

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: PAY TELEPHONE RULES 25-24.510, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED, 25-24.511, F.A.C., APPLICATION FOR CERTIFICATE, 25-24.512, F.A.C., APPLICATION FOR APPROVAL OF SALE, ASSIGNMENT OR TRANSFER OF CERTIFICATE, 25-24.514, F.A.C., CANCELLATION OF A CERTIFICATE, AND 25.24.515, F.A.C., PAY TELEPHONE SERVICE

ISSUED: September 21, 2012

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to repeal Rule 25-24.510 and amend Rules 25-24.511, 25-24.512, 25-24.514, 25-24.515, Florida Administrative Code, to update and codify Pay Telephone Service requirements based on the Regulatory Reform Act of 2011.

The attached Notice of Development of Rulemaking will appear in the September 21, 2012 edition of the Florida Administrative Weekly. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Weekly. Written requests for a rule development workshop must be submitted to Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us by October 5, 2012. A copy of the preliminary draft rules is attached.


DOCUMENT NUMBER-DATE

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By DIRECTION of the Florida Public Service Commission this 21st day of September,
2012.

By: 

Hong Wang
Chief Deputy Commission Clerk
2540 Shumard Oak Boulevard
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-24.510: Certificate of Public Convenience and Necessity Required

25-24.511: Application for Certificate

25-24.512: Application for Approval of Sale, Assignment or Transfer of Certificate

25-24.514: Cancellation of a Certificate

25-24.515: Pay Telephone Service

PURPOSE AND EFFECT: The rule repeals and revisions are intended to implement the Regulatory Reform Act of 2011, in regard to pay telephones. Rule 25-24.510, on Certificate of Public Convenience and Necessity Required would be repealed. Rule 25-24.511, on Application for Certificate is being revised to specifically identify the Commission website. Rule 25-24.512 is revised to refer specifically to the Commission website and to refer to certificates of authority or necessity. Rule 25-24.514 is revised to remove unnecessary language. Rule 25-24.515 on Pay Telephone Service is revised to repeal some provisions no longer authorized by the Regulatory Reform Act of 2011, and to require each pay telephone station to permit free access to the universal telephone number "911".

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Pay Telephone Service

RULEMAKING AUTHORITY: 350.127(2), 365.171, FS

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, 365.171, FS

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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1 **25-24.510 Certificate of Public Convenience and Necessity Required.**

2 ~~No person shall provide pay telephone service without first obtaining a certificate of public~~
3 ~~convenience and necessity from the Commission. Services may not be provided, nor may~~
4 ~~deposits or payment for services be collected until the effective date of a certificate, if granted.~~
5 ~~However, acquisition of equipment and facilities, advertising and other promotional activities~~
6 ~~may begin prior to the effective date of the certificate at the company's risk that it may not be~~
7 ~~granted. In any customer contacts or advertisements prior to certification, the company must~~
8 ~~advise the customer that certification has not and may never be granted.~~

9 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337,*
10 *364.345 FS. History-New 1-5-87, Amended 5-15-89, Repealed_____.*

11 **25-24.511 Application for Certificate**

12 (1) Any person desiring to provide pay telephone services must have a pay telephone service
13 certificate.

14 (2) An applicant shall submit an application on Form PSC/~~TELRAD~~ 32 (5/08), entitled
15 "Application Form for Authority to Provide Pay Telephone Service Within the State of
16 Florida," which is incorporated into this rule by reference and may be obtained from the
17 Commission's website at www.floridapsc.com/utilities/telecomm/ or from the Office of
18 Telecommunications, Division of Regulatory Analysis. Such form may also be accessed at
19 the Department of State website at _____. A non-refundable application fee of \$250.00
20 must accompany the filing of all applications.

21 (3) An original and one copy of the application shall be filed with the Office of Commission
22 Clerk.

23 (4) Any pay telephone service authority previously granted or granted hereafter is subject to
24 the following:

25 (a) Authority granted is statewide.

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

4 *Rulemaking Authority 350.127(2) FS Law Implemented 364.32, 364.33, 364.335, 364.337,*
5 *364.3375, 364.345 FS. History—New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92,*
6 *2-1-99, 1-5-06, 5-29-08, _____.*

7 **25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate**

8 (1) Certificates of authority or ~~public convenience and~~ necessity authorizing pay
9 telephone service shall not be sold, assigned or transferred by the holder without prior
10 Commission approval.

