



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

REC'D RECORDS AND REPORTING

MAR -3 PM 4:13

RECEIVED-PPSC

**DATE:** MARCH 4, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Dji*  
DIVISION OF LEGAL SERVICES (B. KEATING) *AK (MCB)*

**RE:** DOCKET NO. 981877-TC - PETITION BY PUBLIC PAYPHONE U.S.A., INC. FOR EXEMPTION FROM RULES AND ORDERS WHICH PROHIBIT CONCENTRATION OF LINE SERVICES FOR CALLS MADE FROM STORE-AND-FORWARD PAY TELEPHONES LOCATED IN CONFINEMENT INSTITUTIONS.

**AGENDA:** 03/16/99 - REGULAR AGENDA - VOLUNTARY WITHDRAWAL OF PETITION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** MARCH 17, 1999 - STATUTORY DEADLINE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\981877.RCM

### CASE BACKGROUND

On December 17, 1998, Public Payphone U.S.A., Inc. filed a petition for exemption from Rule 25-24.515(9), F.A.C., which prohibits more than one access line per pay telephone station. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly on December 28, 1998. The comment period ended January 22, 1999. No comments were submitted. The statutory deadline for the Commission's decision regarding this petition is March 17, 1999.

The rules governing pay telephone providers were amended with an effective date of February 1, 1999. Staff received a letter from the company's consultant dated February 8, 1999, withdrawing its petition. (ATTACHMENT A) Staff believes the following recommendation is appropriate.

DOCUMENT NUMBER-DATE

02722 MAR-3 99

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge the company's request to withdraw its petition for exemption from Rule 25-24.515(9), F.A.C.?

RECOMMENDATION: Yes, the Commission should acknowledge the company's request to withdraw its petition for exemption from Rule 25-24.515(9), F.A.C. (Isler)

STAFF ANALYSIS: At the time the petition was filed, Rule 25-24.515(9), F.A.C., Pay Telephone Service, stated:

Each telephone station must be connected as provided in the pay telephone access tariff offered by the local exchange company.

Effective February 1, 1999, the pay telephone service rules were amended. Rule 25-24.515(22), F.A.C., which deals with pay telephones in confinement facilities, states in pertinent part:

Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations. (Emphasis added)

On February 8, 1999, the company's consultant wrote the Commission and withdrew its petition since the amended rules allow up to three pay telephone stations from one access line. Therefore, since the company advised it will use a maximum of three stations per access line, it appears the company is in compliance with the new rule.

DOCKET NO. 981877-TC  
DATE: MARCH 4, 1999

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

**RECOMMENDATION:** Yes. With the withdrawal of the Petition, no other action needs to be taken by the Commission. This docket should, therefore, be closed. (B. Keating)

**STAFF ANALYSIS:** With the withdrawal of the Petition, no other action needs to be taken by the Commission. This docket should, therefore, be closed.



DOCKET NO. 98-1877-TC  
DATE: MARCH 4, 1999  
ATTACHMENT A

February 8, 1999  
Via Overnight

210 N. Park Ave.  
Winter Park, FL  
32789

P.O. Drawer 200  
Winter Park, FL  
32790-0200

Tel: 407-740-8575  
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Mr. Walter D'Haeseleer, Director Communications  
Florida Public Service Commission  
Division of Communication  
2540 Shumard Oak Boulevard  
Gerald L. Gunter Building, Room 270  
Tallahassee, FL 32399-0850

RE: Withdrawal of Waiver filed on behalf of Public Payphone USA  
Docket No. 98-1877-TC

Dear Mr. D'Haeseleer:

Please accept this request on behalf of Public Payphone USA to withdraw the waiver petition filed under Docket No. 98-18-1877-TC on December 9, 1998 with the Florida Public Service Commission.

It is our understanding that the above referenced waiver request is no longer required due to recent changes in Florida rules for Pay Telephone service providers. This request follows telephone conversations with Ms. Monique Byrnes, Consultant to Public Payphone USA and Commission Staff.

Please acknowledge receipt of this filing by returning, filed stamped, the extra copy of this letter in the self-addressed stamped envelope.

I may be reached at (407) 740-8575 with any questions, comments or correspondence regarding this request. Thank you for your assistance.

Sincerely,

Monique Byrnes  
Consultant to  
Public Payphone U.S.A., Inc.

FEB 09 1999

MB/lk  
enclosures:

cc: Dave Goodman - PCS  
file: PCS - FL  
tms: FLN9901

- 4 -