

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

MEMORANDUM

January 4, 1996

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

FROM: DIVISION OF APPEALS (HELTON) *MAH*
DIVISION OF COMMUNICATIONS (KING, LEWIS, MOSES) *DS*
DIVISION OF RESEARCH & REGULATORY REVIEW (HEWITT) *KA*
DIVISION OF LEGAL SERVICES (BILLMEIER) *LAB*

RE: DOCKET NO. 951560-TP - PROPOSED AMENDMENTS TO RULES 25-24.505, F.A.C., SCOPE; 25-24.511, F.A.C., APPLICATION FOR CERTIFICATE; 25-24.515, F.A.C., PAY TELEPHONE SERVICE; 25-24.520, F.A.C., REPORTING REQUIREMENTS; 25-4.076, F.A.C., WIRELINE AND WIRELESS PAY TELEPHONE SERVICE PROVIDED BY LOCAL EXCHANGE COMPANIES; 25-4.003, F.A.C., DEFINITIONS.

AGENDA: 1/16/96 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

RULE STATUS: PROPOSAL MAY BE DEFERRED

SPECIAL INSTRUCTIONS: I:\PSC\APP\WP\95156000.DOC

CASE BACKGROUND

Staff recommends that three substantive changes be made to the Commission's rules concerning pay telephone service. First, the rules should be amended to update references to the latest national handicap accessibility codes. Second, the rules should be amended so that call blocking exemptions will expire at the end of one year. Third, the rules should be amended so that wireless pay telephone providers are specifically addressed. Staff also recommends that rule language be clarified and procedures streamlined.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission propose the attached amendments to Rules 25-24.505, Scope; 25-24.511 Application for Certificate; 25-24.515, Pay Telephone Service; 25-24.520, Reporting Requirements; 25-4.076, Wireline and Wireless Pay Telephone Service Provided by Local Exchange Companies; and 25-4.003, Definitions?

RECOMMENDATION: Yes.

STAFF ANALYSIS:

Handicap Accessibility Amendments:

Staff recommends the following rules be amended to update the Commission's rules on handicap accessibility for pay telephone providers:

25-24.515(13), Pay Telephone Service, and 25-4.076(9), Wireline and Wireless Pay Telephone Service Provided by Local Exchange Companies: Staff recommends that the most recent version of the American National Standards Institute (ANSI) standards be incorporated by reference into these rules.

Also, it has been brought to staff's attention that the Commission's existing rules do not contain accessibility requirements geared towards the hearing impaired. Staff believes that the needs of hearing impaired end users should be addressed, and, therefore, recommends that additional sections of the ANSI standards be incorporated by reference into the rules to do so. These additional requirements place requirements on pay telephone providers concerning signage, hearing aid compatibility, volume, and push button controls.

Staff also recommends the language of the rules be clarified.

Call Blocking Amendments:

Staff recommends the following rules be amended to add the requirement that, if granted, requests for exemption from the incoming call requirement will expire at the end of one year:

25-24.515(6) (a), Pay Telephone Service, and 25-4.076, Wireline and Wireless Pay Telephone Service Provided by Local Exchange Companies: In 1994, the Commission amended its pay telephone rules to allow pay telephone providers to seek an exemption from the requirement to allow incoming calls at each pay telephone station.

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Under the current rule, this exemption is in perpetuity. Staff recommends that language be added so that an exemption will last one year only. At the end of the year, the Commission may grant another exemption request if the pay telephone provider submits a completed Form PSC/CMU-2 on which it has been attested that criminal activity associated with the pay telephone station has been reduced. If the prior exemption did not reduce criminal activity associated with the pay telephone location, the exemption did not accomplish its goal and should not be granted again. Therefore, people who depend on pay telephones for their communication needs will be able to once again receive incoming calls at the pay station.

The intent of this amendment is to apply the one year requirement to all new applications. The exempt status of pay stations exempted under the current version of the rule would not be affected.

To accomplish the amendment's objective, staff recommends Form PSC-CMU-2 be revised to accommodate the possibility of requesting additional exemptions.

Wireline/Wireless Amendments:

By Order No. 25264, In re Petition for Declaratory Statement regarding exemption from Public Service Commission regulation for Cellular Radio Telecommunications Carriers, by Cellular World, Inc., 91 F.P.S.C. 10:432 (1991), the Commission declared that it has jurisdiction over the pay telephone service provided through wireless interconnection. Since this decision, the Commission has received consumer complaints about price gouging by wireless providers as well as inadequate notice that a pay telephone station is cellular. Regulation of wireless pay telephone providers is in the public interest because many wireless pay telephone stations resemble traditional, wireline stations. If wireless providers were not required to post adequate notice and were not subject to the pay telephone rate caps, the public may be misled into paying much higher rates for pay telephone calls. Since the Commission's pay telephone rules do not specifically address wireless pay telephone providers, staff recommends the following rules be amended to codify standards concerning wireless providers:

25-24.505, Scope: Staff recommends the scope of Part XI of Chapter 25-24 be expanded to cover both wireline and wireless pay telephone providers.

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25-24.515, Pay Telephone Service: Subsections (7), (8)(a), (9) should be amended to reflect that they are applicable to wireline pay telephones only. These subsections deal with the routing of intralATA calls through the local exchange company (LEC), obtaining exemptions from the incoming call requirement, and access line requirements.

