

MEMORANDUM

July 9, 1998

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RECORDS AND REPORTING

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TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. 960312-TP - PROPOSED AMENDMENTS TO RULES 25-4.002, F.A.C., APPLICATION AND SCOPE; 25-24.600, F.A.C., DEFINITIONS; RULES INCORPORATED; 25-24.620, F.A.C., SERVICE REQUIREMENTS FOR COMPANIES PROVIDING OPERATOR SERVICES; 25-24.630, F.A.C., RATE AND BILLING REQUIREMENTS; AND 25-24.800, F.A.C., SCOPE

18psp

98-0939-NOR-TP

Attached please find a Notice of Rulemaking for distribution by your office.

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
- Telephone (TL)
- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

marked - 7/14/98

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

NOR600.MRD

Attachment

cc: File
W. Terrell

see

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to
Rules 25-4.002, F.A.C.,
Application and Scope; 25-
24.600, F.A.C., Application and
Scope; 25-24.610, F.A.C., Terms
and Definitions; Rules
Incorporated; 25-24.620, F.A.C.,
Service Requirements for
Companies Providing Operator
Services; 25-24.630, F.A.C.,
Rate and Billing Requirements;
and 25-24.800, F.A.C., Scope

DOCKET NO. 960312-TP
ORDER NO. PSC-98-0939-NOR-TP
ISSUED: July 13, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service
Commission, pursuant to Section 120.54, Florida Statutes, has
initiated rulemaking to amend Rules 25-4.002, 25-24.600, 25-24.610,
25-24.620, 25-24.630, 25-24.800, Florida Administrative Code,
relating to the provision of operator services.

The attached Notice of Rulemaking will appear in the July 17,
1998 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following
time and place:

Florida Public Service Commission
10:00 a.m., September 17, 1998
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399

DOCUMENT PREPARED DATE

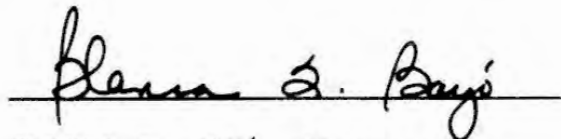
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DATE FOR POSTING

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Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than August 7, 1998.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1998.

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)

DWC

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SPECIFIC AUTHORITY: 350.127, FS.

LAW IMPLEMENTED: 364.01, 364.337, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 A.M., September 17, 1998

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

(1) These rules and regulations are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I--~~XI~~ of this Chapter apply to ~~any~~ local ~~exchange~~ ~~companies~~ ~~Company~~ as defined in ~~Section 25-4.003(26)~~. The rules contained in Part X of

Chapter 25-24 apply to any Interexchange Company ~~as defined in Section 25-4.003(18)~~. The rules in Part XI of Chapter 25-24 apply to any pay telephone service company ~~as defined in Section 25-4.003(36)~~. The rules in Part XII of Chapter 25-24 apply to all Shared Tenant Service Companies ~~as defined in Section 25-24.560(10)~~. The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies and call aggregators ~~as defined in Section 25-24.610(1)(f)~~. The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers ~~as defined in Section 25-24.710(2)~~. The rules contained in Part XV apply to all alternative local exchange telecommunications companies.

(2) In addition to the rules contained in this part, any local exchange company that provides operator services in a call aggregator context shall also comply with the rules contained in Part XIII of Chapter 25-24, F.A.C.

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, written application may be made to the Commission for modification of the rule or for temporary exemption from its requirements.~~

~~(3) The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion or upon the~~

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~~application of any utility, upon due notice and opportunity for hearing, from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, or from making such modifications with respect to the application as may be found necessary to meet exceptional conditions.~~

~~(4) Except as provided in Parts X and XI of Chapter 25-24, the adoption of these rules shall not in any way relieve any utility from any of its duties under the laws of this State.~~

Specific Authority: 350.127, F.S.

Law Implemented: 364.01, 364.337, F.S.

History: Revised 12-1-68, formerly 25-4.02, Amended 2-23-87, 1-8-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: June 30, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 23, Number 39, September 26, 1997

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence

forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960312-TP

RULE TITLE:	RULE NO.:
Application and Scope	25-24.600
Terms and Definitions; Rules Incorporated	25-24.610
Service Requirements for Companies Providing Operator Services	25-4.620
Rate and Billing Requirements	25-24.630
Scope	25-24.800

PURPOSE AND EFFECT: The purpose of the proposed amendments is to provide rate caps as required by statute and consolidate the rules. The effect is to regulate all providers of operator services under the same set of rules and rate caps.

SUMMARY: The proposed amendments remove the exemption for local exchange telecommunications companies providing operator services

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and extend the provision of the OSP rules to govern every company that provides operator services. The proposed amendments include specific rate caps expressed in dollars and cents that operator service providers must not exceed for various types of calls. Other technical and conforming changes are made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Costs are associated with rulemaking necessary to change the rate caps. One company identified profit losses associated with the rate cap based upon its current tariffs.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 364.3376(8), FS.

LAW IMPLEMENTED: 364.01, 364.016, 367.337, 364.3376, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 A.M., September 17, 1998

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PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES ARE:
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULES ARE:

25-24.600 Application and Scope.

