

MEMORANDUM

99 JAN 13 PM 3:54

January 13, 1999

RECORDS AND REPORTING

TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, ^{DWC}ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. DOCKET NO. 951560-TP - PROPOSED REPEAL OF RULE 25-4.076, F.A.C., PAY TELEPHONE SERVICE PROVIDED BY LOCAL EXCHANGE COMPANIES, AND PROPOSED AMENDMENTS TO RULES 25-4.003, F.A.C., DEFINITIONS; 25-4.0345, F.A.C., CUSTOMER PREMISES EQUIPMENT AND INSIDE WIRE; 25-24.475, F.A.C., COMPANY OPERATIONS; RULES INCORPORATED; 25-24.505, F.A.C., SCOPE; 25-24.511, F.A.C., APPLICATION FOR CERTIFICATE; 25-24.515, F.A.C., PAY TELEPHONE SERVICE; 25-24.516, F.A.C., NON-LOCAL EXCHANGE COMPANY PAY TELEPHONE RATE CAPS; AND 25-24.520, F.A.C., REPORTING REQUIREMENT.

99-0088-AE-TP

Attached please find a Notice of Adoption 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)

See 1

This document has the following priority:

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

Sub matter -

This docket will be closed upon issuance of the Notice.

NOA511.DWC
 Attachment
 cc: File
 Sandy Moses (w/o attach.)
 W. Terrell

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Repeal of Rule 25-4.076, F.A.C., Pay Telephone Service Provided by Local Exchange Companies, and Proposed Amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.0345, F.A.C., Clustomer Premises Equipment and Inside Wire; 25-24.475, F.A.C., Company Operations; Rules Incorporated; 25-24.505, F.A.C., Scope; 25-24.511, F.A.C., Application for Certificate; 25-24.515, F.A.C., Pay Telephone Service, 25-24.516, F.A.C., Non-Local Exchange Company Pay Telephone Rate Caps; and 25-24.520, F.A.C., Reporting Requirement

DOCKET NO. 951560-TP
ORDER NO. PSC-99-0088-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 25-24.511, 25-24.515 and 25-24.516, Florida Administrative Code, relating to the regulation of pay telephone service providers 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.

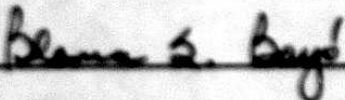
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FPSC-RECORDS/REPORTING

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



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

DWC

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/CMU 32 ~~(02/99)(1/91)~~, entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida." which is incorporated into this rule by reference ~~and Form PSC/CMU 32 (1/91), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida,"~~ may be obtained from the Commission's Division of Communications. An non-refundable application fee of \$100.00 must accompany the filing of all applications. ~~This is a non-refundable fee to cover the costs of processing the application, and it has no relevance on the approval or denial of a certificate.~~

~~(3)(2)~~ An original and two ~~five~~ ~~(5)~~ copies of the application shall be filed with the Division of Records and Reporting.

~~(4)(3)~~ 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

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exchange or interexchange service. A separate application must be made for such authority.

~~(5) A certificate will be granted if the Commission determines that grant of the application is in the public interest. Only one certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest.~~

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

Law Implemented: ~~350.123~~, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345, F.S.

History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 02/01/99.

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)43+~~ 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)43+~~ Each pay telephone station shall permit direct free access to the universal telephone number "911", where operable, ~~r~~ without requiring the use of a coin, paper money, or a credit card. ~~Where such number is not operable, the station shall permit access to a local exchange company toll operator under the same conditions.~~

~~(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)44+~~ Each pay telephone station shall complete calls r without charge, ~~permit access~~ to local and long distance directory assistance.

