**FLORIDA PUBLIC SERVICE COMMISSION**

 **Fletcher Building**

 **101 East Gaines Street**

 **Tallahassee, Florida 32399-0850**

 **M E M O R A N D U M**

 **August 13, 2015**

**TO : DIRECTOR OF RECORDS AND REPORTING**

**FROM : DIVISION OF APPEALS (BELLAK)**

 **DIVISION OF COMMUNICATIONS (CHEEK)**

 **DIVISION OF RESEARCH AND REGULATORY REVIEW (MAHONEY)**

**RE : DOCKET NO. 920824-TI - PETITION FOR AMENDMENT OF RULE 25-4.115(3)(A), F.A.C., RE: CHARGES TO HANDICAPPED PERSONS FOR INTRASTATE CALLS TO DIRECTORY ASSISTANCE, BY AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.**

**AGENDA: MAY 4, 1993 - CONTROVERSIAL AGENDA - PARTIES MAY PARTICIPATE**

**PANEL : FULL COMMISSION**

**CRITICAL DATES:NONE**

 **I:\PSC\APP\920824.rcm**

 **CASE BACKGROUND**

 Proposed Rules 25-4.115(2)(a) and (3)(a), F.A.C., govern the use by disabled customers of free directory assistance calls. On March 11, 1993, the Commission issued its Notice of Rulemaking in the above-styled docket. As of April 19, the date comments and requests for hearing were due, a verbal inquiry was received as to the definition of "disability" that would be operative in the proposed rules.

 **DISCUSSION OF ISSUES**

ISSUE 1: Should the Commission adopt Rules 25-4.115(2)(a) and (3)(a), F.A.C. as amended with the definition of "disability" noted in the rule?

STAFF RECOMMENDATION: Yes. The Commission should adopt Rules 25-4.115(2)(a) and (3)(a) as amended.

STAFF ANALYSIS: The point that users of the rules would have uncertainty as to whom the rules applied in the absence of a definition of "disability" was considered valid. Staff believes this potential for uncertainty justifies the amendment which is recommended here. Therefore, staff recommends that the Commission, as final action, adopt Rules 25-4.115(2)(a) and (3)(a) as amended.

ISSUE 2: Should this docket be closed?

STAFF RECOMMENDATION: Yes.

RCB

Attachments

 ATTACHMENT

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 up to fifty calls per billing cycle ~~calls~~ from lines or trunks serving individuals with disabilities ~~handicapped persons~~. As used in this rule subpart and subpart (3)(a) thereof, "disability" means, with respect to an individual - A physical or mental impairment that prohibits a customer from using the telephone directory. The local exchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.

 (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 + (904) 555-1212).

 (3) Charges for intrastate calls to directory assistance 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 up to fifty calls per billing cycle ~~calls~~ from lines or trunks serving individuals with disabilities ~~handicapped persons~~. See subpart (2)(a) of this rule for the definition of "disability". The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.

Specific Authority: 350.127, F.S.

Law Implemented: 364.03, 364.04, F.S.

History: New 6/12/86, Amended 6/4/90.