



FLORIDA
DEPARTMENT of
CORRECTIONS

ORIGINAL
FILE

Governor
LAWTON CHILES

Secretary
HARRY K. SINGLETARY, JR.

2601 Blairstone Road • Tallahassee, Florida 32399-2500 • (904) 488-5021

August 5, 1992

Honorable Alfred C. Sikes, Chairman
Federal Communications Commission
1919 M Street, Northwest
Washington, DC 20554

RE: CC DOCKET NO. 92-77; BILLED PARTY PREFERENCE

Dear Chairman Sikes:

RECEIVED
AUG 17 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

This is to request that correctional facilities be exempted from the FCC's proposal on "Billed Party Preference" (BPP) under CC Docket No. 92-77. The Florida Department of Corrections, the fourth largest correctional system in the United States, is responsible for the care and custody of approximately 47,000 inmates in its major institutions and another 4,000 in its community facilities. During a twelve month period, 89,000 inmates will move through the 47 major institutions which we manage.

Although several of our facilities had agreements with long distance providers, the department determined in 1988 that it should explore the feasibility of statewide inmate phone services which would provide this benefit to all of the inmates under our custody. After a competitive bid, the department entered into a contract to provide interlata and interstate phone services in the GTE and United Telephone areas. Since it was the department's first venture into contracting for long distance phone services, the scope of that initial contract was limited to specific areas rather than statewide. The department has since established two additional competitive contracts which cover the remainder of the state.

Our two primary considerations in providing this benefit to our inmates are that the system is reliable and that the rates charged recipients of inmate calls are reasonable. To accomplish these objectives, each of our contracts contains service performance requirements and each establishes AT&T time of day rates as the maximum rates which can be charged. All of our calls are 0+ (Collect) and we have a monitoring system in place to ensure that the "billed party" (those persons called by inmates in our facilities) are charged at reasonable rates. In fact, we are currently negotiating a contract with a third party accounting firm to perform a 100% audit of the 250 - 300,000 inmate calls placed each month to further ensure compliance with our rate ceiling.

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Chairman Sikes
August 5, 1992
Page Two

An ancillary benefit to the taxpayers of the State of Florida is the revenue generated for the department from commissions paid by our three contractors. This revenue approximates \$5 million a year and is used exclusively for goods or services which directly benefit inmates and represents a substantial budget avoidance issue since those expenditures are not dependent on tax revenue.

As mentioned earlier, the generation of this commissions revenue is accomplished within the parameters of one of our primary considerations for the inmate phone system - maintaining reasonable rates. Obviously, "billed party preference" would result in termination of our revenue-generating contracts and the end of this major budget avoidance issue as no long distance provider would have an incentive to pay the department a commission for access to inmate calls.

The ability to select our own long distance providers allows us to require carriers to control the tremendous amount of fraud which would transpire if inmates, through their called parties or "billed" parties, had unrestricted access to live operators and various long distance carriers. We know of no way that "billed party preference" would allow us to restrict numbers which could be called by inmates with random access to long distance providers.

We do not oppose "billed party preference" for the general public; however, we do strongly oppose its application to the corrections environment. We understand that as defined by example in footnote 6 on page 3 of your Notice of Proposed Rulemaking, for CC Docket No. 92-77, prisons are included in the definition of aggregators. However, the actual language from the Communications Act quoted in this footnote suggests "public" or "transient" use of telephones for long distance calling. The prison environment to us is neither "public" nor "transient". There is a very strong need to control access to long distance providers in that environment.

We have enclosed a paper which outlines our position on "billed party preference" in correctional facilities and describes the impact to us if CC Docket 92-77 is adopted without an exemption for prisons.

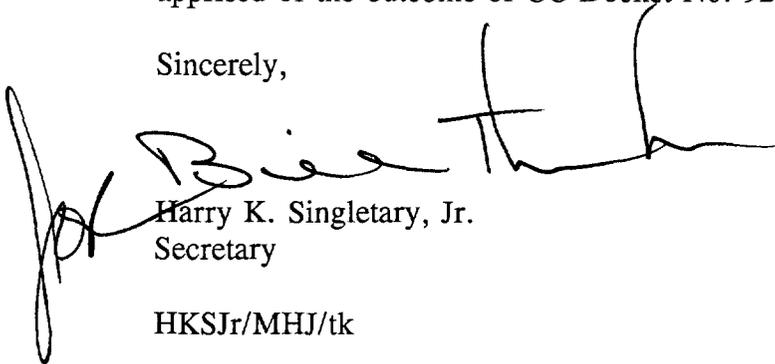
This information is provided in accordance with Paragraph 28 of your Notice in which you solicit comment on "... the public interest ramifications" of adopting billed party preference. Our request for a rule exemption for

Chairman Sikes
August 5, 1992
Page Three

correctional facilities is also based on Paragraph 32 of your Notice in which you request comment on "... any other factors that bear on the appropriate scope of a billed party preference system." We feel that "scope" should not include prisons.