~~(8)~~ Each pay telephone station shall complete calls to and the telephone number of any person responsible party for repairs or refunds by direct free access, but may provide access by coin return. ~~Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.~~

~~(9)45+~~ Except as provided in paragraph 9(1), each pay ~~Each~~ 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 ~~each~~ station, name and certificate number of the certificate holder, ~~and~~ the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and the local coin rate, ~~where applicable, a statement that the phone is not maintained by the local exchange company.~~

(b) For those pay telephone stations that will terminate conversation after a minimum elapsed time 15 minutes, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.

(c) Pay telephone providers have until June 30, 1998, or six months after the effective date of this rule, whichever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.

(10) (6) Each pay telephone station which 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 ~~For pay stations in equal access areas, such access shall be provided~~ through the forms of access purchased by locally available

long distance carriers ~~such as and shall include~~ 10XXX+0, 10XXXX+0, 101XXXX+0, 950, and toll free (e.g., 800, 877, and 888) access. For ~~these pay stations located in non-equal access areas, 102880 may be translated to 00 to directly access AT&T. Otherwise, in non-equal access areas, 00 shall directly route to an AT&T operator and the instruction card shall so indicate. Where 00 is not available, 0 shall route to the LEC operator for transfer to AT&T and the instruction card shall so indicate.~~

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

(13) ~~(13)~~ (a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at ~~confinement facilities,~~ hospitals, and schools, and at 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 allow incoming calls shall be accompanied by a completed Form FORM PSC/CMU-2 (02/99) (12/94), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and ~~FORM PSC/CMU-2 (12/94), entitled Request to Block Incoming Calls,~~ may be obtained from the Commission's Division of Communications. 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 by 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. Exemptions which were granted prior to the two-year limitation will expire two years from the effective date of the amendment establishing the two-year limitation. The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/CMU-2 (02/99). Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end user ~~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) (9)~~ Each pay telephone station must be connected to an individual access line, ~~as provided in the pay telephone access tariff offered by the local exchange company.~~

~~(15) (10)~~ (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.) ~~(b) Each telephone utility shall conduct its operations in such manner to ensure that, in each exchange, ninety-five (95%) percent of all interruptions in telephone service occurring in any calendar month shall be cleared and service restored within twenty-four (24) hours (Sundays and holidays excepted) after the trouble is reported to the company, except where such interruptions are caused by emergency situations, unavoidable casualties, and acts of God affecting large groups of subscribers.~~

~~(16) (a) (11)~~ Where there is a single pay telephone

~~stations fewer than three telephones located in a group, a current white and yellow page directory for the entire local calling area shall be maintained at each station.~~ Where there are ~~two~~ three or more ~~pay~~ telephone ~~stations~~ located in a group, a ~~current white and yellow page~~ directory for the entire local calling area shall be maintained at every other station. However, where ~~pay~~ telephone ~~pay~~ stations are fully enclosed, a ~~current white and yellow page~~ 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. Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, whichever is longer.

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

~~(17)(12)~~ Normal maintenance and coin collection activity shall include a review of the cleanliness of each ~~pay~~ telephone station ~~and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.~~

~~(18)(a)(13)~~ Except as provided in paragraphs (18)(a)-(c) and

~~(c) subsections (14)(a), (14)(b), and (14)(c) below, each pay telephone station installed after January 5, 1987 shall conform to sections 4.28.8.4 and 4.29 subsections 4.29.2-4.29.4 and 4.29.7-4.29.8 of the American National Standards Accessible and Usable Buildings and Facilities, approved December 15, 1992, Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1-1992/1986), which is incorporated by reference into this rule. Each telephone station installed prior to January 5, 1987 shall conform to the above standards by January 1, 1995.~~

~~(b) Where (c) Effective June 1, 1992, where there are two or more pay telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the ANSI above-mentioned standards listed in subsection (18)(a). The conforming station must be physically located in the group of pay telephone stations or must be installed within a clear line of sight within 15 feet of the group and the route to the conforming station must be free from wheelchair barriers.~~

~~(c)(b)~~ Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, pay telephone ~~such~~ stations shall be placed in areas accessible to the physically handicapped.

