

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Proposed Rules 25-4.0761,) DOCKET NO. 950107-TP
F.A.C., Local Exchange Company) ORDER NO. PSC-95-0220-NOR-TP
Pay Telephone Rate Caps, and) ISSUED: February 17, 1995
25-24.516, F.A.C., Non-Local)
Exchange Company Pay Telephone)
Rate Caps; and proposed)
amendment to Rule 25-24.515,)
F.A.C., Pay Telephone Service)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt new Rules 25-4.0761 and 25-24.516 and to amend Rule 25-24.515, Florida Administrative Code, relating to pay telephone rate caps.

The attached Notice of Rulemaking will appear in the February 24, 1995, edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Monday, April 24, 1995
Room 115, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399-0870, no later than March 17, 1995.

By ORDER of the Florida Public Service Commission, this 17th day of February, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
Chief, Bureau of Records

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:

RULE NO.:

Local Exchange Company Pay Telephone Rate Case 25-4.0761

PURPOSE AND EFFECT: The purpose of the recommended rules is to codify the Commission's rate cap policy set forth in In re Intrastate Access Charges - Coin, In re Application of DPM for Resale (Coin) Certificate, In re Application of EAW, Inc. for a Resale Certificate, In re Application of Peoples Telephone Company for pay telephone certification, and In re Application of Florida Pay Tel Corporation for pay telephone certification, Order No. 14132, 85 F.P.S.C. 2:215 (1985) and In re Petition for review of rates and charges paid by PATS providers to LECs and In re Request by Phone Control Security, Inc. for reconsideration of the rate cap for local non-operator assisted calls from a penal institution, Order No. 24101, 91 F.P.S.C. 2:279 (1991).

SUMMARY: Proposed Rule 25-4.0761 codifies the maximum rate that end users can be charged from local exchange company pay telephones.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.03, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21

DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Monday, April 24, 1995.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-4.0761 Local Exchange Company Pay Telephone Rate Caps. Rates charged any end user by a pay telephone provider shall not exceed the following:

(1) sent paid local call - \$0.25, except that a provider using a debit card system may charge \$1.00 for a sent paid local call made from a pay telephone located in a confinement facility;

(2) 1+ intraLATA call - the serving LEC message toll service (MTS) time-of-day rate, plus a \$1.00 surcharge;

(3) 0+ and 0- intraLATA toll call - the serving LEC MTS time-of-day rate, plus any operator service charge contained in the applicable LEC tariff, plus a mandatory \$0.25 set use fee;

(4) 1+ interLATA toll call - AT&T MTS time-of-day rate, plus a \$1.00 surcharge;

(5) 0+ and 0- interLATA toll call - AT&T MTS time-of-day rate, plus any operator service charge contained in the AT&T tariff, plus an optional \$0.25 set use fee; and

(6) 0+ and 0- local calls - \$0.25, plus any operator service charge contained in the applicable LEC tariff, plus a mandatory \$0.25 set use fee.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, F.S.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brick Walls, Division of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 7, 1995.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact

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the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950107-TP

RULE TITLE:	RULE NO.:
Pay Telephone Service	25-24.515
Non-Local Exchange Company Pay Telephone Rate Caps	25-24.516

PURPOSE AND EFFECT: The purpose of the recommended rules is to codify the Commission's rate cap policy set forth in In re Intrastate Access Charges - Coin, In re Application of DPM for Resale (Coin) Certificate, In re Application of EAW, Inc. for a Resale Certificate, In re Application of Peoples Telephone Company for pay telephone certification, and In re Application of Florida Pay Tel Corporation for pay telephone certification, Order No. 14132, 85 F.P.S.C. 2:215 (1985) and In re Petition for review of rates and charges paid by PATS providers to LECs and In re Request by Phone Control Security, Inc. for reconsideration of the rate cap for local non-operator assisted calls from a penal institution, Order No. 24101, 91 F.P.S.C. 2:279 (1991).

SUMMARY: Proposed Rule 25-24.516 codifies the maximum rate that end users can be charged from non-local exchange company pay telephones. The Commission is also proposing that subsection 10 of Rule 25-24.515 be struck. This language is no longer needed because Rule 25-24.516 establishes the maximum that can be charged.

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In addition, several grammatical changes have been proposed for Rule 25-24.515.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.345, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Monday, April 24, 1995.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULES IS:

25-24.515 Pay Telephone Service.

(1) Pay stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.

(2) Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.

(3) Each telephone station shall permit access to the universal telephone number "911" where operable, without requiring the use of a coin, paper money, or a credit card. Where such number is not operable, the station shall permit access to a local exchange company toll operator under the same conditions.

(4) Each telephone station shall, without charge, permit access to local directory assistance and the telephone number of any person responsible for repairs or refunds but may provide access by coin return. Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.

(5) Each telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following: telephone number and location address of such station, name of the certificate holder and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and, where applicable, a statement that the phone is not maintained by the local exchange company. For those pay stations that will terminate conversation after ~~fifteen~~ (15) minutes, notice shall be included on the sign card as well as an audible announcement ~~thirty~~ (30) seconds prior to termination of the phone call.