Unlike wireline providers, staff recommends wireless providers be able to block all incoming calls without obtaining an exemption because they are charged for incoming calls. However, subsection (8)(b) should be added to require a notice be posted at the wireless pay telephone station that all incoming calls are blocked, if applicable.

Staff also recommends the rule's language be clarified.

Wireless providers would be responsible for meeting the other requirements in the pay telephone rules, including the rate cap requirements in Rule 25-24.516.

25-4.076, Wireline and Wireless Pay Telephone Service Provided by Local Exchange Companies: Staff recommends the notice requirement concerning the blocking of incoming calls addressed above in the discussion on Rule 25-24.515(8)(b) be added to the LEC pay telephone rule as well. The other wireless distinctions concerning intralATA call routing and access lines made in Rule 25-24.515 are not applicable to LEC pay telephone providers.

25-4.003(57) and (58), Definitions: Staff recommends the following definitions be added:

(57) "wireless pay telephone service" is any pay telephone service not connected by any physical means to the Public Switched Network and is available to the public for hire, except pay telephone stations located inside public transportation vehicles;

and

(58) "wireline pay telephone service" is any pay telephone service connected by any physical means to the Public Switched Network.

Clarification and other Amendments:

Finally, staff recommends the following additional changes be made to the Commission's rules governing pay telephone providers:

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25-24.505, Scope: The statutory reference in subsection (2) should be changed to Section 364.3375, Florida Statutes, which is the statute that governs pay telephone service providers.

25-24.511, Application for Service: Staff recommends that the certification process be streamlined so that only an original and two copies of an application be filed, instead of an original and five copies as is presently in the rule. Staff also recommends that the language of the rule be clarified.

25-24.515, Pay Telephone Service: Staff recommends the language of the rule be clarified. In particular, in subsection (5) staff believes that the language requiring non-LEC pay phone providers to notify end users that its phones are not maintained by the LEC is no longer necessary and should be stricken.

In addition, staff recommends the exceptions concerning confinement facilities be centralized in subsection (17). Staff also recommends that pay telephone calls from confinement facilities may be terminated in 10 minutes rather than 15, as is allowed in subsection (5). This change in policy is recommended because the Department of Corrections has stated a preference for terminating calls after 10 minutes.

25-24.520, Reporting Requirements: Staff recommends the language of the rule be clarified.

25-4.076, Wireline and Wireless Pay Telephone Service Provided by Local Exchange Companies: Staff recommends the obsolete requirement in subsection (1) that requires all LECs to maintain at least one coin operated pay telephone station in each exchange be struck. However, staff recommends that the remaining language in subsection (1) be clarified to state that the Commission may require a LEC to place a phone in a specific location "if reasonable public requirements will be served."

In addition, staff recommends the exceptions concerning confinement facilities be centralized in subsection (13). As in the non-LEC rule, staff recommends that pay telephone calls from confinement facilities may be terminated in 10 minutes rather than 15.

Staff also recommends the language of the rule be clarified.

25-4.003(37), Definitions: Staff recommends the statutory references in the "pay telephone service company" definition be updated.

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Economic impact: Pay telephone providers would be affected by the recommended rule changes. In particular, the recommended changes concerning incoming call blocking exemptions would create extra costs. Staff's recommendation attempts to balance the interests of small businesses with the interests of their customers. No significant impact on competition is expected; however, there may be a slight impact on employment if the rules are adopted.

ISSUE 2: If no requests for hearing or comments are filed, should the proposed amendments to Rules 25-24.505, 25-24.511, 25-24.515, 25-24.520, 25-4.076, 25-4.003, F.A.C., be filed for adoption and the docket be closed?

STAFF RECOMMENDATION: Yes.

STAFF ANALYSIS: Unless comments or requests for hearing are filed, the rules as proposed may be filed with the Secretary of State without further Commission action and the docket may be closed.

Attachments:

Recommended Rule Amendments
Revised Request to Block Incoming Calls Form
Economic Impact Statement

PART XI

RULES GOVERNING PAY TELEPHONE SERVICE PROVIDED
BY OTHER THAN PROVIDERS OF LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES TELEPHONE COMPANIES

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6 25-24.500 Reserved
7 25-24.505 Scope
8 25-24.510 Certificate of Public Convenience and Necessity
9 Required
10 25-24.511 Application for Certificate
11 25-24.512 Improper Use of a Certificate
12 25-24.513 Application for Approval of Sale, Assignment or
13 Transfer of Certificate (Repealed)
14 25-24.514 Cancellation of a Certificate
15 25-24.515 Pay Telephone Service
16 25-24.516 Non-Local Exchange Company Pay Telephone Rate Caps
17 25-24.520 Reporting Requirements
18

19 25-24.505 Scope.

20 (1) Except as specified herein, this part applies to any
21 person other than a local exchange company providing wireline or
22 wireless pay telephone service. As provided by Rules 25-4.002, 25-
23 9.001, and 25-14.001, no provision of Chapters 25-4, 25-9, or 25-14
24 shall apply to pay telephone service companies, except the
25 following: 25-4.003 (Definitions), 25-4.0161 (Regulatory

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Assessment Fees; Telecommunications Companies), 25-4.019 (Records and Reports In General), 25-4.020(2) (Location and Preservation of Records), and 25-4.043 (Response to Commission Staff Inquiries).

