

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules)
25-4.079 and 25-4.115, F.A.C.,)
pertaining to Hearing/Speech)
Impaired Persons and Directory)
Assistance.)

DOCKET NO. 391128-TI
ORDER NO. 22975
ISSUED: 5-23-90

NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rules 25-4.079 and 25-4.115, F.A.C., relating to the provision of telephone service to hearing/speech impaired persons and handicapped persons without changes.

The rule amendment was filed with the Secretary of State on May 15, 1990, and will be effective on June 4, 1990. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission,
this 23rd day of MAY, 1990.


STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

DES

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DOCUMENT NUMBER-DATE

04534 MAY 23 1990

FPSC-RECORDS/REPORTING

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

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), 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 paragraph 120.54(11)(b), F.S. They are filed not less than 29 days after the notice required by subsection 120.54(1), F.S., and;

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

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

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/ (e) Are filed within 21 days after the date the transcript was received by this agency.

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.

<u>Rule No.</u>	<u>Specific Rulemaking Authority</u>	<u>Law Being Implemented, Interpreted or Made Specific</u>
25-4.079	350.127(2), F.S.	364.03, 364.04, F.S.
25-4.115	350.127(2), F.S.	364.03, 364.04, F.S.

Under the provision of paragraph 120.54(12)(a), 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)

 Steve Tribble

 Director, Division of Records & Reporting
 Title

 Number of Pages Certified

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25-4.079 Hearing/Speech Impaired Persons.

(1) The telephone directory published by each local exchange telephone company (LEC) shall:

(a) list, with other emergency numbers at the beginning of the directory, Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which shall be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an ear with a slash across it;

(b) list the company's business office TDD number, which shall also be denoted by said universal symbol, for communicating with hearing/speech impaired persons;

(c) at the option of and without charge to TDD users, have a special notation by each TDD user's number indicating TDD or TDD plus voice capability;

(d) at the option of and without charge to hearing/speech impaired customers, not list the number of any hearing/speech impaired customer who requests that it not be published.

(2) Each LEC shall provide directory and operator assistance to TDD users. The numbers for these services shall be listed in the front of the directory and denoted by the universal symbol.

(3) Each LEC shall compile informational literature about the services it makes available to hearing/speech impaired persons and shall maintain this literature for public inspection in the company's business office. Each company shall send this literature at no charge to anyone requesting it and shall include

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this literature or a summary of it, once a year, in the company's informational mailings.

(4) Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all major interexchange carriers and LECs.

(5) Each LEC shall, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each company shall provide at least one type of each of the following categories of specialized CPE:

- (a) audible ring signalers;
- (b) visual ring signalers;
- (c) TDDs;
- (d) volume control handsets.

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

Law Implemented: 364.03, 364.04, F.S.

History: New 4/5/88, Amended

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25-4.115 Directory Assistance.

(1) Directory assistance service provided by any telephone company shall be subject to the following:

(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and shall apply to the end-user.

(b) The tariff shall state the number of telephone numbers that may be requested by a customer per directory assistance call.

(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call and shall be subject to the following:

(a) There shall be no charge for calls from lines or trunks serving handicapped persons.

(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.

(c) The tariff shall state the number of calls per billing month per individual line or trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no charges will apply. The local exchange company shall charge for each local directory assistance call in excess of this allowance. The charge shall not apply for calls from pay stations.

(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1+555-1212).

(3) Charges for intrastate calls to directory assistance

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outside of the caller's HNPA shall be at rates prescribed in the general services tariff of the interexchange companies, and shall be subject to the following:

(a) There shall be no charge for calls from lines or trunks serving handicapped persons.

Specific Authority: 350.127, F.S.

Law Implemented: 364.03, 364.04, F.S.

History: New 6/12/86, Amended

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Rules 25-4.079
25-4.115
Docket No. 891128-TI

SUMMARY OF RULE

The proposed amendment to Rule 25-4.079, Florida Administrative Code, would require minor interexchange carriers (IXCs) to offer the same discounted intrastate toll message rates to persons using telecommunications devices for the deaf as major IXCs are currently required to offer. The proposed amendment to Rule 25-4.115, Florida Administrative Code, would prohibit charges for directory assistance calls outside a caller's Home Numbering Plan Area when the call originates from lines or trunks serving handicapped persons.

SUMMARY OF HEARINGS ON THE RULE

No comments were filed and no requests for a hearing were received.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The proposed amendments to Rules 25-4.079, Florida Administrative Code, titled Hearing/Speech Impaired Persons, and 25-4.115, Florida Administrative Code, titled Directory Assistance, are designed to address the intrastate toll calling needs of hearing/speech impaired persons and handicapped persons. Rule 25-4.079, Florida Administrative Code, currently requires that all major interexchange carriers (IXC) offer a discounted

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toll message rate to persons who utilize a Telecommunications Device for the Deaf (TDDs). The proposed amendment expands this requirement to include minor IXCs, as well. The Commission believes that the growth in the minor IXC market justifies expanding this rule so that all IXCs, whether designated major or minor, will be required to provide TDD users with a reduced rate for intrastate toll calls. The Commission believes that this rule change, as well as the change to Rule 25-4.115, Florida Administrative Code, discussed below, furthers its goal of providing universal service to all by allowing hearing/speech impaired persons and handicapped persons greater access to the network.

The proposed amendment to Rule 25-4.115, Florida Administrative Code, is designed to expand the offering of free directory assistance. Under the current rule, there is no charge for directory assistance calls within the caller's local calling area or Home Numbering Plan Area (HNPA) when the request originates from lines or trunks serving handicapped persons. The change to the rule will expand this requirement to prohibit charges for intrastate calls to directory assistance outside of the caller's HNPA. The Commission believes this rule is justified in order to encourage handicapped persons to use the network, thereby furthering its goal of providing universal service.