

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of) DOCKET NO. 961074-TC
Rule 25-24.515(9), F.A.C., to) ORDER NO. PSC-97-0282-FOF-TC
allow concentration of up to a) ISSUED: March 12, 1997
maximum of three instruments to)
one line for coinless pay)
telephone services located in)
confinement facilities, by)
BellSouth Telecommunications,)
Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING RULE WAIVER

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BellSouth Telecommunications, Inc., (BellSouth) holds pay telephone certificate no. 4287, with an effective regulation date of October 12, 1995. The company wishes to provide line concentration in correctional institutions and confinement facilities outside its service territory. It currently provides coinless pay telephones in confinement facilities within its service territory.

On September 10, 1996, BellSouth, pursuant to Rule 25-22.036, Florida Administrative Code, filed a Petition for Waiver of Rule 25-24.515(9), Florida Administrative Code. The rule prohibits the company from concentrating access line service. BellSouth petitions for a waiver of the rule to allow concentration up to

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three instruments to one line for coinless pay telephone service in correctional institutions.

BellSouth based its petition on the following points:

- 1) Inmate equipment available to payphone service providers allows a provider to configure the inmate payphone system according to the needs of the facility administrator and according to the accessibility to the payphones by resident inmates. In those instances where the administrator exercises his ability to control access to the payphones or rotates access through cell blocks at different times of day, concentration allows the payphone provider and facility administrator to utilize fewer lines to provide dial tone to different phones at different times; i.e., so that there is dial tone only at the phones that are accessible at any given time.
- 2) Traffic engineering can ensure that access can be provided to those inmates who have access to the payphones when and where it is needed without the additional expense and regulatory constraint required by one to one access lines.
- 3) Because of this unique ability to control payphones in jails, prisons or correctional facilities, and because access to 911 service is denied to the inmates on payphones, concentration is appropriate in this environment.

By Order No. 14529, issued July 1, 1985, in Docket No. 820537-TP, we required that only one pay telephone instrument be installed per access line. Local exchange company (LEC) tariffs generally reflect this requirement and contain language requiring pay telephone providers to order a separate public telephone access line for each telephone instrument installed. Rule 25-24.515(9), Florida Administrative Code, requires that each telephone instrument be connected as provided in the LEC's pay telephone access tariff.

We explained our decision in Order No. 14529 as follows:

We find that it is also in the public interest that we require one PATS instrument per coin access line. We reach this conclusion in the effort to avoid a payphone customer getting a busy signal when he attempts to use the payphone when an emergency arises. The

probability of getting a busy signal increases when a line is shared by several PATS instruments.

Confinement facilities have their own emergency response systems in place and Rule 25-24.515(15), Florida Administrative Code, exempts pay telephones located in confinement facilities from the requirement to provide access to 911. For these reasons, there is no concern with inmates getting a busy signal when they try to reach emergency services. We note that in Order No. PSC-96-1157-FOF-TC issued on September 17, 1996, in Docket No. 960805-TC, we allowed ATN, Inc., an exemption from Rule 25-24.515(9), Florida Administrative Code and related policy.

We find that a three to one ratio of pay telephones to access lines will allow adequate access to telephone service for inmate populations. We observe, however, that if a confinement facility were to become dissatisfied with the level of access with concentration, we anticipate that BellSouth would be responsive to the facility's concern, since otherwise its relationship with the facility might be jeopardized.

Accordingly, we grant BellSouth's petition for waiver of Rule 25-24.515(9), Florida Administrative Code, for pay telephones limited to correctional institutions located outside its service territory, provided there is a concentration of no more than three pay telephone instruments per access line.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for waiver of Rule 25-24.515(9), Florida Administrative Code, is granted subject to the limitations specified in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 12th
day of March, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kary Lynn
Chief, Bureau of Records

(S E A L)

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 2, 1997.

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 substantially 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 wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a 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.