

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to) DOCKET NO. 950561-TL
Rules 25-24.600, F.A.C.,) ORDER NO. PSC-96-0878-NOR-TL
Application and Scope; 25-) ISSUED: July 3, 1996
24.610, F.A.C., Terms and)
Definitions; Rule Incorporated;)
25-24.620, F.A.C., Service)
Requirements for Companies)
Providing Operator Services; and)
Proposed Rules 25-24.640,)
F.A.C., Service Requirements for)
Call Aggregators; and 25-24.650,)
F.A.C., Rate and Billing)
Requirements for Call)
Aggregators)

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 amend Rules 25-24.600, 25-24.610, 25-24.620, and propose new Rules 25-24.640 and 25-24.650, Florida Administrative Code, relating to service provided by call aggregators.

The attached Notice of Rulemaking will appear in the July 12, 1996, edition of the Florida Administrative Weekly.

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

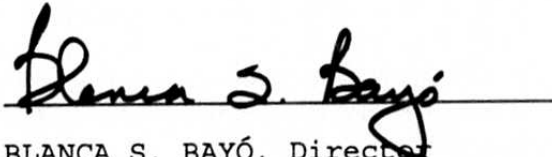
Florida Public Service Commission
9:30 a.m., September 10, 1996
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

DOCUMENT NUMBER-DATE
07145 JUL-38
PSC-RECORDS/REPORTING

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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, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than August 2, 1996.

By ORDER of the Florida Public Service Commission, this 3rd day of July, 1996.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MAH

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950561-TL

RULE TITLE:	RULE NO.:
Application and Scope	25-24.600
Terms and Definitions; Rules Incorporated	25-24.610
Service Requirements for Companies Providing Operator Services	25-24.620
Service Requirements for Call Aggregators	25-24.640
Rate and Billing Requirements for Call Aggregators	25-24.650

PURPOSE AND EFFECT: In 1990, the legislature enacted legislation that directed the Commission to "adopt and enforce requirements for the provision of services by operator services companies and call aggregators." Section 364.3376(8), Florida Statutes. The legislation also placed certain notice requirements on call aggregators and directed the Commission to develop other requirements that are in the public interest. Section 364.3376(5), Florida Statutes. Part XIII of Chapter 25-24, Florida Administrative Code, currently sets out the Commission's rules governing operator services providers. The purpose of the proposed amendments and proposed rules is to complete the implementation of the legislation. The proposed amendments clarify language and add call aggregators to the scope of Part XIII of Chapter 25-24. The proposed new rules, for the most part, codify and centralize

existing Commission policy concerning call aggregators. The proposed amendments and rules also make changes based on the 1995 revisions to Chapter 364, Florida Statutes, and recent Commission decisions.

SUMMARY: 25-24.600, Application and Scope: The recommended amendments to this section expand the scope of Part XIII of Chapter 25-24 to include call aggregators. In addition, some changes were made to clarify the language.

25-24.610, Terms and Definitions, Rules Incorporated: The recommended amendments to this section add the following entities to the list of call aggregators: time share plans, continuing care facilities, and HUD homes, communities, or facilities designed to aid the elderly. The intent is that all non-certificated companies that provide telecommunications services to transients will fall under the definition of a call aggregator.

A definition for "surcharge" has also been added. In addition, the proposed amendments to this section incorporate by reference Rules 25-4.019, concerning records and reports in general, and 25-4.020(2), concerning out-of-state records. Finally, changes were made to clarify language.

25-24.620, Service Requirements for Companies Providing Operator Services: The proposed amendments continue the Commission's policy that interexchange company access be provided at no charge. Where the present language requires access to the

local exchange company operator at no charge, access to the "operator of the provider of local exchange telecommunications services" at no charge has been proposed. In addition, a paragraph been proposed to reflect the Commission's decision in In re Investigation into IntraLATA Presubscription, Order No. PSC-95-0203-FOF-TP, 95 F.P.S.C. 2:206 (1995), and Order No. PSC-95-0918-FOF-TP, 95 F.P.S.C. 7:360 (1995). The proposed amendments also strike the notice requirements in the rule. Finally, the recommended amendments clarify the rule's language.

25-24.640, Service Requirements for Call Aggregators: The proposed rule codifies the Commission's policy that call aggregators may provide service to transient end users who stay for nine months or less. Notwithstanding this policy, the proposed rule exempts from the nine month limitation call aggregators that provide telecommunications service to patients or the elderly in nursing homes, adult congregate living facilities, hospitals, continuing care facilities, and HUD funded or insured homes, communities, or facilities that aid the elderly. In addition, the proposed rule provides that "a resort comprised of one or more call aggregators under a consolidated management group shall be considered a single call aggregator."

The proposed rule also sets out the access and notice requirements for call aggregators. In addition, the proposed rule provides that "[i]f an owner of a premises resides on the premises

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more than 30 consecutive days," the premises owner shall be allowed direct access to the carrier of last resort. The proposed rule also requires call aggregators to respond to Commission inquiries within 30 calendar days.

