



# Public Service Commission

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

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RECORDS AND REPORTING

**DATE:** MARCH 16, 2000

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

**FROM:** DIVISION OF COMMUNICATIONS (WILLIAMS) *TEW*  
DIVISION OF LEGAL SERVICES (PENA/KEATING) *AK knp*

**RE:** DOCKET NO. 991821-TC - APPLICATION FOR CERTIFICATE TO PROVIDE PAY TELEPHONE SERVICE BY RADIO COMMUNICATIONS CORPORATION.

**AGENDA:** 03/28/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991821.RCM

### CASE BACKGROUND

On December 06, 1999, this Commission received an application from Radio Communications Corporation (RCC) seeking a pay telephone provider certificate. In reviewing the application, question 19 of the application asks whether each of the installed pay telephones will provide access to all locally available long distance carriers via 10XXX+0, 10XXXX+0, 101XXXX+0, 950 and toll free (e.g. 800, 877, and 888)? RCC's answer was "no," and the company explained that all of its equipment is cellular operating in the 800 or PCS bands. Further, cellular/PCS air time providers may or may not have equal access capabilities. Even though RCC's cellular phones are fully capable of sending all Equal Access traffic to all carriers, RCC must rely upon the ability or willingness of the local cellular air time provider to provide that access. Therefore, in a letter dated December 17, 1999, RCC requested that the Commission waive the

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requirement for equal access to all carriers as described in Rule 25-24.515(10), Florida Administrative Code.

Staff does not believe RCC's request for a waiver is necessary because Rule 25-24.515(10), F.A.C., does not apply to the service being provided by RCC, but applies to payphones that rely on landline carriers. Therefore, staff is recommending approval of Radio Communications Corporation's application to provide pay telephone service within the State of Florida, and not require RCC to provide access to all locally available long distance carriers as described in Rule 25-24.515(10), F.A.C., Pay Telephone Service.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should Radio Communications Corporation (RCC) be granted a Certificate of Public Convenience and Necessity to provide Pay Telephone Service in Florida.

**RECOMMENDATION:** Yes. Radio Communications Corporation (RCC) should be granted Pay Telephone Certificate No. 7416. Certification should be conditioned on RCC providing access to long distance carriers through toll-free numbers and live operator service. RCC should not be required to provide access to all locally available long distance carriers as prescribed in Rule 25-24.515(10), F.A.C., Pay Telephone Service. (Williams)

**STAFF ANALYSIS:** Rule 25-24.515(10), Florida Administrative Code, Pay Telephone Service, states as follows:

Each pay telephone station which provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available

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long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950 and toll free (e.g. 800, 877, and 888).

RCC, however, is using special public telephones that are strictly wireless, which makes RCC dependent on cellular and PCS providers for all of their origination and termination of traffic. Calls from RCC phones will be prepaid, using either a bank or travel card, a telephone company calling card, or operator services such as "collect" or "third party billing". Also, RCC must rely upon origination and interconnection agreements by others and, is therefore, unable to meet all the requirements of Rule 25-24.515 (10), F.A.C.

Further, as stated in the Communications Act of 1934, as amended by The Telecommunications Act of 1996, Title III, Sec. 332, Mobile Services, Paragraph (8) Mobile Services Access states:

A person engaged in the provision of commercial mobile services, insofar as such person is so engaged, shall not be required to provide equal access to common carriers for the provision of telephone toll services. If the Commission determines that subscribers to such services are denied access to the provider of telephone toll services of the subscribers' choice, and that such denial is contrary to the public interest, convenience, and necessity, then the Commission shall prescribe regulations to afford subscribers unblocked access to the provider of telephone toll services of the subscriber's choice through the use of a carrier identification code as signed to such provider or other mechanism. The requirements for unblocking shall not apply to mobile satellite services unless the Commission finds it to be in the public interest to apply such requirements to such services.

As stated earlier, RCC does not appear to have to meet all the requirements of Rule 25-24.515 (10), F.A.C., Pay Telephone Service because RCC relies on CMRS providers, which in accordance with Section 364.02(12)(c), Florida Statutes, are not regulated by this Commission. Therefore, RCC is not required to provide equal access. RCC is providing a new type of pay telephone service not originally contemplated by Rule 25-24.515 (10), F.A.C. RCC has represented that users will be able to access long distance carriers through

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toll-free numbers and will have provisions for live operator service. Staff recommends that these provisions will be sufficient to satisfy the intent of Rule 25-24.515 (10), F.A.C., in this instance and should be required as a condition of certification.

Accordingly staff recommends that Radio Communications Corporation be granted Pay Telephone Certificate No. 7416.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** If no person, whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order, this docket should be closed upon the issuance of a consumating order.  
(Pena)

**STAFF ANALYSIS:** This docket should be closed, if no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order.