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Benjamin W. Fincher
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June 27, 1997

VIA FED EX

Ms. Blanca S. Bayó
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

In Re: Docket No. **970535-TC** Amended Petition of Sprint Communications Company Limited Partnership for Exception From Orders, Rules and Regulations Which Prohibit Concentration of Line Service For Calls Made From Store-and-Forward Pay Telephones Located in Confinement Institutions.

Dear Ms. Bayó:

Enclosed for filing, are the original and fifteen (15) copies of an Amended Petition for Waiver on behalf of Sprint Communications Company Limited Partnership as captioned above. The Petition address the Impact of Florida Statute 120.542.

We are enclosing an extra copy of this transmittal letter. We ask that you please acknowledge receipt thereon and return to the undersigned in the enclosed self addressed stamped envelope.

ACK Thank you for your cooperation.

AFA

APP

CAF

CML *Hawkins*

CTR

EAG BWF:vw

LEG cc: Everett Boyd

LIN

OPC

RCH

SEC

WAS

OTH

Sincerely,

Benjamin W. Fincher

Benjamin W. Fincher

TRK

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06511 JUN 30 5

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Sprint Communications)
Company Limited Partnership for Exemption)
From Orders, Rules and Regulations Which) Docket No. 970535-TC
Prohibit Concentration of Line Services For)
Calls Made From Store-and-Forward Pay) Filed June 30, 1997
Telephones Located in Confinement Institutions.)

AMENDED PETITION FOR WAIVER

Comes now Sprint Communications Company Limited Partnership, ("Sprint"), pursuant to Commission Rule 25-24.505(3), Florida Administrative Code, and § 120.547, Florida Statutes and files this its Amended Petition for Waiver with the Florida Public Service Commission ("Commission") for exemption from those Orders, Rules and Regulations of the Commission prohibiting Sprint from utilizing line concentration in the provision of store-and-forward pay telephones to inmates of confinement institutions within the state of Florida. In support of its petition, Sprint states as follows:

1. Petitioner's name and address are:

Sprint Communications Company Limited Partnership
3100 Cumberland Circle
Atlanta, Georgia 30339
Telephone: (404) 649-5144
Facsimile: (404) 649-5174

2. All notices, orders or documents regarding this petition should be directed to:

Benjamin W. Fincher
Attorney, State Regulatory
Sprint Communications Company Limited Partnership
3100 Cumberland Circle
Atlanta, Georgia, 30339
Telephone: (404) 649-5145
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

3. Sprint, a Delaware Limited Partnership, filed its application with the Commission for Certificate to Provide Pay Telephone Service on April 4, 1997. Sprint's application was approved by the Commission by its Order No. 97-0572-FOF-TC, Docket No. 970426-TC, issued on May 20, 1997.
4. Upon Commission approval of its application for Certificate to Provide Pay Telephone Service, Sprint proposes to offer pay telephone services to inmates of confinement institutions within the state of Florida, similar to services it currently offers in other jurisdictions.
 - A. The Florida Department of Corrections has awarded Sprint a contract valued at up to \$65 million to provide long distance telephone services for inmates at 53 correctional facilities, including work camps and road facilities, throughout the State of Florida. The contract provides for an initial term of three years service, with two one-year renewal options.
 - B. Pursuant to the Florida Department of Corrections contract, Sprint will install telephones, provide call monitoring and other security measures and equipment. Sprint will provide staff members to operate all elements of the service.
 - C. To ensure security, the Sprint system allows the State of Florida to assign a personal identification number ("PIN") to each inmate in order that calling can be tracked, restricted to specific numbers, or prohibited at certain times, as may be appropriate. The system also can record or monitor live calls, and can automatically alert the called party that the incoming call is from an inmate in a correctional facility.
 - D. These and other security features have allowed correctional institutions in other states to prevent inmate credit card and other fraud, break up a drug ring and capture an escaped inmate who used the phone to arrange for a pick-up outside the institution.

- E. Sprint will install on-site telephone equipment and provide personnel to administer and maintain the system. Sprint will arrange for the provision of all switching equipment and software necessary to operate the service and detect fraud. Long distance telephone service will be provided over the Sprint network..
5. Sprint seeks exemption from those Orders, Rules and Regulations of the Commission restricting concentration of access lines connected to Sprint's equipment and instruments. Where traffic permits, Sprint desires to install its call processing systems with fewer access lines than instruments. The use of line concentration allows Sprint to deploy a greater number of instruments in facility locations which would not normally warrant dedicated access lines. A greater number of telephones simplifies a confinement institution's management of inmate access to telecommunications services.
6. The concentration rule presumably was developed to make sure that any Florida consumer that walked up to a pay telephone could use that pay telephone. In essence, no pay telephone usage would be limited because the pay telephone was on a line concentrated with another pay telephone. This was necessary due to the fact that pay telephones need to be available to the general public in the case of emergency. In the inmate telecommunications setting, all the pay telephones do not have to be turned on at once. In fact, correction officials routinely manage the availability of pay telephones in the prison environment. There is not a requirement that the telephone instrument be available for emergency situations. Therefore, the purpose of the underlying statute does not apply in the inmate calling environment. The application of this rule would create substantial hardship for the Department of Corrections and Sprint, as their contractor, because it would force the purchase of more Pay Telephone Access Lines than is necessary to provide inmate calling for a particular institution. Moreover, in the

interest of fairness, Sprint's petition herein should be granted. The Commission has granted similar petition for waivers to other carriers and Sprint is affected in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. Therefore, Sprint submits that approval of this rule waiver is consistent with, and will not violate, § 120.542, Florida Statutes.

7. Rules regarding line concentration were first adopted by the Commission in Order No. 14529, issued July 1, 1985. By this order, the Commission requires one pay telephone instrument be installed per access line. Order 14529 requires one PATS instrument per access line on order to prevent a busy signal when a customer or user attempts to use the payphones during an emergency situation.

Rule 25-24.515(9), Florida Administrative Code, further requires that each telephone station must be connected as provided in the pay telephone access tariff offered by the Local Exchange Company ("LEC") serving the institution. LEC tariffs generally contain language which permits only one instrument per line. The exemption requested by Sprint is similar to those already granted by the Commission to other carriers.¹ In its orders granting waivers to ATN, Inc., the Commission recognized that confinement institutions have their own emergency response systems in place and Rule 25-24.515(15), Florida Administrative Code, exempts payphones located in confinement facilities from the requirement to provide access to 911. For these reasons, the Commission described as moot the requirement for one instrument per line with respect to emergency calls in confinement institutions.

¹ In Re: Petition for waiver of rules and orders which currently prohibit concentration of line services for calls made from store-and-forward coinless pay telephones located in confinement facilities, and for such other relief as may be appropriate, by ATN, Inc., Docket No. 960805-TC, Order No. PSC-96-1157-FOF-TC, Issued September 17, 1996.


8. Sprint will design and engineer its systems so that the number of access lines installed is sufficient to support inmate call traffic during the busiest hour of the day. Should the exemption requested herein be granted, Sprint agrees to use no more than three telephone instruments per LEC access line in those confinement institutions it will serve.

WHEREFORE, Sprint Communications Company Limited Partnership respectfully requests, subject to approval of its application for certification in Docket No. 970426-TC, that the Commission:

- (1) Grant Sprint exemption from the provisions of Rule 25-24.515(9), Florida Administrative Code, and the Commission's Order No. 14529 issued July 1, 1985 relating to line concentration; and
- (2) Grant Sprint such other relief as may be appropriate in the circumstances.

Respectfully submitted,

Sprint Communications Company
Limited Partnership



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