

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rules) DOCKET NO. 920749-TP
25-24.600, 25-24.610,)
25-24.620, 25-24.630, F.A.C.,) ORDER NO. PSC-93-0153-NOR-TP
pertaining to telephone)
service provided by operator) ISSUED: 01/29/93
service providers.)
_____)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt Rules 25-24.600, 25-24.610, 25-24.620, 25-24.630, F.A.C., pertaining to telephone service provided by operator service providers. The attached Notice of Rulemaking will appear in the February 5, 1993, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Wednesday, March 10, 1993
Room 122, Fletcher Building
101 East Gaines Street

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, no later than February 26, 1993.

By ORDER of the Florida Public Service Commission this 29th day of January, 1993.

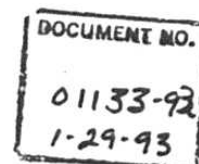
STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

WEW

by: Kay Hays
Chief, Bureau of Records

amd92749.wew



ORDER NO. PSC-93-0153-NOR-TP
DOCKET NO. 920749-TP
PAGE 2

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920749-TP

RULE TITLE:	RULE NO.:
Application and Scope	25-24.600
Terms and Definitions; Rule Incorporated	25-24.610
Service Requirements	25-24.620
Rate and Billing Requirements	25-24.630

PURPOSE AND EFFECT: The purpose of the new rules are to codify past Commission decisions regarding operator services providers and to comply with Subsection 364.3376(8), Florida Statutes, which directs the Commission to adopt and enforce rule requirements for the provision of services by operator services companies.

SUMMARY: The rules define operator services providers and set specific service rate, and billing requirements for these operator services providers. Specifically Rule 25-24.600 gives the scope of the application of the rule and to whom the rule applies. Rule 25-24.610 defines the terms and definitions as used in the rules and incorporates applicable definitions from other sections. Rule 25-24.620 states the service requirements for these operator services providers and points out their responsibility for ensuring that call aggregator customers are in compliance with applicable portions of the rules. Rule 25-24.630 caps rates which may be charged for intrastate calls and defines

ORDER NO. PSC-93-0153-NOR-TP
DOCKET NO. 920749-TP
PAGE 3

requirements for provision of customer information. This rule also prohibits billing in circumstances where the Commission has determined such billing would be inappropriate.

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

LAW IMPLEMENTED: 364.01, 364.3376, 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., Wednesday, March 10, 1993

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

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

THE FULL TEXT OF THESE RULES ARE:

RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION

CHAPTER 25-24

PART XIII

RULES GOVERNING OPERATOR SERVICES PROVIDERS

25-24.600 Application and Scope

25-24.610 Terms and Definitions; Rule Incorporated

25-24.620 Service Requirements

25-24.630 Rate and Billing Requirements

25-24.600 Application and Scope

(1) This part applies to any company other than a local exchange company that provides operator service to an end-user as operator service is defined in Florida Statute 364.02.

(2) In addition to the rules contained in this part, operator services providers shall also be subject to the rules contained in Part X of Chapter 25-24.

(3) Any operator services provider may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.

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

Law Implemented: 364.01, 364.3376, F.S.

History: New, _____.

25-24.610 Terms and Definitions; Rule Incorporated.

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

(a) "Affiliate" is defined as a corporation, partnership, proprietorship or other group that owns in excess of 50 percent of the entity with which it is affiliated.

(b) "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 non-affiliated end users. Call aggregator includes the following:

1. hotel as authorized by the Department of Business Regulation pursuant to Section 509.242 (1)(a), F.S.
2. motel as authorized by the Department of Business Regulation pursuant to Section 509.242 (1)(b), F.S.
3. resort condominium as authorized by the Department of Business Regulation pursuant to Section 509.242 (1)(c), F.S.
4. transient apartment as authorized by the Department of Business Regulation pursuant to Section 509.242 (1)(e), F.S.
5. rooming house as authorized by the Department of Business Regulation pursuant to Section 509.242 (1)(f), F.S.
6. resort dwelling as authorized by the Department of Business Regulation pursuant to Section 509.242 (1)(g), F.S.
7. schools required to comply with any portion of Chapter 228, F.S. or Chapter 229.808, F.S.
8. nursing home as authorized by the Department of Health and Rehabilitative Services pursuant to Section

400.062, F.S.