We appreciate your consideration of our position and look forward to being apprised of the outcome of CC Docket No. 92-77.

Sincerely,

A handwritten signature in black ink, appearing to read "HKS Jr", is written over the typed name "Harry K. Singletary, Jr." and the title "Secretary".

Harry K. Singletary, Jr.
Secretary

HKSJr/MHJ/tk

Enclosure

cc: Honorable Bob Graham
Honorable Connie Mack
Honorable Pete Peterson
Honorable Sherrie Marshall
Honorable Andrew C. Barrett
Honorable James H. Quello
Honorable Ervin S. Duggan
Mr. Gary Phillips

POSITION PAPER

FLORIDA DEPARTMENT OF CORRECTIONS
CC DOCKET 92-77; BILLED PARTY PREFERENCE

Issue: CC Docket No. 92-77
Billed Party Preference

Position: Oppose for correctional facilities

Reasons:

- o Excessive fraud will result if inmates or their called parties select long distance provider.
- o Loss of revenue which is used exclusively for the benefit of inmates (contract rates which result in revenue are capped at AT&T time and day rates).
- o Loss of services provided by contract providers:
 - automated operators
 - call duration limits
 - call detail reports
- o Substantial increase in operating costs (general revenue - tax dollars) to maintain phones for inmates.

Impact:

- o Loss of commission of approximately \$5,000,000 a year; this revenue is currently used for inmate welfare (libraries, chapels, canteen services, recreational equipment/facilities); for the past several years there has been a substantial shortfall in general revenue in Florida which would make this loss that much more severe.
- o Increased costs (from general revenue) to the Florida Department of Corrections:

Non-recurring costs	\$2,000,000 (instruments and related equipment)
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Recurring costs	\$550,000/year (line charges)
	\$100,000/year (replacement instruments)
	\$775,000/year (maintenance)

TOTAL	<u>\$1,425,000/year</u>
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THE PANTRY, INC.



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AUG 17 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

P.O. BOX 1410, 1801 DOUGLAS DRIVE
SANFORD, NORTH CAROLINA 27331-1410
PHONE (919) 774-6700
FACSIMILES: (919) 775-5464
(919) 774-3329

August 3, 1992

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street NW
Washington DC 20554

ORIGINAL
FILE

ORIGINAL
FILE

RE: Billed Party Preference/CC Docket No. 92-77

Dear Chairman Sikes,

After reviewing the information regarding the above referenced proposed ruling, it appears as though there is an effort to "fix something that is not broken".

When Judge Green ruled to deregulate a monopoly seven years ago, it served to provide better service to the general public through increased and improved services. The payphones installed on our property already allow consumers to reach their preferred long distance carrier and we have regulations from the State Public Utility Commission and the FCC that ensures access will not be blocked. Implementing billed party preference will only return the monopoly that created the public interest problems that existed before deregulation.

Do not take away the rights that have allowed my company increased revenues and the quality service that my customers have come to enjoy. In our opinion, the present system for consumers to reach the carrier of their choice is not broken, so please don't try to fix it.

Thank you for your consideration.

Sincerely,

Wayne Foushee
Administrative Manager

WF/rdt

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OFFICE OF THE SECRETARY

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MAIL BRANCH

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INFORMAL COMPLAINTS
SECTION
EMPLOYEE RELATIONS DIVISION
COMMUNICATIONS BUREAU

July 13, 1992

Ms. Donna Searcy, Secretary
Federal Communication Commission
1919 M. Street, N.W. Room 222
Washington, D.C. 20554

ORIGINAL
FILE

RE: Bill Party Preference CC Docket No. 92-77

Dear Ms. Searcy:

We as COCOT Commission Earners want to express our concerns about Bill Party Preference (BPP), for O+ InterLATA Calls (CC Docket NO. 92-77) in relation to COCOT phones. Today with the unblocking of all public phones, including COCOT phones any consumer can access the carrier of their choice by dialing five simple digits (10XXX) followed by 0. This system is working and in essence we have BPP now. This country was built on the free enterprise system and if Bill Party Preference occurs, the LECs, AT&T, MCI, and SPRINT will have simply remonopolized our entire operator service industry.

