow companies to provide the types of offerings encompassed by Southern Bell's Public Inmate Calling Service. However, currently, the Commission's rules prohibit some of the services. Thus, in order to implement the service, which the Commission has found to be in the public interest, it is necessary to waive Rules 25-4.076 (3), (4), Florida Administrative Code, pursuant to Rule 25-4.02, Florida Administrative Code. Rule 25-4.076(3) provides that:

Each Telephone station shall have the capability of free coin access to a local exchange company toll operator and the universal emergency telephone number "911" where

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operable; and coin free or coin return access to local directory assistance, intercept, repair and calls to the business office of the company.

Rule 25-4.076(5) provides that:

Each telephone station which provides access to any long distance company must provide access to all locally available long distance companies regardless of which form of access is available.

We approve the waiver of the aforementioned rules.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Rules 25-4.076(3) and 25-4.076(5), Florida Administrative Code are hereby waived to allow for the provisioning Southern Bell's Public Inmate Calling Service.

ORDERED that if no timely protest is filed to this proposed agency action as set forth below, and no timely protest is filed to the tariff implementing Public Inmate Calling Service, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 10/4/91.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a

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copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.