25-24.650, Rate and Billing Requirements for Call Aggregators: The proposed rule sets out the rate and billing requirements for call aggregators, which includes the requirement that call aggregators must notify all end users of applicable charges in writing.

RULEMAKING AUTHORITY: 350.127(2), 364.3376(5) & (8), FS.

LAW IMPLEMENTED: 364.01, 364.016, 364.3376, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES 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.

HEARING: 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., September 10, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULES IS:

25-24.600 Application and Scope.

(1) This ~~P~~part applies to:

(a) Every any company, other than a local exchange telecommunications company, that provides operator services as to an end user as operator service is defined in Section Florida Statute 364.02, Florida Statutes (1995~~1~~), and includes

(b) Every ~~companies~~ that bills and collects in its own name for operator services provided by other entities, and on ~~telecommunications company bills.~~

(c) Call aggregators as defined in this Part.

(2) In addition to the rules contained in this ~~P~~part, every company providing operator services ~~providers~~ shall also comply with the rules contained in Part X of Chapter 25-24, F.A.C.

(3) Each company subject to this Part ~~Any operator services provider~~ may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telephone companies in Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes, (1995~~1~~).

Specific Authority 350.127(2), 364.3376(8) FS.

Law Implemented 364.01, 364.3376 FS.

History-New 9-6-93, amended _____.

25-24.610 Terms and Definitions; Rules Incorporated.

(1) For purposes of this Part, the following definitions apply:

(a) "Call aggregator" is any person or entity other than a certificated telecommunications company that, in the ordinary course of its operations, provides telecommunications service to any end users other than its subscribers. Subject to the definition above, "cCall aggregator" includes but is not limited to the following:

1. Hhotel as defined in Section 509.242 (1)(a), Florida Statutes F.S. (1995) ~~LT~~

2. Motel as defined in Section 509.242 (1)(b), Florida Statutes F.S. (1995) ~~LT~~

3. Resort condominium as defined in Section 509.242 (1)(c), Florida Statutes F.S. (1995) ~~LT~~

4. Transient apartment as defined in Section 509.242 (1)(e), Florida Statutes F.S. (1995) ~~LT~~

5. Roominghouse as defined in Section 509.242 (1)(f), Florida Statutes F.S. (1995) ~~LT~~

6. Resort dwelling as defined in Section 509.242 (1)(g), Florida Statutes F.S. (1995) ~~LT~~

7. Schools required to comply with any portion of Chapter 228, Florida Statutes F.S. (1995), or Section Chapter ~~Chapter~~ 229.808, Florida Statutes F.S. (1995) ~~LT~~

8. Nursing home licensed under as defined in Section 400.062, Florida Statutes F.S. (1995) ~~LT~~

9. Assisted adult congregate living facility licensed under ("ACLF") as defined in Section 400.407, Florida Statutes F.S. (1995) ~~LT~~

10. Hospital licensed under as defined in Section 395.003, Florida Statutes F.S. (1995) ~~LT~~

~~11. Any entity not included above that provides telecommunications service to end users other than its subscribers.~~

11. Timeshare plan^{*} as defined in Section 721.05(31), Florida Statutes (1995),

12. Continuing care facility certificated under Section 651.023, Florida Statutes (1995), and

13. Homes, communities, or facilities funded or insured by the United States Department of Housing and Urban Development (HUD) under 12 U.S.C.S. § 1701q (Law. Co-op. 1994) that sets forth the National Housing Act program designed to aid the elderly.

(b) "Conversation time" is the time during which two-way communication is possible between the calling and called party.

(c) "End user ~~End user~~" means a person who initiates or is billed for a telephone call.

(d) "Surcharge" means an amount billed to an end user by a call aggregator that is in excess of the rate information that may

be obtained pursuant to Section 366.3376(5), Florida Statutes (1995).

(2) In addition to the above, the following rules are ~~is~~ incorporated herein by reference:-

Section	Title	Portions not Applicable
25-4.003	Definitions	<u>All None</u>
<u>25-4.019</u>	<u>Records and Reports in General</u>	<u>All</u>
<u>25-4.020</u>	<u>Location and Preservation of Records</u>	<u>(2) and (3)</u>

Specific Authority 350.127(2), 364.3376(8), 340.127(2) FS.

Law Implemented 364.01, 364.016, 364.3376, FS.

History-New 9-6-93, Amended _____.

25-24.620 Service Requirements for Companies Providing Operator Services.

(1) Every company providing An operator services provider shall clearly state the name of the company upon answer and again after accepting billing information before the call is connected.