BPP would make O- calls ("live" operator calls) more complicated and costly because it would require two operators to be involved to complete "live" operator assisted collect, third party, person-to-person, and calling card calls.

BPP would undo the competitive force within the industry and leave only AT&T, MCI, SPRINT, and the LECs to control long distance calls from public facilities. This would leave billions of dollars of investment, equipment, operator centers, and employment of people to go away. If there is no incentive for premise owners to install payphones or room phones for universities, and health care and hospitality industries, there will be a dramatic decrease in public access to public phones as compared with today. Reduction of competition ultimately means reduction in consumer choices.

BPP will increase the cost of approximately 80% of automated and live operator calls. This process will be much more complicated and costly to implement than equal access or other endeavors.

Sincerely,

James W. King
Manager Arby's #1773

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NATIONAL SHERIFFS' ASSOCIATION

1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314 • 703-836-7827

CHARLES "BUD" MEEKS
EXECUTIVE DIRECTOR

**ORIGINAL
FILE**

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July 30, 1992

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: "Billed Party Preference"
CC Docket 92-77

Dear Chairman Sikes:

It has come to my attention that the Federal Communications Commission is considering a proposal, CC Docket 92-77, "Billed Party Preference." I am under the assumption that this new procedure would, in effect, signal the end of presubscribed carriers, changing the way long distance carriers are selected, therefore, terminating much needed commissions. Local jails are always looking at alternative means of revenue and this is one means of fundraising we cannot relinquish. At a time when the law enforcement community already faces the undue burden of financial cutbacks we are not in the position to watch badly needed funds disappear.

If my above summation of "Billed Party Preference" is true, on behalf of the 22,000 members of the National Sheriffs' Association, I urge the Federal Communications Commission to carefully take into consideration the effects on law enforcement. I would be most grateful if you would keep me informed.

In the meantime, I remain,

Sincerely,

Charles B. Meeks
Charles "Bud" Meeks
Executive Director

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INFORMS
SECRETARY
OFFICE OF THE SECRETARY
FEDERAL COMMUNICATIONS COMMISSION

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2800 TERMINAL DRIVE
GREAT FALLS, MT 59404-5599
(406) 727-3404
FAX (406) 727-6929

GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY



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August 12, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AUG 17 1992

MAIL BRANCH

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington DC 20554

92-77 /

Dear Ms. Searcy:

This letter is in response to the Commission's tentative decision permitting Billed Party Preference (BPP).

It is our position that if BPP is actually implemented as currently proposed, there likely will occur a significant derogation of service to the public.

It appears the current process of allowing each user to access their preferred choice of carrier is more equitable than would be the BPP format.

If at all possible, we would prefer the Commission's continuing of the present policy.

Sincerely yours,

M.J. Attwood, AAE
Airport Director

MJA:skm

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92-771



ORIGINAL FILE

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AUG 17 1992

State of New Jersey
Board of Regulatory Commissioners
CN 350
Trenton, NJ 08625-0350

MAIL BRANCH

Dr. Edward H. Salmon
Chairman

August 11, 1992

Tel. # 609-777-3333
Fax. # 609-777-3330

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AUG 17 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Searcy:

We understand that the FCC is considering taking action that would require interexchange companies to share billing and validation data for their proprietary calling cards with other carriers because they use 0+ access. The alternative would be to restrict the use of proprietary cards to only access code dialing. The New Jersey Board of Regulatory Commissioners believes that such action would be a major step backward for consumers.

In the past, the New Jersey Board of Regulatory Commissioners received numerous complaints regarding the unexpected and exorbitant rates charged by some operator service providers. IXC proprietary calling cards have helped to protect consumers from the unwanted services and charges of such providers.

In addition, rules promulgated by the New Jersey Board of Regulatory Commissioners were formulated to allow access to other carriers, which provided consumers with an opportunity to choose among operator service providers. The Board has concluded that payphone unblocking and equal access requirements mandated by the Decree Court and the FCC were designed to foster competition and further consumer goals, including reaching the long distance carrier of choice. The Board is opposed to changing existing regulations, which provide adequate protection to consumers and preserve operator competition.

We therefore believe 0+ should not be treated as public domain. The alternative plan of requiring access code dialing for proprietary calling cards is, in our opinion, a backward step in a competitive marketplace. Thank you for your consideration.