11 (2) A person seeking to obtain a certificate from a of sale, assignment or transfer from
12 the holder shall submit an application jointly with the certificate holder on Commission Form
13 PSC/~~TEL-RAD~~ 32 (07/12)(05/08), entitled “Application Form for Authority to Provide Pay
14 Telephone Service Within the State of Florida.”. The application form may be obtained from
15 the Commission’s website at www.floridapsc.com/utilities/telecomm/ or from the Office of
16 Telecommunications. Division of Regulatory Analysis. Such form may also be accessed at
17 the Department of State website at _____. A nonrefundable application fee of \$250.00
18 must accompany the filing of all applications to cover processing costs. The Commission’s
19 acceptance of the application fee does not imply that the application for sale, assignment or
20 transfer of a certificate will be granted.

21 (3) An original and one copy of the application shall be filed with the Office of
22 Commission Clerk.

23 (4) An application for sale, assignment or transfer of a certificate will be granted if the
24 Commission determines that such approval is in the public interest.

25 (5) A certificate may be sold, assigned, or transferred only as a whole.

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1 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.337, 364.3375,*
2 *364.345 FS. History-New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, _____.*

3 **25-24.514 Cancellation of a Certificate.**

4 (1) The Commission's cancellation of a certificate shall be based on one or more of
5 the following reasons: ~~The Commission may cancel a company's certificate for any of the~~
6 ~~following reasons:~~

- 7 (a) Violation of the terms and conditions under which the authority was originally
8 granted;
- 9 (b) Violation of Commission rules or orders;
- 10 (c) Violation of Florida Statutes; or
- 11 (d) Failure to provide service for a period of six (6) months.

12 (2) If a certificated company desires to cancel its certificate, it shall request
13 cancellation from the Commission in writing and shall provide a statement of intent and date
14 to pay Regulatory Assessment Fees ~~the following~~ with its request.

15 (a) ~~Statement of intent and date to pay Regulatory Assessment Fee.~~

16 (b) ~~Statement of why the certificate is proposed to be cancelled.~~

17 (3) Cancellation of a certificate shall be ordered subject to the holder providing the
18 information required by subsection (2).

19 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.03,*
20 *364.285, 364.337, 364.345 FS. History-New 1-5-87, Amended _____.*

21 **25-24.515 Pay Telephone Service.**

22 (1) ~~For the purposes of this section, the term "direct free" shall mean without requiring~~
23 ~~the use of a coin, paper money, credit card, or any other form of payment, even if the payment~~
24 ~~will be returned.~~

25 (2) ~~Pay telephone stations shall be lighted during the hours of darkness when light~~

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1 ~~from other sources is not adequate to read instructions and use the instrument.~~

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

4 ~~(4) Each pay telephone station shall permit direct free access to the universal~~
5 ~~telephone number "911" where operable.~~

6 ~~(5) Each pay telephone station shall permit direct free access to dialtone.~~

7 ~~(6) Each pay telephone station shall permit direct free access to toll free numbers (e.g.,~~
8 ~~800, 877, and 888).~~

9 ~~(7) Each pay telephone station shall complete calls to local and long distance directory~~
10 ~~assistance.~~

11 ~~(8) Each pay telephone station shall complete calls to the responsible party for repairs~~
12 ~~or refunds by direct free access.~~

13 ~~(1) (9) Each pay telephone station shall be equipped with a legible sign, card, or plate~~
14 ~~of reasonable permanence which shall identify the following:~~

15 ~~(a) The telephone number and location address of the pay telephone station,~~

16 ~~(b) The name and certificate number of the certificate holder,~~

17 ~~(c) The party responsible for repairs and refunds, address of responsible party, free~~
18 ~~phone number of responsible party,~~

19 ~~(d) Celear dialing instructions (including notice of the lack of availability of local and~~
20 ~~toll services), and~~

21 ~~(e) the local coin rate.~~

22 ~~(b) For those pay telephone stations that will terminate conversation after a minimum~~
23 ~~elapsed time, notice shall be included on the sign card as well as an audible announcement 30~~
24 ~~seconds prior to termination of the phone call.~~

25 ~~(2) Pay telephone stations shall be lighted during the hours of darkness when light~~

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1 from other sources is not adequate to read instructions and use the instrument.