(1) This Part applies to:

(a) Every company, ~~other than a local exchange telecommunications company,~~ that provides operator services as defined in Section 364.02, Florida Statutes (1995),

(b) Every company that bills and collects in its own name for operator services provided by other entities, and

(c) Call aggregators as defined in this Part.

(2) In addition to the rules contained in this Part, every company providing operator services shall also comply with the rules contained in Part X of Chapter 25-24, F.A.C.

(3) Each company subject to this Part may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes (1995).

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

Law Implemented: 364.01, 364.3376, F.S.

History: New 9-6-93, amended 9-10-97,_____.

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 provides telecommunications service to the transient public, in the ordinary course of its operations, provides telecommunications service to any end user. Subject to the definition above, "call aggregator" includes but is not limited to the following:

1. Hotel as defined in Section 509.242(1)(a), Florida Statutes (1995),

2. Motel as defined in Section 509.242(1)(b), Florida Statutes (1995),

3. Resort condominium as defined in Section 509.242(1)(c), Florida Statutes (1995),

4. Transient apartment as defined in Section 509.242(1)(e), Florida Statutes (1995),

5. Roominghouse as defined in Section 509.242(1)(f), Florida Statutes (1995),

6. Resort dwelling as defined in Section 509.242(1)(g), Florida Statutes (1995),

7. Schools required to comply with any portion of Chapters 228 and 246, Florida Statutes (1995), or Section 229.808, Florida Statutes (1995),

8. Nursing home licensed under Section 400.062, Florida Statutes (1995),

9. Assisted living facility licensed under Section 400.407, Florida Statutes (1995),

10. Hospital licensed under Section 395.003, Florida Statutes (1995),

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. § 1701q (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" means a person who initiates or is billed for a telephone call.

(d) "Person-to-person" is a service whereby the person originating the call specifies to the operator service providers operator a particular person to be reached.

(e) ~~(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 incorporated herein by reference:

Section	Title	Portions Applicable
25-4.003	Definitions	All
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	(2) and (3)

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

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

History: New 9-6-93, Amended 9-10-97, _____.

25-24.620 Service Requirements for Companies Providing
Operator Services.

(1) Every company providing operator services 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 billing and collection agents and other companies providing operator services, every company providing operator services shall require the other party to:

(a) Allow end users to access, at no charge, all locally available interexchange companies via all locally available methods of access, such as including 10XXX, 10XXXX, 101XXXX, 950-XXXX, and toll free access codes, such as 800, 877, 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, and where not operable, to 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, 877, 888, 10XXXX, 101XXXX, 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

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access code for his carrier of choice, such as 950, 800, 877, 888,
10XXXX, 101XXX, or 10XXX; and

(e) Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services at no charge to the end user when no additional digits are dialed after five seconds.

(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, 9/10/97, _____.

25-24.630 Rate and Billing Requirements.

(1) Services charged and billed to any end user by an An operator services provider for an intrastate call shall not exceed a rate of \$.30 per minute plus the applicable charges for the following types of telephone calls:

(a) A person-to-person call -- a charge of \$3.25; ~~charge and bill end users no more than the Commission approved rate for intrastate caller~~

(b) A call that is not a person-to-person call -- a charge of \$1.75.

(2) For 0- calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted to the pay telephone service provider.

(3) An operator services provider shall have current rate information readily available and provide this information orally to end users ~~end users~~ upon request prior to connection.†

(4)† ~~An operator services provider shall~~ require that its certificated name ~~or the name of its certificated billing agent~~ appear on any telecommunications company's bill for regulated charges.†

(5)† ~~An operator services provider shall~~ require all calls ~~are~~ to be individually identified on each bill from a telecommunications company on ~~to~~ an end user's ~~end-user~~ bill, including the date and start time of the call, call duration, origin and destination (by city or exchange name and telephone number), and type of call.†~~and~~

(6)† ~~An operator services provider shall~~ provide a toll-free number for customer inquiries on the bill and maintain procedures adequate to allow the company to promptly receive and respond to such inquiries.†~~and~~

(7)† ~~An operator services provider shall~~ charge only for conversation time as rounded according to company tariffs.

~~(8)+2~~ An operator services provider shall not:

(a) ~~Bill~~ or charge for uncompleted calls in areas where answer supervision is available or knowingly bill or charge for uncompleted calls in areas where answer supervision is not available.†

(b) ~~Bill~~ for any collect call that has not been affirmatively accepted by a person receiving the call regardless of whether the call was processed by a live or automated operator.†

(c) ~~Bill~~ for calls in increments greater than one minute except for coin calls that may be in increments no greater than three minutes.†

(d) ~~Bill~~ or collect a surcharge levied by any entity, either directly or through its billing agent, except Commission-approved charges for pay telephone providers.

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

Law Implemented: 364.01, 364.3376, F.S.

History: New 9/6/93, _____.

25-24.800 Scope

(1) This part applies only to Alternative Local Exchange Companies. The provisions of Chapters 25-4, 25-9 or 25-14 shall not apply to Alternative Local Exchange Companies, unless specifically provided by this part.

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In addition to the rules contained in this part, any Alternative Local Exchange Company which provides operator services in a call aggregator context shall also comply with the rules contained in Part XIII of Chapter 25-24, F.A.C.

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

Law Implemented: 364.01, 364.337, F.S.

History: New 12/27/95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THESE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: June 30, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
Volume 23, Number 39, September 26, 1997

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