Sincerely,

Dr. Edward H. Salmon
Chairman

EHS/MPG/ymb

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COUNTRY FAIR



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August 12, 1992

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Ms. Donna Searcy, Secretary
Federal Communication Commission
1919 M. Street, N.W. Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MAIL BRANCH

RE: Bill Party Preference CC Docket NO. 92-77

AUG 17 1992

Dear Ms. Searcy:

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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BPP will increase the cost of approximately 80% of automated and live operator calls. This process will be much more complicated and costly to implement than equal access or other endeavors.

Sincerely,

COUNTRY FAIR, INC.

Paul T. Levis
Vice President
Director of Sales

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INFORMAL COMPLAINT
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ENFORCEMENT
COMMON CARP

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CC Docket 92-77

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AUG 17 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 30, 1992

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

RE: CC Docket No. 92-77

Dear Ms. Searcy:

After reviewing the material on proposed CC Docket No. 92-77, I must concur with the other states that are in opposition to the Federal Communications Commission proposed "Billed Party Preference."

Specifically, I must concur with those arguments presented by the South Carolina Jail Administrators Association, hereinafter referred to as the SCJAA, it stated that "The problem of technical limitations of the Local Exchange Companies and Inter-exchange Carriers to provide inmate call screening is prevalent in all states where there are small independent phone companies." We in Montana face similar situations with our local phone companies. Our prison locations prevent the companies from delivering the service needed to monitor such a system and prevent abuses from occurring.

Furthermore, we feel that it is our duty to monitor activity on our prisoners at all times, and that by allowing them free access to unmonitored phone lines, we would be breaching our duty to them. They are incarcerated in our system for crimes that they committed, but if we were to implement the proposed program in our system it would just be asking for trouble.

In the SCJAA Inmate Service Report it stated that "A primary issue to the industry is the volume of toll fraud which would result from the requirement to allow inmates to place credit card calls." Due to this fact we feel that it would be against our best interest and that of the inmates that we are responsible for to support this program. Why tempt fate.

Please be advised that the State of Montana Department of

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Corrections and Human Services opposes the proposed Federal Communications Commission CC Docket No. 92-72.

Sincerely,

James M. Gamble
Administrator, Corrections Division

cc: Governor Stephens
Senator Baucus
Senator Burns
Congressman Williams
Congressman Marlenee
Jack McCormick
Steve MacAskill
Dan Maloughney
Bill Wells
Alfred Sikes
Sherrie Marshall
Andrew Barrett
James Quello
Gary Phillips

July 31, 1992

ORIGINAL
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INFORMAL COMPLAINTS
ENFORCEMENT DIVISION
COMMON CARRIER BUREAU

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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AUG 17 1992

Re: Billed Party Preference/CC Docket No. 92-77

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Sikes:

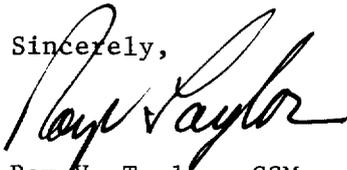
After reviewing the information regarding the above referenced proposed ruling, it appears as though there is an effort to "fix something that is not broken".

When Judge Greene ruled to deregulate a monopoly seven years ago, it served to provide better service to the general public through increased and improved services. The payphones installed on my property already allow consumers to reach their preferred long distance carrier and we have regulations from the State Public Utility Commission and the FCC that ensures access will not be blocked. Implementing billed party preference will only return the monopoly that created the public interest problems that existed before deregulation.

Do not take away the rights that have allowed my company increased revenues and the quality service that my customers have come to enjoy. In our opinion, the present system for consumers to reach the carrier of their choice is not broken, so please don't try to fix it.

Thank you for your consideration.

Sincerely,



Roy V. Taylor, CSM
General Manager

bw

cc: The Honorable James H. Quello
The Honorable Sherrie Marshall
The Honorable Ervin S. Duggan
The Honorable Andrew C. Barrett
Mr. Gary Phillips, Common Carrier Bureau

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INFORMAL COMPLAINTS
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POST OFFICE BOX 47276 - ATLANTA, GEORGIA 30362
404-457-7271 TELEFAX 404-457-0652

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August 3, 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, N. W.
Washington, DC 20554

RE: Bill Party Preference/CC Docket No. 92-77

Dear Chairman Sikes:

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Thank you for your consideration.

Sincerely,

L. E. Blubaugh, II
Vice President, Stores Marketing

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