(2) In its tariffs for and contracts with ~~Florida call aggregators,~~ billing and collection agents and other companies providing operator services providers, every company providing an operator services provider shall require the other party to:

(a) Allow end users end users to access, at no charge, all locally available interexchange companies long distance carriers via all locally available methods of access, including 10XXX, and

950-XXXX and ~~any operator service provider's~~ 1-800 access codes; except that Feature Group A access lines are exempt from this requirement;

(b) Allow end users to access the universal telephone number "911", where operable, at no charge to the end user ~~end-user~~, and where not operable, to allow end users ~~end-users~~ to access the operator of the provider of local exchange telecommunications services ~~company toll operator~~ at no charge, ~~except that 911 access shall not be required at confinement facilities or hospitals;~~

(c) ~~R~~route all end user ~~end-user~~ dialed ~~1+~~, 0 + local, and all 0- ~~intraLATA local and toll~~ calls to the provider of local exchange telecommunications services ~~company~~ unless the end user ~~end-user~~ dials the appropriate access code for his carrier of choice, such as i.e., 950, 800, or 10XXX; and

(d) Route all end user dialed 1 + and 0+ toll calls to the preselected carrier unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, or 10XXX; and

~~(e)~~(d) ~~R~~route all end user ~~end-user~~ dialed 0- calls to the operator of the provider of local exchange telecommunications services ~~company operator~~ at no charge to the end user when no additional digits are dialed after five seconds, ~~and~~

~~(e) place a written notice in plain view, in the immediate vicinity of each telephone served by the company, which clearly states at least the following information:~~

- ~~1. name of the operator services provider as it appears on the certificate issued by the Commission;~~
- ~~2. instructions on how to obtain rate information;~~
- ~~3. instructions on how to reach the LEC operator;~~
- ~~4. instructions on how to reach emergency services;~~
- ~~5. instructions on how to place intraLATA and interLATA calls;~~
- ~~6. instructions on how to access other operator service providers;~~
- ~~7. a toll free number for customer service;~~
- ~~8. the amount of any surcharge for local calls to be billed and collected by the call aggregator; and~~
- ~~9. the amount of any surcharge for long distance calls to be billed and collected by the call aggregator~~

(3) Each operator services provider shall provide an opportunity for each caller to be identified by name to the called party before any collect calls may be completed.

Specific Authority 350.127(2), FS.

Law Implemented 364.01, 364.3376, FS.

History-New 9-6-93, Amended 1-16-96, _____.

25-24.640 Service Requirements for Call Aggregators.

(1) Call aggregators shall not provide local exchange telecommunications service to end users who occupy the same premises for more than nine months.

(2) Notwithstanding the nine-month time limitation in subsection (1) above, the following call aggregators may provide telecommunications service to patients or the elderly on their premises provided, however, that all other service, rate, and billing requirements will apply:

(a) Nursing homes,

(b) Assisted living facilities,

(c) Hospitals,

(d) Continuing care facilities, and

(e) HUD funded or insured homes, communities, or facilities to aid the elderly.

(3) Every call aggregator shall:

(a) Allow end users to access at no charge all locally available interexchange companies via all locally available methods of access, including 10XXX, 950-XXXX, and 800 access codes; except that Feature Group A access lines are exempt from this requirement;

(b) Allow end users to access the universal telephone number "911", where operable, at no charge to the end user, and where not operable, allow end users to access the operator of the provider of local exchange telecommunications services at no charge;

(c) Route all end user dialed 0+ local and all 0- calls to the provider of local exchange telecommunications services unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, or 10XXX;

(d) Route all end user dialed toll calls to the preselected carrier unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, or 10XXX; and

(e) Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services at no charge to the end user when no additional digits are dialed after five seconds; and

(f) Place a written notice in plain view, in the immediate vicinity of each telephone served by the call aggregator, which meets the requirements of Section 364.3376(5), Florida Statutes (1995), and also clearly states at least the following information:

1. Name of the company providing operator services as it appears on the certificate issued by the Commission;
2. Instructions on how to reach the operator of the provider of local exchange telecommunications services;
3. Instructions on how to reach emergency services;
4. Instructions on how to place local and long distance calls;
5. A toll-free number for refunds;

6. The amount of any surcharge for local calls, long distance calls, directory assistance, or any other surcharges to be billed and collected by the call aggregator; and

7. The toll-free telephone number of the Florida Public Service Commission's Division of Consumer Affairs.

(4) For the purpose of this Part, a resort comprised of one or more call aggregators under a consolidated management group shall be considered a single call aggregator.

(5) Each call aggregator shall reply to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission within 30 calendar days from the date of the Commission inquiry.

(6) If an owner of a premises resides on the premises more than 30 consecutive days, each call aggregator shall permit the owner of the premises to receive telephone service directly from the carrier of last resort, if requested.

Specific Authority 350.127(2), 364.3376(5) & (8), FS.

Law Implemented 364.01, 364.3376, FS.

History-New _____.

25-24.650 Rate and Billing Requirements for Call Aggregators.

(1) No call aggregator shall charge for uncompleted calls, including any surcharge, or for more than conversation minutes.

(2) Each call aggregator shall clearly post and separately identify all surcharges associated with a call.

(3) If a call aggregator posts rate information for a local or long distance call, the rate information shall be clearly separated and identified from the surcharge.

(4) If a call is billed by an entity other than a call aggregator, any charge billed by the call aggregator to an end user which is associated with the call shall be considered a surcharge.

Specific Authority 350.127(2), 364.3376(5) & (8), FS.

Law Implemented 364.01, 364.3376, FS.

History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Stan Greer, Division of Communications.

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

DATE PROPOSED RULES APPROVED: June 25, 1996.

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) 413-6770 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).