(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, as regards pay telephone service, companies subject to this part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.3375, Florida Statutes.

(3) Any applicant 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 364.3375, Florida Statutes.

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

Law Implemented: 350.113, 350.115, 350.117, 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337, 364.3375, F.S.

History: New 1/5/87. Amended 11/13/95, _____.

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2 25-24.511 Application for Certificate.

3 (1) An applicant shall submit an application on Form PSC/CMU
4 32 (1/91), entitled "Application Form for Certificate to Provide
5 Pay Telephone Service Within the State of Florida," which is
6 incorporated into this rule by reference ~~and Form PSC/CMU 32~~
7 ~~(1/91), entitled "Application Form for Certificate to Provide Pay~~
8 ~~Telephone Service Within the State of Florida,"~~ may be obtained
9 from the Commission's Division of Communications. An non-
10 refundable application fee of \$100.00 must accompany the filing of
11 all applications. ~~This is a non-refundable fee to cover the costs~~
12 ~~of processing the application and it has no relevance on the~~
13 ~~approval or denial of a certificate.~~

14 (2) An original and two five (5) copies of the application
15 shall be filed with the Division of Records and Reporting.

16 (3) Any pay telephone service authority previously granted or
17 granted hereafter is subject to the following:

18 (a) Authority granted is statewide.

19 (b) Authority is to provide both local and intrastate toll
20 pay telephone service. A certificate to provide pay telephone
21 service does not carry with it the authority to provide local
22 exchange or interexchange service. A separate application must be
23 made for such authority.

24 (4) A certificate will be granted if the Commission
25 determines that grant of the application is in the public interest.

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One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest.

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

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345, F.S.

History: New 1/5/87. Amended 9/28/89, 4/8/91, 11/20/91, 12/21/92.

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2 25-24.515 Pay Telephone Service.

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

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

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

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

20 (5) Each pay telephone station shall be equipped with a
21 legible sign, card, or plate of reasonable permanence which shall
22 identify the following: telephone number and location address of
23 ~~the~~ ~~such~~ station, name of the certificate holder and the party
24 responsible for repairs and refunds, address of responsible party,
25 free phone number of responsible party, and clear dialing

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2 instructions (including notice of the lack of availability of local
3 or toll services), ~~and, where applicable, a statement that the~~
4 ~~phone is not maintained by the local exchange company.~~ For those
5 pay telephone stations that will terminate local calls ~~converation~~
6 after a minimum lapsed time of 15 minutes, notice shall be included
7 on the sign card as well as an audible announcement 30 seconds
8 prior to termination of the phone call.

9 (6) Each pay telephone station which provides access to any
10 interexchange company shall provide coin free access, except for
11 ~~F~~feature Ggroup A access, to all locally available interexchange
12 companies. For pay telephone stations in equal access areas, such
13 access shall be provided through the forms of access purchased by
14 locally available long distance carriers and shall include 10XXX+0,
15 950, and 800 access. For those pay telephone stations located in
16 non-equal access areas, 102880 may be translated to 00 to directly
17 access AT&T. Otherwise, in non-equal access areas, 00 shall
18 directly route to an AT&T operator and the instruction card shall
19 so indicate. Where 00 is not available, 0- shall route to the
20 local exchange company ~~ISB~~ operator for transfer to AT&T and the
21 instruction card shall so indicate. No sales solicitation shall be
22 allowed during the interval between the last digit dialed by the
23 end user and connection with the interexchange carrier.

24 (7) All wireline intralATA ~~intestate~~ calls, including
25 operator service calls, shall be routed to the local exchange

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2 company, unless the end user dials the appropriate access code for
3 their carrier of choice, by using an access code such as 4-6-77 950,
4 800, or 10XXX. (8) (a) Each wireline pay telephone
5 station shall allow incoming calls to be received, with the
6 exception of those located at confinement facilities, hospitals,
7 and schools, and ~~at~~ locations specifically exempted by the
8 Commission. There shall be no charge for receiving incoming calls.
9 A pay telephone provider may petition the Commission to be exempt
10 from the incoming call requirement for a period that shall not
11 exceed one year. Requests for exemption from the requirement that
12 each pay telephone station allow incoming calls shall be
13 accompanied by a completed FORM PSC/CMU-2 (x/xx) (12/94), entitled
14 "Request to Block Incoming Calls," which is incorporated into this
15 rule by reference ~~and FORM PSC/CMU-2 (12/94), entitled Request to~~
16 ~~Block Incoming Calls,~~ may be obtained from the Commission's
17 Division of Communications. The form requires an attestation from
18 the owner of the pay telephone, the owner of the pay telephone
19 location, and the ~~g~~Chief of the responsible law enforcement agency
20 that the request is sought in order to deter criminal activity
21 facilitated by incoming calls being received at the specified pay
22 telephone. A separate form shall be filed for each telephone
23 number for which an exemption is sought. The Commission may grant
24 additional requests for another one year exemption if the provider
25 of the pay telephone files another Form PSC/CMU-2 on which, in

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2 addition to the signatures of the property owner and pay telephone
3 provider, the chief of the responsible law enforcement agency
4 attests that criminal activity associated with the pay telephone
5 has been reduced because incoming calls were blocked at the pay
6 telephone location. Where incoming calls are not received,
7 central-office based intercept shall be provided at no charge to
8 the ~~end user~~ and a written notice shall be prominently
9 displayed on the instrument directly above or below the telephone
10 number which states: "Incoming calls blocked at request of law
11 enforcement."

