

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by COMMUNICATIONS	)	DOCKET NO. 890821-TC
CENTRAL, INC. for waiver of Rule	)	
25-24.515(3), (4) and (6), F.A.C.,	)	ORDER NO. 21767
regarding pay telephone services	)	
	)	ISSUED: 8-22-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER 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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Communications Central, Inc. (CCI) is a certificated pay telephone service (PATS) provider in Florida. PATS providers are subject to the provisions of Rules 25-24.505 through 25-24.520, Florida Administrative Code.

Currently, CCI provides pay telephone service to penal institutions in Osceola, Lake and Hardee counties. CCI's pay telephones for use by inmates presently have unrestricted service, which causes problems for local fire, police and telephone companies. For example, bomb threats are routinely made by the inmates.

To solve these problems, CCI has proposed limiting the inmates to collect, operator-assisted calls only. CCI pay telephones for inmate use would be presubscribed to International Telecharge, Inc. (ITI). The inmates would not be able to access any other locally available interexchange carriers. ITI would handle the interLATA calls, while intraLATA calls would be diverted to the serving local exchange

DOCUMENT NUMBER-DATE

08502 AUG 22 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21767  
DOCKET NO. 890821-TC  
PAGE 2

company (LEC), in accordance with Order No. 20489. Additionally, CCI would deny the inmates access to repair, 911 and 411 services.

In order for CCI to provide the restricted telephone service described above, a waiver of Rule 25-24.515(3), (4) and (6), Florida Administrative Code, would be necessary.

By Order No. 21221, issued May 11, 1989, we granted SouthernNet Services, Inc. a waiver of Rule 25-24.515(6), Florida Administrative Code. By Order No. 21525, issued July 10, 1989, we granted Phone Control Security, Inc. a waiver of Rule 25-24.515(3), (4) and (6), Florida Administrative Code. In both these Orders, the waiver was limited to those pay telephones placed in penal institutions for the use of inmates.

Upon consideration, we find it appropriate to grant CCI's rule waiver request. However, consistent with our prior decisions in Orders No. 21221 and 21525, discussed above, this waiver shall apply only to pay telephones in penal institutions and shall include only those restrictions set forth above. Any other pay telephones that CCI may install shall continue to be subject to all our rules pertaining to pay telephone service.

In addition, because the inmates will be restricted to only one interexchange carrier, CCI shall not be permitted to charge more than the ATT-C DDD time-of-day rates, plus operator charges, for interexchange calls placed by the inmates. This means CCI will not be allowed to bill the additional charge of up to one dollar that we normally allow nonLEC PATS providers to bill. We believe it is necessary to limit the rates where the billed party has no choice of interexchange carrier. This limitation is consistent with our prior actions concerning pay telephones located in penal institutions.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Communications Central, Inc.'s request for waiver of Rule 25-24.515(3), (4) and (6), Florida Administrative Code, is hereby granted as set forth in the body of this Order. It is further

ORDERED that Communications Central, Inc shall not charge more than the AT&T Communications of the Southern States,

ORDER NO. 21767  
DOCKET NO. 890821-TC  
PAGE 3

Inc.'s Direct Distance Dialing time-of-day rates, plus operator charges, for interexchange calls as set forth in the body of this Order. It is further

ORDERED that the effective date of our action described herein is September 12, 1989, if no protest to this Proposed Agency Action is filed within the time frames set forth below.

By ORDER of the Florida Public Service Commission, this 22nd day of AUGUST, 1989.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ABG

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

ORDER NO. 21767  
DOCKET NO. 890821-TC  
PAGE 4

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 September 11, 1989. In the absence of such a petition, this order shall become effective September 12, 1989, as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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 September 12, 1989, 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 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.