2 ~~(3)~~ (10) Each pay telephone station that provides access to any interexchange
3 company shall provide coin free access, ~~except for Feature Group A access,~~ to all locally
4 available interexchange companies. The pay telephone station shall provide such access
5 through the forms of access purchased by locally available long distance carriers such as
6 10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.

7 (4) Each pay telephone station shall permit free access to the universal telephone
8 number "911".

9 ~~(11)~~ No sales solicitation shall be allowed during the interval between the last digit
10 dialed by the end user and connection with the interexchange carrier.

11 ~~(12)~~ All 0 calls shall be routed to a telecommunications company that is authorized
12 by the Commission to handle 0 calls. All other calls, including operator service calls, may be
13 routed to the pay telephone provider's carrier of choice, unless the end user dials the
14 appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX,
15 and toll free access (e.g., 800, 877, and 888).

16 ~~(13)(a)~~ Each pay telephone station shall allow incoming calls to be received at all
17 times, with the exception of those located at hospitals, schools, and locations specifically
18 exempted by the Commission. There shall be no charge for receiving incoming calls.

19 ~~(b)~~ A pay telephone provider may petition the Commission for an exemption from the
20 incoming call requirement for a period that shall not exceed two years from the effective date
21 of the Order granting the exemption. Requests for exemption from the requirement that each
22 pay telephone station shall allow incoming calls shall be accompanied by a completed Form
23 PSC/RAD-2 (02-99), entitled "Request to Block Incoming Calls," which is incorporated into
24 this rule by reference and may be obtained from the Commission's Division of Regulatory
25 Analysis. The form requires an attestation from the owner of the pay telephone, the owner of
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existing law.

1 ~~the pay telephone location, and the chief of the responsible law enforcement agency that the~~
2 ~~request is sought in order to deter criminal activity facilitated incoming calls being received at~~
3 ~~the specified pay telephone. A separate form shall be filed for each telephone number for~~
4 ~~which an exemption is sought. The provider of the pay telephone may request subsequent~~
5 ~~two-year exemptions by filing another Form PSC/RAD-2 (02-99). Where incoming calls are~~
6 ~~not received, central-office based intercept shall be provided at no charge to the end user and a~~
7 ~~written notice shall be prominently displayed on the instrument directly above or below the~~
8 ~~telephone number which states: "Incoming calls blocked at request of law enforcement."~~

9 ~~(14) Each pay telephone station must be connected to an individual access line.~~

10 ~~(15)(a) Each pay telephone service company shall permit outgoing calls to be placed~~
11 ~~from its pay telephone stations at all times.~~

12 ~~(b) Each pay telephone service company shall make all reasonable efforts to minimize~~
13 ~~the extent and duration of interruptions of service. Service repair programs should have as~~
14 ~~their objective the restoration of service on the same day that the interruption is reported to the~~
15 ~~company. (Sundays and holidays excepted.)~~

16 ~~(16)(a) Where there is a single pay telephone station, a directory shall be maintained~~
17 ~~at each station. Where there are two or more pay telephone stations located in a group, a~~
18 ~~directory for the entire local calling area shall be maintained at every other station. However,~~
19 ~~where telephone pay stations are fully enclosed, a directory shall be maintained at each pay~~
20 ~~telephone station. For purposes of this rule, the term "directory" shall mean both a current~~
21 ~~white page directory for the local calling area and a reasonably current yellow page directory~~
22 ~~that is appropriate for the calling area of the pay telephone station.~~

23 ~~(b) Pay telephone stations that provide local directory assistance at no charge are~~
24 ~~exempt from the provisions in paragraph (16)(a). A notice must appear on the placard if local~~
25 ~~directory assistance at no charge is being provided.~~

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1 ~~(17) Normal maintenance and coin collection activity shall include a review of the~~
2 ~~cleanliness of each pay telephone station.~~