12 (b) Each wireless pay telephone provider that will not allow
13 incoming calls shall display a notice that the pay telephone
14 station does not allow incoming calls.

15 (9) Each wireline pay telephone station must be connected to
16 an individual access line ~~as provided in the pay telephone access~~
17 ~~tariff offered by the local exchange company.~~

18 (10) (a) Each pay telephone service company shall make all
19 reasonable efforts to minimize the extent and duration of
20 interruptions of service. Service repair programs should have as
21 their objective the restoration of service on the same day that the
22 interruption is reported to the company. (Sundays and holidays
23 excepted).

24 (b) Each telephone utility shall conduct its operations in
25 such manner to ensure that, in each exchange, ~~ninety-five (95%)~~

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2 percent of all interruptions in telephone service occurring in any
3 calendar month shall be cleared and service restored within
4 ~~twenty-four (24)~~ hours (Sundays and holidays excepted) after the
5 trouble is reported to the company, except where such interruptions
6 are caused by emergency situations, unavoidable casualties, and
7 acts of God affecting large groups of subscribers.

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

15 (12) Normal maintenance and coin collection activity shall
16 include a review of the cleanliness of each pay telephone station
17 and reasonable efforts shall be made to ensure that 95 percent of
18 all stations are clean and free of obstructions.

19 (13) Except as provided in paragraphs subsections (11)(a),
20 (11)(b), and (11)(c) below, each pay telephone station
21 ~~installed after January 5, 1997~~ shall conform to subsections
22 4.28.8.4 and 4.29 4.29.3 4.29.4 and 4.29.7 4.29.8 of the American
23 National Standards Accessible and Usable Buildings and Facilities,
24 approved December 15, 1992. Specifications for Making Buildings and
25 Facilities Accessible and Usable by Physically Handicapped People,

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2 ~~approved February 5, 1996~~ by the American National Standards
3 Institute, Inc. (ANSI A117.1-~~1992~~1996), which is incorporated by
4 reference into this rule. ~~Each telephone station installed prior~~
5 ~~to January 5, 1997 shall conform to the above standards by January~~
6 ~~3, 1995.~~

7 (a) ~~Where Effective June 1, 1993, where~~ there are two or more
8 pay telephone stations located in a group, there shall be a minimum
9 of one telephone per group of ten which conforms to the ANSI above
10 mentioned standards listed in subsection (13). The conforming
11 station must be physically located in the group of pay telephone
12 stations or must be installed within a clear line of sight within
13 15 feet of the group and the route to the conforming station must
14 be free from wheelchair barriers.

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

19 (c) Pay telephone stations located in buildings which are
20 not wheelchair accessible to physically handicapped persons must
21 comply with all ANSI provisions cited in subsection (13) except
22 that these stations are exempt from complying with ANSI subsections
23 4.22.2 through 4.22.4, 4.22.7, and 4.22.8 until the building is
24 modified to make it wheelchair accessible to the above mentioned
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2 ~~standards upon modification of the building to make it handicap-~~
3 ~~accessible, according to the Americans with Disabilities Act.~~

4 (14) ~~Effective September 1, 1992,~~ Each pay telephone station
5 shall permit end users to input unlimited ~~the additional~~ digits for
6 the duration of the call necessary to complete calling card calls,
7 ~~using any locally available carrier, without operator intervention,~~
8 ~~and to utilize features such as voice mail box and menu driven~~
9 ~~answering devices. This requirement shall not be applicable to pay~~
10 ~~telephones located in confinement facilities.~~

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

16 ~~(15)(16)~~ Toll Fraud Liability.

17 (a) A company providing interexchange telecommunications
18 services or local exchange telecommunications services shall not
19 collect from a pay telephone provider for charges billed to a line
20 for calls which originated from that line through the use of
21 10XXX+0, 10XXX+01, 950-1/0XXXX+0, or 1-800 access codes, or when
22 the call originating from that line otherwise reached an operator
23 position, if the originating line is subscribed to outgoing call
24 screening and the call was placed after the effective date of the
25 outgoing call screening order.

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2 (b) A company providing interexchange telecommunications
3 services or local exchange telecommunications services shall not
4 collect from a pay telephone provider for charges for collect or
5 third number billed calls, if the line to which the call was billed
6 was subscribed to incoming call screening and the call was placed
7 after the effective date of the incoming call screening order.

8 (c) Any calls billed through the provider of local exchange
9 telecommunications services company or directly by an interexchange
10 company, or through a billing agent, which have been identified as
11 not collectible as described in paragraphs (15)(a) and (15)(b)
12 above, must be removed from any pay telephone provider's bill after
13 the pay telephone provider gives notice of the fraudulent charges
14 to the billing party. Such notice shall be provided to the provider
15 of local exchange telecommunications services ~~ISG~~ and interexchange
16 company ~~ISG~~ in writing no later than the due date of the bill.

17 (d) The provider of local exchange telecommunications
18 services ~~ISG~~ is responsible for charges described in paragraph
19 (15)(c) that are associated with the failure of the provider of
20 local exchange telecommunications services's ~~ISG's~~ screening
21 services.