9. adult congregate living facility - ACLF as authorized by the Department of Health and Rehabilitative Services pursuant to Section 400.407, F.S.

10. hospital as authorized by the Department of Health and Rehabilitative Services pursuant to Section 395.003, F.S.

11. Any entity not discussed above that provides call aggregator service.

(c) "Conversation time" is the time during which two-way communications is possible.

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

(e) "Operator service" includes, but is not limited to, billing or completion of third-party, person-to-person, collect, calling card or credit card calls through the use of a live operator or automated equipment.

(f) "Operator Services Provider" (OSP) means a person who furnishes operator service through a call aggregator.

(2) In addition to the above, the following rule is incorporated herein by reference.

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
<u>25-4.003</u>	<u>Definitions</u>	<u>None</u>

Specific Authority: 340.127(2), F.S.

Law Implemented: 364.01, 364.3376, F.S.

History: New, _____.

25-24.620 Service Requirements.

(1) An operator services provider shall:

(a) clearly state the name of the company upon answer and again after accepting billing information before the call is connected;

(b) ensure that end users are able to access all locally available carriers via 10XXX and 950-XXXX where the local exchange company provides such access and that access is also possible via any operator services provider's 1-800 access code.

(c) ensure that all methods of access, except for feature group A, are provided at no charge to the end-user;

(d) ensure that end-users are able to access the universal telephone number "911" where operable at no charge to the end-user, and where not operable, that end-users are able to access the local exchange company toll operator at no charge;

(e) route all end-user dialed 1+, 0+, and 0- intraLata local and toll calls to the local exchange company unless the end-user dials the appropriate access code for their carrier of choice, i.e., 950, 800, 10XXX.

(f) route all end-user dialed 0- calls to the local exchange company operator when no additional digits are dialed

after five (5) seconds and ensure that these calls are routed at no charge to the end-user.

(g) ensure that written notice is placed 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. amount of surcharge for local calls to be billed and collected by call aggregator, if any; and
9. amount of surcharge for long distance calls to be billed and collected by call aggregator, if any.

(2) An operator services provider shall ensure compliance with paragraph (1)(a)-(g) above through its contract with any call aggregator for which it provides operator service.

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

Law Implemented: 364.01, 364.3376, F.S.

History: New, _____.

25-24.630 Rate and Billing Requirements

(1) An operator services provider shall:

(a) charge end-users no more than the Commission approved rate for intrastate calls;

(b) have current rate information readily available and provide this information orally to end-users upon request prior to connection;

(c) ensure that its certificated name or the name of its certificated billing agent appears on any bill for regulated charges;

(d) ensure that all calls are individually identified on each end-user's bill including the date and start time of the call, call duration, origin and destination (by city or exchange name and telephone number), and type of call; and

(e) provide a toll-free number for customer inquiries on the bill and ensure that adequate procedures are in place to allow the company to promptly receive and respond to such inquiries.

(2) An operator services provider shall not:

(a) bill or charge for uncompleted calls and shall only charge for conversation time;

(b) bill for any collect call that has not been affirmatively accepted by a person receiving the call regardless

of whether the call was processed by a live or automated operator;

(c) bill for calls in increments greater than one (1) minute;

(d) bill or collect a surcharge levied by any entity, either directly or through its billing agent, except Commission approved charges for pay telephone providers.

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

Law Implemented: 364.01, 364.3376, F.S.

History: New, _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Kathy Lewis, Division of Communications.

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

DATE PROPOSED RULES APPROVED: January 19, 1993

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

ORDER NO. PSC-93-0153-NOR-TP
DOCKET NO. 920749-TP
PAGE 11

the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).