3 ~~(18)(a) Except as provided in paragraph (18)(b) below, each pay telephone station~~
4 ~~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 of the~~
5 ~~ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36,~~
6 ~~(July 1, 2003 Edition), which sections are incorporated by reference into this rule. This rule~~
7 ~~does not apply to public text telephone and closed-circuit telephones.~~

8 ~~(b) Pay telephones shall not be installed where the required “clear floor or ground~~
9 ~~space” provided for in ADA Accessibility Guidelines for Buildings and Facilities sections~~
10 ~~4.2.4.1, 4.2.4.2, and 4.31.2 would be reduced by a vehicle parked in a designated parking~~
11 ~~space.~~

12 ~~(19) Each pay telephone station shall permit end users to input unlimited digits for the~~
13 ~~duration of the call.~~

14 ~~(20) Toll Fraud Liability~~

15 ~~(a) A company providing interexchange telecommunications services or local~~
16 ~~exchange telecommunications services shall not collect from a pay telephone provider for~~
17 ~~charges billed to a line for calls that originated from that line through the use of access codes~~
18 ~~such as 10XXX, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or~~
19 ~~when the call originating from that line otherwise reached an operator position, if the~~
20 ~~originating line is subscribed to outgoing call screening and the call was placed after the~~
21 ~~effective date of the outgoing call screening order.~~

22 ~~(b) A company providing interexchange telecommunications services or local~~
23 ~~exchange telecommunications services shall not collect from a pay telephone provider for~~
24 ~~charges for collect or third number billed calls, if the line to which the call was billed was~~
25 ~~subscribed to incoming call screening and the call was placed after the effective date of the~~

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1 ~~incoming call screening order.~~

2 ~~(c) Any calls billed through the provider of local exchange telecommunications~~
3 ~~services or directly by an interexchange company, or through a billing agent, which have been~~
4 ~~identified as not collectible as described in paragraphs (20)(a) and (b) above, must be removed~~
5 ~~from any pay telephone provider's bill after the pay telephone provider gives notice of the~~
6 ~~fraudulent charges to the billing party. Pay telephone providers shall give such notice to the~~
7 ~~provider of the local exchange telecommunications services and the interexchange company in~~
8 ~~writing no later than the due date of the bill.~~

9 ~~(d) The provider of local exchange telecommunications services is responsible for~~
10 ~~charges described in paragraph (20)(c) that are associated with the failure of the provider of~~
11 ~~local exchange telecommunications services' screening services.~~

12 ~~(e) The interexchange company is responsible for charges described in paragraph~~
13 ~~(20)(c) that are associated with the failure to properly validate calls via the appropriate~~
14 ~~provider of local exchange telecommunications services' data base.~~

15 ~~(f) Definitions: For purposes of subsection (20) the term "Effective Date" shall mean~~
16 ~~the date after the call screening order was placed and associated charges apply.~~

17 ~~(g) Any charges accrued to a line when the subscriber has subscribed to the provider~~
18 ~~of local exchange telecommunications services to screen calls described in paragraphs (20)(a)~~
19 ~~and (b) above shall not be the basis for discontinuance of local and intrastate service.~~

20 ~~(21) Providers serving confinement facilities shall provide for completion of all~~
21 ~~inmate calls allowed by the confinement facility.~~

22 ~~(22) Pay telephone stations located in confinement facilities shall be exempt from the~~
23 ~~requirements of subsections (2), (4), (6), (7), (8), (10), (12), (13), (15), (16), and (19) of this~~
24 ~~rule. Such pay telephone stations shall be exempt from the requirements of subsection (9),~~
25 ~~except that outgoing local and long distance calls may not be terminated until after a minimum~~

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1 ~~elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one~~
2 ~~access line shall not be connected to more than three pay telephone stations.~~

3 ~~(23) Pay telephone facilities shall be designed, constructed, installed, maintained and~~
4 ~~operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-~~
5 ~~2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.~~
6 *Rulemaking Authority 350.127(2), 365.171.(8) F.S. Law Implemented 364.3375, 365.171 F.S.*
7 *History – New 1-5-87, Amended 4-14-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-*
8 *02, 4-5-05, 12-29-05, 9-5-07, _____.*

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