22 (e) The interexchange company ~~ISG~~ is responsible for charges
23 described in paragraph (15)(c) that are associated with the failure
24 to properly validate calls via the appropriate local exchange
25 company data base.

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2 (f) Definitions: For purposes of subsection (15) ~~this rule~~
3 the term:

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

6 (g) Any charges accrued to a subscriber's line when the
7 subscriber has paid the local exchange company to screen calls
8 described in paragraphs (15)(a) and (15)(b) above shall not be the
9 basis for discontinuance of local and intrastate service.

10 ~~(16)(47)~~ Providers serving confinement facilities shall
11 provide for completion of all inmate calls allowed by the
12 confinement facility.

13 (17) Pay telephone stations located in confinement facilities
14 shall be exempt from the requirements of above subsections (1),
15 (3), (4), (6), (11), and (14). Such pay telephone stations shall
16 also be exempt from the requirements of subsection (5), except that
17 outgoing local and long distance calls may be terminated after a
18 minimum lapsed time of 10 minutes and the audible and written
19 disconnect notification shall apply.

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

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

22 History: New 1/5/87, Amended 4/14/92, 12/21/92, 2/3/93, 10/10/94,
23 12/27/94, 9/5/95, _____

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2 25-24.520 Reporting Requirements.

3 (1) Each pay telephone service company shall file with the
4 Commission's Division of Communications updated information for the
5 following items within 10 days after a change occurs:

6 (a) The street address of the certificate holder including
7 number, street name, city, state and zip code, and the mailing
8 address if it differs from the street address ~~also~~.

9 (b) Name, title, and phone number of the individual
10 responsible for contact with the Commission.

11 (2) Each pay telephone service company shall by January 31 of
12 each year provide a report to the provider of local exchange
13 telecommunications services companies listing the station number of
14 all of its pay telephones and location of all of its wireline pay
15 telephones.

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

17 Law Implemented: 350.115, 350.117, 364.17, 364.18, 364.185,
18 364.3375, F.S.

19 History: New 1/5/87, Amended 1/1/91, 12/29/91, _____.

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2 25-4.076 Wireline and Wireless Pay Telephone Service Provided
3 By Local Exchange Companies.

4 (1) ~~Each local exchange company shall, where practical,~~
5 ~~supply at least one coin telephone in each exchange that will be~~
6 ~~available to the public on a twenty four (24) hour basis. This~~
7 ~~coin telephone shall be located in a prominent location in the~~
8 ~~exchange. Except as provided herein, a~~ telephone company may not
9 be required to provide pay telephone service at locations where the
10 revenues derived therefrom are insufficient to support the required
11 investment ~~if unless~~ reasonable public requirements will be served.
12 Pay telephone stations shall be lighted during the hours of
13 darkness when light from other sources is not adequate to read
14 instructions and use the instrument.

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

18 (3) Each pay telephone station shall have the capability of
19 coin free access to a local exchange company toll operator and the
20 universal emergency telephone number "911" where operable, [†] and
21 coin free or coin return access to local directory assistance,
22 intercept, repair service, ₁ and calls to the business office of the
23 company.

24 (4) Each pay telephone station shall be equipped with a
25 legible sign, card, ₁ or plate of reasonable permanence which shall

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2 identify the following: the telephone number and location address
3 of ~~the each~~ station, the name of the certificate holder, ~~and~~ the
4 party responsible for repairs or refunds, free telephone number of
5 responsible party, and clear dialing instructions (including notice
6 of the lack of availability of local or toll service). The
7 identification of the location address for local exchange and pay
8 telephone companies shall be coordinated with the appropriate "911"
9 or emergency center where applicable. For those pay telephone
10 stations that will terminate a local call conversation after a
11 minimum lapsed time of +15+ minutes, notice shall be included on
12 the sign card as well as an audible announcement 30 seconds prior
13 to termination of the phone call.

14 (5) Each pay telephone station which provides access to any
15 long distance carrier shall provide coin free access, except for
16 ~~F~~feature ~~G~~group A access, to all locally available interexchange
17 companies. For pay telephone stations in equal access areas, ~~such~~
18 access shall be provided through the forms of access purchased by
19 locally available long distance carriers and shall include 10XXX+0,
20 950, and 800 access. For those pay telephone stations located in
21 non-equal access areas, 00 shall directly access the AT&T operator.
22 Where 00 is not available, 0- to the LEC operator shall be
23 transferred upon request to an AT&T operator, and the instruction
24 card shall so indicate. No sales solicitation shall be allowed

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2 during the interval between the last digit dialed by the end user
3 and connection with the interexchange carrier.

