

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: PROPOSED AMENDMENT TO RULE 25-24.515, F.A.C.

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: July 30, 2004

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rule 25-24.515 Florida Administrative Code, to amend provisions relating to accessibility of payphones to disabled persons.

The attached Notice of Proposed Rule Development will appear in the August 6, 2004, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at a time and place that will be announced

The request must be submitted in writing to Marlene Stern, Appeals, Rules & Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, and should be submitted for receipt by the Commission no later than August 20, 1004.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

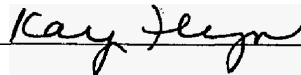
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FPSC-COMMISSION CLERK

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By Direction of the Florida Public Service Commission, this 30th day of July, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

A handwritten signature in cursive script, reading "Kay Flynn", is written over a horizontal line. The signature is written in black ink on a light-colored background.

Kay Flynn, Chief
Bureau of Records

(SEAL)

MKS

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FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE:

RULE NO.:

Pay Telephone Service

25-24.515

PURPOSE AND EFFECT: To change the reference from the ANSI Standards for Accessible Design to the ADA Standards for Accessible Design in 28 CFR Part 36 (July 1, 2003).

SUBJECT AREA TO BE ADDRESSED: Design criteria for pay telephone booths to make them accessible to disabled persons.

SPECIFIC AUTHORITY: 350.127, 364.03, and 364.3375, F.S.

LAW IMPLEMENTED: 364.03 and 364.3375, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO MARLENE STERN, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK BLVD., TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT IS: RAY KENNEDY, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, 850-413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.515 Pay Telephone Service.

(1) – (9) No change.

(10) Each pay telephone station ~~that~~ ~~which~~ provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.

(11) – (17) No change.

(18)(a) Except as provided in paragraphs (18)(b)-(d) below, each pay telephone station shall conform to sections 4.1.3(17), 4.2.4, 4.2.5, 4.2.6, 4.5.1, 4.31.2, 4.31.3, and 4.31.5 ~~703.7.2.3~~ ~~and 704~~ of the ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36, (July 1, 2003 Edition) ~~American National Standards Accessible and Usable Buildings and Facilities, approved, by the American National Standards Institute, Inc. (ANSI~~

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~~A117.1-1998~~), which sections are is incorporated by reference into this rule. This rule does not apply to public text telephone and closed circuit telephones.

~~(b) Where there are two or more pay telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the ANSI standards listed in paragraph (18)(a). The conforming station must be physically located in the group of pay telephone stations or must be installed within a clear line of sight within 15 feet of the group and the route to the conforming station must be free from wheelchair barriers.~~

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

~~(b)(d)~~ Pay telephones shall not be installed where the required “clear floor or ground space” provided for in ADA Accessibility Guidelines for Buildings and Facilities ANSI sections 4.2.4.1, 4.2.4.2, and 4.31.2 ~~704.2.1~~ would be reduced by a vehicle parked in a designated parking space.

(19) No change.

(20) Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges billed to a line for calls that ~~which~~ originated from that line through the use of access codes such as 10XXX, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or when the

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call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) – (23) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS.

History–New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02.