

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** January 18, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Cindy Miller, Office of the General Counsel  
**RE:** Docket No. 120262-TC

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Please file the attached rule certification packet for Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514, 25-24.515, F.A.C., in the docket file listed above.

Thank you.

Attachment

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DOCUMENT NUMBER-DATE

00366 JAN 18 2013

FPSC-COMMISSION CLERK

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STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

# Public Service Commission

January 18, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514, 25-24.515.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514, 25-24.515, consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

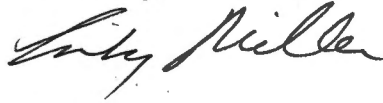
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TALLAHASSEE, FLORIDA

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Page 2

Please let me know if you have any questions. The contact name and information for these rules is Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "Cindy Miller".

Cindy Miller  
Senior Attorney

Enclosures

**Julie Phillips**

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**From:** FL-Rules@dos.state.fl.us  
**Sent:** Wednesday, January 09, 2013 11:52 AM  
**To:** Julie Phillips  
**Cc:** flrules@dos.state.fl.us  
**Subject:** 25-24.511 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

Rule Number: 25-24.511

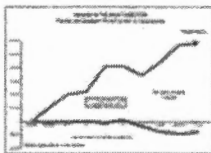
Reference Number: Ref-02213; Reference Name: Form PSC/TEL 32 (2/13)

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**Julie Phillips**

---

**From:** FL-Rules@dos.state.fl.us  
**Sent:** Wednesday, January 09, 2013 11:50 AM  
**To:** Julie Phillips  
**Cc:** flrules@dos.state.fl.us  
**Subject:** 25-24.512 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

Rule Number: 25-24.512

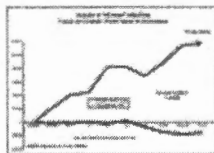
Reference Number: Ref-02214; Reference Name: Form PSC/TEL 32 (2/13)


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CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-24.510

25-24.511

25-24.512

25-24.514

25-24.515

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk \_\_\_\_\_  
Title \_\_\_\_\_  
Number of Pages Certified 7

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rules 25-24.511 and 25-24.512 have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

Form PSC/TEL 32 (2/13), Application Form for Authority to Provide Pay Telephone Service within the State of Florida

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

  
\_\_\_\_\_  
Ann Cole

\_\_\_\_\_  
Commission Clerk



25-24.510 Certificate of Public Convenience and Necessity Required.

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

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.*

*History-New 1-5-87, Amended 5-15-89, Repealed.*

25-24.511 Application for Certificate.

- (1) Any person desiring to provide pay telephone services must have a pay telephone service certificate.
- (2) An applicant shall submit an application on Form PSC/~~TELRAD~~ 32 (2/13)~~(5/08)~~, entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of Telecommunications, Division of Regulatory Analysis. Such form may also be accessed at the Department of State website at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02213>. A non-refundable application fee of \$250.00 must accompany the filing of all applications.
- (3) An original and one copy of the application shall be filed with the Office of Commission Clerk.
- (4) Any pay telephone service authority previously granted or granted hereafter is subject to the following:
  - (a) Authority granted is statewide.
  - (b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to provide pay telephone service does not carry with it the authority to provide local exchange or interexchange service. A separate application must be made for such authority.

*Rulemaking Authority 350.127(2) FS Law Implemented 364.32, 364.33, 364.335, ~~364.337~~, 364.3375,*

*~~364.345~~ FS. History-New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08,*

*Amended \_\_\_\_\_.*

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

- (1) Certificates of ~~public convenience and~~ authority or necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.
- (2) A person seeking to obtain a certificate of ~~from a sale, assignment~~ or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/ ~~TEL-RAD 32 (2/13)(05/08)~~, entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida." The application form may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the ~~Office of Telecommunications Division of Regulatory Analysis~~. Such form may also be accessed at the Department of State website at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02214>. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, ~~assignment~~ or transfer of a certificate will be granted.
- (3) An original and one copy of the application shall be filed with the Office of Commission Clerk.
- (4) An application for sale, ~~assignment~~ or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.
- (5) A certificate may be sold, ~~assigned~~, or transferred only as a whole.

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

25-24.514 Cancellation of a Certificate.

- (1) The Commission's cancellation of a certificate shall be based on one or more of the following reasons:  
~~The Commission may cancel a company's certificate for any of the following reasons:~~
  - (a) Violation of the terms and conditions under which the authority was originally granted;
  - (b) Violation of Commission rules or orders;
  - (c) Violation of Florida Statutes; or
  - (d) Failure to provide service for a period of six (6) months.
- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide a statement of intent and date to pay Regulatory Assessment Fees

the following with its request.

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

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

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

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS. History-New 1-5-8, Amended \_\_\_\_\_.*

#### 25-24.515 Pay Telephone Service

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

~~(2) Pay telephone stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

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

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

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

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

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

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

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

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

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

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

(d) Clear dialing instructions (including notice of the lack of availability of local and toll services),

(e) The local coin rate.

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

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

(3) ~~(10)~~ Each pay telephone station that 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.

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

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

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

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

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

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

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

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

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

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

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

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

(18)(a) Except as provided in paragraph (18)(b) 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 of the ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36, (July 1, 2003 Edition), which sections are

~~incorporated by reference into this rule. This rule does not apply to public text telephone and closed circuit telephones.~~

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

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

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

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

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

~~(e) The interexchange company is responsible for charges described in paragraph (20)(c) that are associated with the failure to properly validate calls via the appropriate provider of local exchange~~

telecommunications services' data base.

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

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

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

~~(22) Pay telephone stations located in confinement facilities shall be exempt from the requirements of subsections (2), (4), (6), (7), (8), (10), (12), (13), (15), (16), and (19) of this rule. Such pay telephone stations shall be exempt from the requirements of subsection (9), except that outgoing local and long distance calls may not be terminated until after a minimum elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations.~~

~~(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.~~

*Rulemaking Authority 350.127(2), 365.171.(8) F.S. Law Implemented 364.3375, 365.171 F.S. History – New 1-5-87, Amended 4-14-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, 12-29-05, 9-5-07, Amended \_\_\_\_\_.*

## SUMMARY OF THE RULE

Rule 25-24.510, Certificate of Public Convenience and Necessity Required, is repealed to reflect the 2011 Legislature's revisions to Sec. 364.33, Florida Statutes. Amendment of Rule 25-24.511, Application of Certificate and Rule 25-24.512, Application for Approval of Sale, Assignment or Transfer of Certificate, expressly refer to the Commission website and the Department of State website to obtain application forms for providing pay telephone service. Rule 25-24.514, Cancellation of a Certificate, is amended to delete the requirement for a statement of why a certificate is proposed to be cancelled. Rule 25-24.515, Pay Telephone Service, is amended to delete some requirements which no longer have statutory authority. Each pay telephone station must permit free access to the universal telephone number "911".

## WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Florida Legislature enacted the Regulatory Reform Act in 2011 which removed some of the Florida Public Service Commission's authority over telecommunications, including pay telephone service providers. The repeal of Rule 25-24.510 and the amendments to Rules 25-24.511, 25-24.512, 25-24.514, and 25-24.515 are intended to streamline and reduce requirements on providers, as set out in Chapter 364, Florida Statutes.

## SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.