4 (6) (a) Each wireline pay telephone station shall allow
5 incoming calls to be received, with the exception of those located
6 at confinement facilities, hospitals, ~~and~~ schools, and ~~at~~ locations
7 specifically exempted by the Commission. There shall be no charge
8 for receiving incoming calls. A pay telephone provider may
9 petition the Commission to be exempt from the incoming call
10 requirement for a period that shall not exceed one year. Requests
11 for an exemption from the requirement that each pay telephone
12 station allow incoming calls shall be accompanied by a completed
13 FORM PSC/CMU-2 ~~(x/xx) (10/94)~~, entitled "Request to Block Incoming
14 Calls," which is incorporated into this rule by reference, ~~and~~
15 ~~FORM PSC/CMU-2 (10/94), entitled Request to Block Incoming Calls,~~
16 may be obtained from the Commission's Division of Communications.
17 The form requires an attestation from the owner of the pay
18 telephone, the owner of the pay telephone location, and the Chief
19 of the responsible law enforcement agency that the request is being
20 sought in order to deter criminal activity facilitated by incoming
21 calls being received at the specified pay telephone. A separate
22 form shall be filed for each telephone number for which an
23 exemption is being sought. The Commission may grant an additional
24 request for another one year exemption if the provider of the pay
25 telephone files another Form PSC/CMU-2 on which, in addition to the

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2 signatures of the property owner and pay telephone provider. the
3 chief of the responsible law enforcement agency attests that
4 criminal activity associated with the pay telephone has been
5 reduced because incoming calls were blocked at the pay telephone
6 location. Where incoming calls are not received, central-office
7 based intercept shall be provided at no charge to the ~~end user~~ end-
8 user and a written notice shall be prominently displayed on the
9 instrument directly above or below the telephone number which
10 states: "Incoming calls blocked at request of law enforcement."

11 (b) Each wireless pay telephone station that will not allow
12 incoming calls shall display a notice that the instrument does not
13 allow incoming calls.

14 (7) Where there are fewer than three telephones located in a
15 group, a directory for the entire local calling area shall be
16 maintained at each pay telephone station. Where there are three or
17 more telephones located in a group, a directory for the entire
18 local calling area shall be maintained at every other station.
19 However, where telephone stations are fully enclosed, a directory
20 shall be maintained at each station.

21 (8) Normal maintenance and coin collection activity shall
22 include a review of the cleanliness of each pay telephone station
23 and reasonable efforts shall be made to ensure that 95 percent of
24 all stations are clean and free of obstructions.

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2 (9) Except as provided in paragraphs (9) (a), (9) (b), and 9(c)
3 below, each pay telephone station ~~installed after January 5, 1987~~
4 shall conform to subsections ~~4.22.8.4 and 4.22 4-22.2 4-22.4 and~~
5 ~~4-22.7 4-22.8~~ of the American National Standards Accessible and
6 Usable Buildings and Facilities, approved December 15, 1992,
7 ~~Specifications for Making Buildings and Facilities Accessible and~~
8 ~~Usable by Physically Handicapped People, approved February 5, 1986~~
9 by the American National Standards Institute, Inc. (ANSI
10 A117.1-~~1992~~1996), which is incorporated by reference into this
11 rule. ~~Each telephone station installed prior to January 5, 1987~~
12 ~~shall conform to the above standards by January 1, 1995.~~

13 (a) ~~Effective June 1, 1993, where~~ Where there are two or
14 more pay telephone stations located in a group, there shall be a
15 minimum of one telephone per group of ten which conforms to the
16 ~~ANSI above mentioned standards listed in subsection (9).~~ The
17 conforming station must be physically located in the group of
18 telephone stations or must be installed within a clear line of
19 sight within ~~fifteen~~ 15 feet of the group and the route to the
20 conforming station must be free from wheelchair barriers.

21 (b) Except for locations on floors above or below entry level
22 in buildings not serviced by a ramp or elevator, ~~each~~ pay telephone
23 stations shall be placed in areas accessible to the physically
24 handicapped.

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2 (c) Pay telephone stations located in buildings which are
3 not wheelchair accessible ~~to physically handicapped persons~~ must
4 comply with all ANSI provisions cited in subsection (9) except that
5 these stations are exempt from complying with ANSI subsections
6 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is
7 modified to make it wheelchair accessible ~~the above mentioned~~
8 ~~standards upon modification of the building to make it handicap-~~
9 ~~accessible, according to the Americans with Disabilities Act.~~

10 (10) ~~Effective September 1, 1992, each~~ Each pay telephone
11 shall permit end users to input unlimited ~~the additional~~ digits for
12 the duration of the call necessary to complete calling card calls,
13 ~~using any locally available carrier, without operator intervention,~~
14 ~~and to utilize features such as voice mail box and menu driven~~
15 ~~answering devices. This requirement shall not be applicable to pay~~
16 ~~telephones located in confinement facilities.~~

17 ~~(11) Pay stations located in confinement facilities shall be~~
18 ~~exempt from the requirements of above subsections (1), (3), (5),~~
19 ~~and (7). Such pay stations shall also be exempt from the~~
20 ~~requirements of subsection (4), except for the audible and written~~
21 ~~15 minute disconnect notification.~~

22 ~~(11)(10)~~ Toll Fraud Liability.

23 (a) A company providing interexchange telecommunications
24 services or local exchange telecommunications services shall not
25 collect from a pay telephone provider for charges billed to a line

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2 for calls which originated from that line through the use of
3 10XXX+0, 10XXX+01, 950-~~2-0~~XXXX+0, or 1-800 access codes, or when
4 the call originating from that line otherwise reached an operator
5 position, if the originating line is subscribed to outgoing call
6 screening and the call was placed after the effective date of the
7 outgoing call screening order.

8 (b) A company providing interexchange telecommunications
9 services or local exchange telecommunications services shall not
10 collect from a pay telephone provider for charges for collect or
11 third number billed calls, if the line to which the call was billed
12 was subscribed to incoming call screening and the call was placed
13 after the effective date of the incoming call screening order.

