

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rules 25-4.036, F.A.C., Design and Construction of Plant; 25-24.515, F.A.C., Pay Telephone Service; and 25-24.585, Rules Incorporated.

DOCKET NO. 020644-TP
ORDER NO. PSC-02-1689-FOF-TP
ISSUED: December 4, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rules 25-4.036, 25-24.515 and 25-24.585, Florida Administrative Code, which update the rules to reflect the most current editions of the National Electrical Code, National Electrical Safety Code, and the American National Standards Institute's Accessible and Usable Building and Facilities standards and to remove some compliance deadlines that are no longer relevant, without changes.

The rule amendments were filed with the Department of State on December 3, 2002 and will be effective on December 23, 2002. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

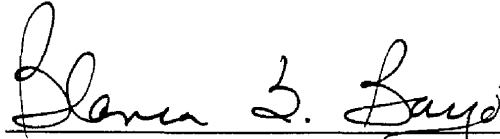
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ORDER NO. PSC-02-1689-FOF-TP
DOCKET NO. 020644-TP
PAGE 2

By ORDER of the Florida Public Service Commission, this 4th
day of December, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

SMC

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the 2002 ~~1993~~ Edition of the National Electrical Safety Code (IEEE C2-2002 ~~1993~~), ~~except that Rule 350G of the safety code shall be effective for cable installed on or after January 1, 1996,~~ and the National Electrical Code (NFPA 70-2002 ~~1993~~), pertaining to the construction of telecommunications facilities.

(2) Compliance with these codes and accepted good practice is necessary to insure as far as reasonably possible continuity of service, uniformity in the quality of service furnished and the safety of persons and property.

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

Law Implemented: 364.01(4), 364.03, F.S.

History: Revised 12/1/68, Amended 4/19/77, Amended 2/5/86, Formerly 25-4.36, F.S., Amended 3/26/91, 5/3/94, 12/23/02.

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.

(9) Each ~~Except as provided in paragraph 9(c),~~ 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, name and certificate number of the certificate holder, 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.

(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.

~~(c) Pay telephone providers have until June 30, 1999, or six months after the effective date of this rule, whichever ever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.~~

(10) 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 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.

(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 allow incoming calls shall be accompanied by a completed Form PSC/CMP-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 Competitive Markets and Enforcement. 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/CMP-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. ~~Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, whichever ever 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) Normal maintenance and coin collection activity shall include a review of the cleanliness of each pay telephone station.

(18) (a) Except as provided in paragraphs (18) (b)-(d) ~~(a)-(c) and (e)~~ below, each pay telephone station shall conform to sections 703.7.2.3 and 704 ~~4.28.8.4 and 4.29~~ of the American National Standards Accessible and Usable Buildings and Facilities, approved ~~December 15, 1992,~~ by the American National Standards Institute, Inc. (ANSI A117.1-1998 ~~1992~~), which is incorporated by reference into this rule.

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

~~(d) Pay telephone stations located in buildings which are not wheelchair accessible 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.~~

(d)(e) Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ANSI section 704.2.1 would be ~~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 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 which 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 (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 to the provider of 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

1. "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 (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.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NEPA 70-2002).

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 01/05/87, Amended 04/14/92, 12/21/92, 02/03/93, 10/10/94, 12/27/94, 09/05/95, 02/01/99, 12/23/02.

25-24.585 Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	All except (1) and (3)
<u>25-4.036</u>	<u>Design and Construction of Plant</u>	<u>All</u>
25-4.043	Response to Commission Staff Inquiries	All
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	All
25-4.160	Operation of Telecommunications Relay Service	All

(2) Each shared tenant service company shall file with the Commission's Division of Competitive Markets and Enforcement updated information for the following items within ten days after either such change occurs.

(a) The mailing address of the certificate holder.

ORDER NO. PSC-02-1689-FOF-TP
DOCKET NO. 020644-TP
PAGE 15

(b) Name, title, and phone number of individual responsible
for Commission contacts.

Specific Authority: 350.127(2), 427.704(8), F.S.

Law Implemented: 350.113, 364.016, 364.17, 364.18, 364.183,
364.185, 364.339, F.S.

History--New 1/28/91, Amended 12/29/91, 11/13/95, 7/29/97,
04/08/98, 12/23/02.