(6) Each telephone station which provides access to any interexchange company shall provide coin free access, except for feature group A access, to all locally available interexchange companies. For pay stations in equal access areas, such access shall be provided through the forms of access purchased by locally available long distance carriers and shall include 10XXX+0, 950, and 800 access. For those paystations located in non-equal access areas, 102880 may be translated to 00 to directly access AT&T. Otherwise, in non-equal access areas, 00 shall directly route to an AT&T operator and the instruction card shall so indicate. Where 00 is not available, 0- shall route to the LEC operator for transfer to AT&T and the instruction card shall so indicate. No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the interexchange carrier.

(7) All intralata calls, including operator service calls, shall be routed to the local exchange company, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 800, 10XXX.

(8) Each telephone station shall allow incoming calls to be received, with the exception of those located at confinement facilities, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls. Requests for exemption from the requirement that

each telephone station allow incoming calls shall be accompanied by a completed FORM PSC/CMU-2 (12/94), which is incorporated into this rule by reference. FORM PSC/CMU-2 (12/94), entitled Request to Block Incoming Calls, may be obtained from the Commission's Division of Communications. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the Chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end-user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

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

~~(10) The charge for calls may not exceed the rates shown in the local exchange company Pay Telephone Access Tariff.~~

(10)~~(11)~~ (a) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as

their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted).

(b) Each telephone utility shall conduct its operations in such manner to ensure that, in each exchange, ninety-five (95%) percent of all interruptions in telephone service occurring in any calendar month shall be cleared and service restored within twenty-four (24) hours (Sundays and holidays excepted) after the trouble is reported to the company, except where such interruptions are caused by emergency situations, unavoidable casualties, and acts of God affecting large groups of subscribers.

~~(11)~~~~(12)~~ Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.

~~(12)~~~~(13)~~ Normal maintenance and coin collection activity shall include a review of the cleanliness of each station and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.

~~(13)~~~~(14)~~ Except as provided in subsections (14)(a), (14)(b), and (14)(c) below, each telephone station installed after January

5, 1987 shall conform to subsections 4.29.2-4.29.4 and 4.29.7-4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1-1986), which is incorporated by reference into this rule. Each telephone station installed prior to January 5, 1987 shall conform to the above standards by January 1, 1995.

(a) Effective June 1, 1992, where there are two or more telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the above mentioned standards. The conforming station must be physically located in the group of telephone stations or within a clear line of sight within ~~fifteen~~-(15) feet of the group and free from wheelchair barriers.

(b) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be placed in areas accessible to the physically handicapped.

(c) Stations located in buildings which are not accessible to physically handicapped persons must comply to the above mentioned standards upon modification of the building to make it handicap-accessible, according to the Americans with Disabilities Act.

~~(14)~~-(15) Effective September 1, 1992, each telephone shall permit end users to input the additional digits necessary to

complete calling card calls, using any locally available carrier, without operator intervention, and to utilize features such as voice mail box and menu driven answering devices. This requirement shall not be applicable to pay telephones located in confinement facilities.

~~(15)~~~~(16)~~ Pay stations located in confinement facilities shall be exempt from the requirements of above subsections (1), (3), (4), (6), and ~~(11)~~ ~~(12)~~. Such pay stations shall also be exempt from the requirements of subsection (5), except for the audible and written 15 minute disconnect notification.

~~(16)~~~~(17)~~ Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges billed to a line for calls which originated from that line through the use of 10XXX+0, 10XXX+01, 950-1/0XXX+0, or 1-800 access code, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed was subscribed to

incoming call screening and the call was placed after the effective date of the incoming call screening order.

(c) Any calls billed through the local exchange company or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (a) and (b) above, must be removed from any pay telephone provider's bill after the pay telephone provider gives notice of the fraudulent charges to the billing party. Such notice shall be provided to the LEC and IXC in writing no later than the due date of the bill.

(d) The LEC is responsible for charges described in paragraph (c) that are associated with the failure of the LEC's screening services.

(e) The IXC is responsible for charges described in paragraph (c) that are associated with the failure to properly validate calls via the appropriate local exchange company data base.

(f) Definitions: For purposes of this rule the term ~~term~~

(i) "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.

(g) Any charges accrued to a subscriber's line when the subscriber has paid the local exchange company to screen calls described in paragraphs (a) and (b) above shall not be the basis for discontinuance of local and intrastate service.

~~(17)~~(18) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, 364.035, 364.063, 364.337, 364.345, F.S.

History: New 1/5/87, Amended 4/14/92, 12/21/92, 2/3/93, 10/10/94, 12/27/94, _____.

25-24.516 Non-Local Exchange Company Pay Telephone Rate Caps.
Rates charged any end user by a pay telephone provider shall not exceed the following:

(1) sent paid local call - \$0.25, except that a provider using a debit card system may charge \$1.00 for a sent paid local call made from a pay telephone located in a confinement facility;

(2) 1+ intraLATA call - the serving LEC message toll service (MTS) time-of-day rate, plus a \$1.00 surcharge;

(3) 0+ and 0- intraLATA toll call - the serving LEC MTS time-of-day rate, plus any operator service charge contained in the applicable LEC tariff, plus a mandatory \$0.25 set use fee;

(4) 1+ interLATA toll call - AT&T MTS time-of-day rate, plus a \$1.00 surcharge;

(5) 0+ and 0- interLATA toll call - AT&T MTS time-of-day rate, plus any operator service charge contained in the AT&T tariff, plus an optional \$0.25 set use fee; and

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(6) 0+ and 0- local calls - \$0.25, plus any operator service charge contained in the applicable LEC tariff, plus a mandatory \$0.25 set use fee.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, F.S.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brick Walls, Division of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 7, 1995.

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