14 (c) Any calls billed through the provider of local exchange
15 telecommunications services company or directly by an interexchange
16 company, or through a billing agent, which have been identified as
17 not collectible as described in paragraphs (11)(a) and (11)(b)
18 above, must be removed from any pay telephone provider's bill after
19 the pay telephone provider gives notice of the fraudulent charges
20 to the billing party. Such notice shall be provided to the
21 provider of local exchange telecommunications services LSC and
22 interexchange company LSC in writing no later than the due date of
23 the bill.

24 (d) The provider of local exchange telecommunications
25 services LSC is responsible for charges described in paragraph

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2 (13)(c) that are associated with the failure of the provider of
3 local exchange telecommunications services' LEC's screening
4 services.

5 (e) The interexchange company ~~INC~~ is responsible for charges
6 described in paragraph (11)(c) that are associated with its failure
7 to properly validate calls via the appropriate local exchange
8 company data base.

9 (f) Definitions: For purposes of subsection (11) ~~this rule~~
10 the term;

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

13 (g) Any charges accrued to a subscriber's line when the
14 subscriber has paid the local exchange company to screen calls
15 described in paragraphs (11)(a) and (11)(b) above shall not be the
16 basis for discontinuance of local or intrastate service.

17 ~~(12)(43)~~ Providers serving confinement facilities shall
18 provide for completion of all inmate calls allowed by the
19 confinement facility.

20 (13) Pay telephone stations located in confinement facilities
21 shall be exempt from the requirements of above subsections (1),
22 (3), (5), (7), and (10). Such pay telephone stations shall also be
23 exempt from the requirements of subsection (4), except that
24 outgoing local and long distance calls may be terminated after a
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DOCKET NO. 951560-TP
DATE: January 4, 1996

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minimum lapsed time of 10 minutes and the audible and written disconnect notification shall apply.

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

Law Implemented: 364.03, F.S.

History: New 12/1/68, Amended 3/31/76, formerly 25-4.76, Amended 1/5/87, 4/14/92, 12/21/92, 2/3/93, 10/10/94, 12/27/94, _____.

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2 25-4.003 Definitions.

3 For the purpose of these rules, the following definitions apply:

4 (1) - (36) No change.

5 (37) "Pay Telephone Service Company" means any
6 telecommunications ~~telephone~~ company, as defined in Section
7 364.02(7) ~~364.02(4)~~, F.S., other than a local ~~exchange~~
8 telecommunications ~~company~~, which provides pay telephone service
9 as defined in Section 364.335(3) ~~364.335(4)~~, F.S.

10 (38) - (41) No change.

11 (42) "Service Interruption." The term "service interruption"
12 shall mean the inability to complete calls over the subscriber's
13 line either incoming or outgoing or both due to facility
14 malfunctions or human errors, except that the term as used in these
15 rules shall not include service difficulties such as slow dial
16 tone, circuits busy or other network and/or switching capacity
17 shortages, nor shall it be construed to apply where service is
18 interrupted by the negligence ~~negligence~~ or willful act of the
19 subscriber, emergency situations, unavoidable casualties and acts
20 of God, or nonservice affecting reports, or where the company,
21 pursuant to approved provisions of its tariff, suspends or
22 terminates service because of non-payment of bills due to the
23 company, unlawful or improper use of the facilities or service or
24 any other proper reason covered by filed and approved tariffs or
25 rules of the Commission.

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(43) - (56) No change.

(57) "Wireless Pay Telephone Service" is any pay telephone service not connected by any physical means to the Public Switched Network and is available to the public for hire, except pay telephone stations located inside public transportation vehicles.

(58) "Wireline Pay Telephone Service" is any pay telephone service connected by any physical means to the Public Switched Network.

(59) ~~49~~ "Zone Charge." Similar to mileage charge except that the portion of exchanges service area located beyond the base rate area is divided into zones or bands within which rates common to all subscribers for the same class are provided for individual line and two-party line service.

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

Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337, F.S.

History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.03, Amended 2/23/87, 3/4/92, 12/21/93, _____.

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FLORIDA PUBLIC SERVICE COMMISSION**REQUEST TO BLOCK INCOMING CALLS**

PAY TELEPHONE NUMBER: _____

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): _____

To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above, I request that I be granted a 12 month exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-24.515(8) or 25-4.076(8), F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the end-user and to prominently display a written notice directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement." I understand that, if granted, this exemption will only be in effect for 12 months. If any party wishes for the exemption to continue longer than 12 months, side 2 of this form must be completed and returned to the Commission staff prior to the end of the 12 month period.

