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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. ~~970534~~ TC Amended Petition of Sprint Communications Company Limited Partnership for Exception From Orders, Rules and Regulations Prohibiting 0+ Local and 0+IntraLATA Calls 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 Amended 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

ACK envelope.

AFA _____ Thank you for your cooperation.

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

LEG BWF:vw

LIN _____

OPC cc: Everett Boyd

RC _____

SEL

WAS _____

OTH _____

Sincerely,

Benjamin W. Fincher

Benjamin W. Fincher

T.H.K.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In Re: Petition of Sprint Communications)
Company Limited Partnership for Exemption)
From Orders, Rules and Regulations Prohibiting) Docket No. 970534-TC
Provision of 0+ Local and 0+ intraLATA Calls)
From Store-and-Forward Pay Telephones) Filed June 30, 1997
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 § 120.542, 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 providing 0+ local and 0+ intraLATA calls using store-and-forward pay telephones located in confinement institutions within the state of Florida. In support of its Amended Petition for Waiver, 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
Sprint Communications Company Limited Partnership
3100 Cumberland Circle
Atlanta, Georgia, 30339
Telephone: (404) 649-5145
Facsimile: (404) 649-5174

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, as noted above, 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. Sprint plans to install sophisticated premises equipment in confinement institutions that will permit inmates to place outbound, collect-only calls without the assistance of a live operator. Sprint's services will be provided through telephone instruments connected to a centralized call processing unit with store-and-forward capability.

This equipment will provide a number of controls and restrictions that serve to reduce or eliminate fraudulent use of telephone services. These restrictions also provide the confinement institution with increased control over the use of the telecommunications services used by inmates of the institution.

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. In the instant petition, Sprint seeks a waiver of the Commission's Rules 25-24.515(7) and 25-24.620(2)(c) and (d). These rules prohibit Sprint from providing and billing for 0+ local and 0+ intraLATA calls placed by inmates from confinement institutions. Specifically, Sprint seeks authority to provide and bill for 0+ local and intraLATA calls placed by inmates using Sprint's store-and-forward pay telephones. Sprint believes that the benefits afforded to confinement institutions and the general public, such as call screening and blocking, currently proposed with its interLATA services, will be enhanced if Sprint is allowed to handle 0+ local and 0+ intraLATA calls.
6. The purpose of the underlying rule requiring 0+ local and 0+ intraLATA calls be forwarded to the LEC for handling was to protect LEC revenues in a rate of return environment. The PSC has already allowed NPATs to route intraLATA toll calls in the PSC Order dated July 5, 1996, in Docket No. 960492-TP¹. Further, the

¹ Florida PSC Order Number PSC-96-0884-FOF-TP dated July 5, 1996, in Docket No. 960492-TP, In Re: Implementation of 1+ intraLATA presubscription for non-LEC pay telephones and call aggregators.

Telecommunications Act of 1996 opens the local market to competition. Sprint has filed and received a Certificate and Public Convenience and Necessity to provide competitive local exchange telephone service. Application of this rule against Sprint would force revenue producing telephone traffic to be diverted to LECs who have done nothing to compete and win the business of the State Of Florida Department of Corrections. Sprint participated in the State of Florida bid with the understanding that this traffic would be available from inmate pay telephones. Denial of this traffic materially affects the economics of the inmate calling application for the State of Florida. Moreover, in view of the previous identical waivers that have been granted to other carriers, Sprint would be affected in a manner significantly different from the way the rule affects other similarly situated persons. Therefore, based on principles of fairness, Sprint would submit that approval of this rule waiver request is consistent with and would not violate § 120.542, Florida Statutes.

7. The waivers requested herein by Sprint are similar to those already granted by the Commission to other pay telephone providers including Ameritel Pay Phones, Inc.², ATN, Inc.³, Global Tel*Link⁴, InVision Telecom, Inc.⁵, and T-Netix, Inc.⁶ In its orders granting waivers similar to those requested herein by Sprint, the Commission recognized that no reason could be found to prevent NPATS from carrying 0+ local and 0+ intraLATA calls. In addition, the Commission found that allowing NPATS to carry such calls is a step forward to a more competitive environment.

² In Re: Petition for waiver of Rules 25-24.620(2)(c) and (d) and 25-24.515(7), F.A.C., by Ameritel Pay Phones, Inc., Docket No. 960570-TC, Order No. PSC-96-1063-FOF-TC, Issued August 20, 1996.

³ In Re: Request for waiver of rules and policies which prohibit provision of 0+ local and 0+ intraLATA calls from store -and-forward pay telephones located in confinement facilities, by ATN, Inc., Docket No. 960603-TC, Order No. PSC-96-1062-FOF-TC, Issued August 20, 1996.

⁴ In Re: Petition for waiver of rules and policies to permit provision of 0+ local and 0+ intraLATA utilizing store and forward technology at pay telephones located in correctional institutions and other confinement facilities, by Global Tel*Link Corporation, Docket No. 951198-TC, Order No. PSC-96-0867-FOF-TC, Issued July 2, 1996.

⁵ In Re: Petition for waiver of requirement prohibiting provision of 0+ local and 0+ intraLATA calls from store-and-forward pay telephones located in confinement facilities, by InVision Telecom, Inc., Docket No. 960407-TC, Order No. PSC-96-1009-FOF-TC, Issued August 7, 1996.

⁶ In Re: Petition for waiver of Rule 25-24.515(7), F.A.C., and Rule 25-24.602(2)(c) and (d), F.A.C., regarding 0+ local and 0+ intraLATA traffic, by T-Netix, Inc., Docket No. 95-1456-TP, Order No. PSC-96-0868-FOF-TP, Issued July 2, 1996.

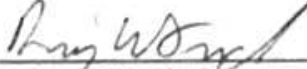
8. In the event the Commission grants the waivers requested herein, Sprint agrees to charge no more than the serving local exchange carrier for local and intraLATA 0+ calls placed from confinement institutions.

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 a waiver from the provisions of the Commission's Rules 25-24.515(7) and 25-24.620(2)(c) and (d), Florida Administrative Code; 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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