~~(d)(4)~~ Pay telephone stations ~~Stations~~ located in buildings which are not wheelchair accessible ~~to physically handicapped persons~~ must comply with all ANSI provisions cited in this subsection except that these stations are exempt from complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is modified to make it wheelchair accessible, to the above mentioned standards upon modification of the building to make it handicap accessible, according to the Americans with Disabilities Act.

(e) Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ANSI section 4.29.2 is reduced by a vehicle parked in a designated parking space.

(f) Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.

(19) Each pay(14) Effective September 1, 1992, each telephone station shall permit end users to input unlimited the additional digits for the duration of the call necessary to complete calling card calls, using any locally available carrier, without operator intervention, and to utilize features such as voice mail box and menu driven answering devices. This requirement shall not be applicable to pay telephones located in confinement facilities.

~~(15) Pay stations located in confinement facilities shall be~~

~~exempt from the requirements of above subsections (1), (3), (4), (6), and (11). Such pay stations shall also be exempt from the requirements of subsection (5), except for the audible and written 15 minute disconnect notification.~~

~~(20)(16)~~ 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 which originated from that line through the use of access codes such as 10XXX+0, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) 10XXX-01, 950-1/0XXX+0, or 1-800 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 company 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 (20)(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 ~~shall be provided~~ to the provider of local exchange telecommunications services LSC and the interexchange company IXC in writing no later than the due date of the bill.

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

(e) The interexchange company IXC 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' company data base.

(f) Definitions: For purposes of subsection (20) ~~this rule~~ the term

~~is~~ "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.

(g) Any charges accrued to a subscriber's line when the subscriber has subscribed to ~~paid~~ the provider of local exchange

telecommunications services company to screen calls described in paragraphs (20)(a) and (20)(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 also 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.

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

Law Implemented: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345, F.S.

History--New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 02/01/99.

25-24.516 ~~Non-Local Exchange Company~~ Pay Telephone Rate Caps.

(1) Rates charged any end user by a pay telephone provider, providing operator service within the pay telephone premises'

equipment, shall not exceed the following:

(a) Local~~local~~ coin calls -- the rate posted at the pay telephone station, a rate equivalent to the local coin rate of the local exchange telecommunications company, except that a provider using a debit card system may charge \$1.00 for a cent paid local call made from a pay telephone located in a confinement facility;

(b) Extended area service (EAS) coin calls - a rate equivalent to the local coin call rate.

(c) Extended calling scope (ECS) calls - the rate equivalent to the local coin rate.

(d) 0+ toll non-person-to-person - a maximum rate of \$0.30 per minute, plus a \$1.75 charge, intraLATA and interLATA toll coin calls -- a rate of \$0.25 per minute, plus a \$1.00 surcharge;

~~(e) 0+ and 0 interLATA toll non coin calls billed directly or on behalf of the pay telephone provider -- a rate of \$0.25 per minute, plus the Commission authorized set use fee as described in subsection (3) below, plus a \$1.00 surcharge.~~

(e) 0+ toll person-to-person - a maximum rate of \$0.30 per minute, plus a \$3.25 charge.

(f) 0+ non-person-to-person local - a rate equivalent to the local coin rate, plus a \$1.75 charge.

(g) 0+ person-to-person local - a rate equivalent to the local coin rate, plus a \$3.25 charge.

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(2) A pay telephone provider shall not obtain services from an interexchange carrier or an operator service provider unless such carrier or provider has obtained a certificate of public convenience and necessity from the Commission.

(3) A set use fee of \$.25 shall apply to all completed ~~0- and 0-~~ local ~~and interLATA toll~~ calls placed from pay telephones. A ~~\$.25 set use fee may optionally be applied to completed 0- and 0-~~ ~~interLATA toll calls~~

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

Law Implemented: 364.03, 364.3375(4), (5), F.S.

History--New 9-5-95, Amended 02/01/99.