

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to
Rules 25-24.600, F.A.C.,
Application and Scope; 25-
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.

DOCKET NO. 950561-TP
ORDER NO. PSC-97-0614-FOF-TP
ISSUED: May 29, 1997

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Florida Public Service
Commission, pursuant to Section 120.54, Florida Statutes, has
adopted Rules 25-24.600, 25-24.610, 25-24.620, and 25-24.640,
Florida Administrative Code, relating to operator service providers
and to call aggregators, with changes.

The rules will be filed with the Department of State upon
dismissal of Division of Administrative Hearings, Case No. 96-
5318RP and will be effective 20 days after filing. A copy of the
rule as adopted by the Commission is attached to this Notice.

This docket will be closed upon filing of the rules with the
Secretary of State.

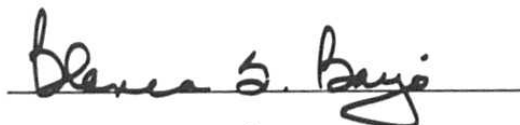
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FPSC-RECORDS-REPORTING

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By ORDER of the Florida Public Service Commission, this 29th
day of May, 1997.

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

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

CTM

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+), 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 telecommunications telephone companies in Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes, (1995+).

Specific Authority: 350.127(2), 364.3376(8), F. S.

Law Implemented: 364.01, 364.3376, F.S.

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. ~~H~~otel as defined in Section 509.242 (1)(a), Florida Statutes F.S. (1995), ~~L~~.

2. ~~M~~otel as defined in Section 509.242 (1)(b), Florida Statutes F.S. (1995), ~~L~~.

3. ~~R~~esort condominium as defined in Section 509.242 (1)(c), Florida Statutes F.S. (1995), ~~L~~.

4. ~~T~~ransient apartment as defined in Section 509.242 (1)(e), Florida Statutes F.S. (1995), ~~L~~.

5. ~~R~~oominghouse as defined in Section 509.242 (1)(f), Florida Statutes F.S. (1995), ~~L~~.

6. ~~R~~esort dwelling as defined in Section 509.242 (1)(g), Florida Statutes F.S. (1995), ~~L~~.

7. ~~S~~chools required to comply with any portion of Chapters 228 and 246, Florida Statutes F.S., (1995~~+~~), or Section Chapter 229.808, Florida Statutes F.S., (1995~~+~~)~~.~~

8. ~~N~~ursing home licensed under as defined in Section 400.062, Florida Statutes F.S., (1995~~+~~)~~.~~

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

10. ~~H~~ospital licensed under as defined in Section 395.003, Florida Statutes F.S., (1995~~+~~)~~.~~

~~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. § 1701g (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 364.3376(5), Florida Statutes (1995). "Surcharge" includes any charge billed by a call aggregator that is associated with a call billed by another entity.

(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</u> None
<u>25-4.019</u>	<u>Records and Reports</u> <u>in General</u>	<u>All</u>
<u>25-4.020</u>	<u>Location and Preservation</u> <u>of Records</u>	<u>(2) and (3)</u>

Specific Authority: 350.127(2), 364.3376(8) ~~340.127(2)~~, F.S.

Law Implemented: 364.01, 364.016, 364.3376, F.S.

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 toll free ~~any operator service provider's 1-800~~ access codes such as 800 and 888; except that Feature Group A (seven-digit local number) 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~~oute 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, 888, 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, 888 or 10XXX; and

(e)(d) 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;~~

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~~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), F.S.

Law Implemented: 364.01, 364.3376, F.S.

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

25-24.640 Service Requirements for Call Aggregators.

(1) Every call aggregator shall:

(a) Allow end users to access, at a charge that is no greater than the amount the call aggregator charges for calls placed using the presubscribed provider of operator services, all locally available interexchange companies via all locally available methods of access, including 10XXX, 950-XXXX, and toll free access codes such as 800 and 888;

(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, 888, 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, 888, or 10XXX; and

(e) Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services 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;

7. If a surcharge applies whether or not the call is completed;

8. If rate information for a local or long distance call is posted, the rate information shall be clearly separated and identified from the surcharge.

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

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(2) 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.

(3) 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.

Specific Authority: 350.127(2), 364.3376(5) & (8), F.S.

Law Implemented: 364.01, 364.3376, F.S.

History: New _____.