

MEMORANDUM  
January 13, 1999

99-00875-70

JUN 13 PM 3:54

TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, *DWC* ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. 960312-TP PROPOSED AMENDMENTS TO RULES 25-4.002, F.A.C., APPLICATIONS 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

*99-00875-70*

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

Industry distribution is:

*See 1*

- 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)

*self mailed*

This document has the following priority:

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

This docket will be closed upon issuance of the Notice.

NOA4002.DWC

Attachment

cc: File

Sandy Moses (w/o attach.)

W. Terrell

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-99-0087-FOF-TP  
ISSUED: January 14, 1999

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 ADOPTION OF RULES

NOTICE is hereby given that the Florida Public Service  
Commission, pursuant to Section 120.54, Florida Statutes, has  
adopted the amendments to Rules 25-4.002, 25-24.600, 25-24.610, and  
25-24.630, Florida Administrative Code, relating to the provision  
of operator services with changes.

The rules were filed with the Department of State on January  
12, 1999 and will be effective on February 1, 1999. A copy of the  
rule as filed with the Secretary of State is attached to this  
Notice.

This docket is closed upon issuance of this notice.

DOCUMENT NUMBER-DATE

00509 JAN 14 8

FILED PUBLIC SERVICE REPORTING

ORDER NO. PSC-99-0087-FOF-TP  
DOCKET NO. 960312-TP  
PAGE 2

By ORDER of the Florida Public Service Commission, this 14th  
day of January, 1999.

*Blanca S. Bayó*

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BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

DWC

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~~X of this Chapter apply to ~~any local exchange company~~ 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 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(2), F.S.

Law Implemented: 364.01, 364.335, 364.337, 364.3376, F.S.

History: Revised 12/1/68, formerly 25-4.02, Amended 2/23/87, 1/8/95, 02/01/99.

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).~~

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, 02/01/99.

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 provider's 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, 02/01/99.

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 0+ or 0- call made from a pay telephone or in a call aggregator context 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 calls;

(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 by the local exchange company 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) ~~(e)~~ 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) ~~(d)~~ 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) ~~(e)~~ 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)(f)~~ 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) ~~B~~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) ~~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) ~~B~~bill for calls in increments greater than one minute except for coin calls that may be in increments no greater than three minutes.~~†~~

(d) ~~B~~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, 02/01/99.