I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: _____ DATE _____

NAME AND TITLE (PRINT OR TYPE): _____

NAME OF PAY TELEPHONE COMPANY: _____

MAILING ADDRESS: _____

I, the undersigned owner of the above-referenced pay telephone location, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at the pay telephone will eliminate or help control that activity and attest to this fact by my signature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF LOCATION OWNER: _____ DATE _____

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): _____

MAILING ADDRESS: _____

I, the undersigned Chief of the law enforcement agency of the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at this pay telephone will eliminate or help control that activity and attest to this fact by my signature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: _____ DATE _____

NAME AND TITLE (PRINT OR TYPE): _____

NAME OF LAW ENFORCEMENT AGENCY: _____

MAILING ADDRESS: _____

FLORIDA PUBLIC SERVICE COMMISSION**REQUEST TO BLOCK INCOMING CALLS
(for an additional 12 months)**

PAY TELEPHONE NUMBER: _____

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): _____

To continue deterring criminal activity at the pay telephone listed above, I request that I be granted an additional 12 month exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-24.515(8) or 25-4.076(6), F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the end-user and to prominently display a written notice directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: _____ DATE _____

NAME AND TITLE (PRINT OR TYPE): _____

NAME OF PAY TELEPHONE COMPANY: _____

MAILING ADDRESS: _____

I, the undersigned owner of the above-referenced pay telephone location, declare that to the best of my knowledge and belief, criminal activity has been reduced at the pay telephone number and location referenced above because incoming calls were blocked for the previous 12 months. It is my belief that allowing incoming calls to be blocked at the pay telephone for an additional 12 months will continue to eliminate or help control that activity and attest to this fact by my signature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF LOCATION OWNER: _____ DATE _____

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): _____

MAILING ADDRESS: _____

I, the undersigned Chief of the law enforcement agency of the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, criminal activity has been reduced at the pay telephone location referenced above because incoming calls were blocked for the previous 12 months. Therefore, I believe it will be in the public interest to continue the blocking of incoming calls for an additional 12 months and attest to this fact by my signature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: _____ DATE _____

NAME AND TITLE (PRINT OR TYPE): _____

NAME OF LAW ENFORCEMENT AGENCY: _____

MAILING ADDRESS: _____

MEMORANDUM

December 8, 1995

TO: DIVISION OF APPEALS (MELTON)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *PH JMD*

SUBJECT: ECONOMIC IMPACT STATEMENT FOR PROPOSED REVISIONS TO RULE 25-24.505, 25-24.511, 25-24.515, 25-24.520, 25-4.076, AND 25-4.003, FAC, RULES GOVERNING PAY TELEPHONE SERVICE

SUMMARY OF THE RULE

Currently, the pay telephone rules contain the requirements for providing pay telephone service. The proposed rule changes would update and streamline these rules, add definitions, update references to American National Standards Institute (ANSI) specifications, explicitly include wireless pay telephone service, and address incoming call blocking requirements. Notice of call blocking of wireless pay telephones would be explicitly required. Exemptions for allowing blocking of incoming calls would be limited to one year. There would be the possibility of an additional year exemption upon the attestation of the property owner and the chief of the responsible law enforcement agency that blocking incoming calls had reduced criminal activity associated with a particular pay telephone. Revisions to Form PSC/CNU-2 are included in the rule revisions. In addition, confinement facilities' pay telephone stations would be exempt from some requirements.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

The Commission currently regulates pay telephone service and call blocking requests. The proposed rule revisions should streamline those activities and could reduce staff effort in these areas with a reduction in complaints concerning call blocking.

COSTS AND BENEFITS TO THOSE PARTIES DIRECTLY AFFECTED BY THE RULE

The companies providing pay telephone services would be affected by the proposed rule changes. Complying with the proposed rule revisions would cause

pay telephone providers to incur additional costs according to the Florida Public Telecommunications Association (FPTA). These costs would be associated with additional paperwork created by the necessity to maintain and update separate accounts for pay telephone exemptions about to expire. Company personnel would also have to be sent to acquire signatures for refiling exemptions, diverting them from their regular jobs. There could be problems locating the persons necessary for a signature. Clarification of the ANSI requirements would benefit pay telephone providers.

Users of pay telephones should benefit from the one-year limitation for call blocking. There would not be multiple extensions of a call blocking exemption unless criminal activity had been reduced and attested to by the chief of the responsible law enforcement agency. FPTA believes that at the end of the exemption, the criminal element would have an open invitation to return to the location of the pay station.

REASONABLE ALTERNATIVE METHODS

The alternatives to limiting call blocking to a year would either be for a shorter period or a longer period. A shorter period may not eliminate the criminal activity that instigated the blocking, and a longer period would unnecessarily deprive pay telephone users of receiving incoming calls.

The FPTA states that the majority of its members would like incoming call blocking requests to be automatically granted by staff's receipt of a properly completed form. The FPTA also opposes the proposed one-year limitation on exemptions but that may not be in some end-users' best interest.

IMPACT ON SMALL BUSINESSES

None of the individual pay telephone providers that are small businesses surveyed responded to a data request asking for information on positive or negative impacts. However, the industry association responded for its members, which include small businesses, and suggested that there would be some negative impact. The proposed rules attempt to balance the interests of small businesses with the interests of their customers.

IMPACT ON COMPETITION

There should be no significant impact on competition because all pay telephone providers would have the same requirements on call blocking and other requirements in the proposed rule revisions.

IMPACT ON EMPLOYMENT

There may be some slight impact on employment because the proposed rule revisions could increase the time employees take to acquire signatures for extensions of exemptions and to maintain separate accounts for those pay telephones with exemptions.

METHODOLOGY

Workshops were held concerning the proposed rule revisions with industry and law enforcement parties participating. Data requests were sent to pay telephone providers. Discussions were held with technical and legal staff. Related rules and statutes were examined and referenced. Standard microeconomic analysis was used to determine the estimated impact.

CBH:tf/e-patel