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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 922000-TP

RULE TITLE:	RULE NO.:
Company Operations; Rules Incorporated	25-24.475
Scope	25-24.505
Application for Certificate	25-24.511
Pay Telephone Service	25-24.515
Pay Telephone Rate Caps	25-24.516
Reporting Requirements	25-24.520

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

PURPOSE AND EFFECT: The rules are amended to incorporate requirements of FCC Order 96-388 and FCC Reconsideration Order 96-439 that includes allowing providers to charge a market base rate for local calls, designating a LEC's pay telephone equipment as customer premises equipment; allowing a charge for directory assistance; requiring the placard on the pay telephone station to reflect certain information; requiring specific routing for certain calls; specifying certain billing requirements; and discontinuing the set use fee for certain calls.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_ Additional amendments are proposed that eliminate distinctions
- APP \_\_\_\_\_ between LEC provided and non-LEC provided pay telephone service.
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_ Certain service requirements are amended that include coin return;
- CTR \_\_\_\_\_ free access to 800/888 numbers; blocking of incoming calls;
- EAG \_\_\_\_\_ telephone directory access; requirement for access by disabled; and
- LEG \_\_\_\_\_ rate caps and surcharges are set.
- LIN \_\_\_\_\_
- OPR \_\_\_\_\_ The effect of these changes is to encourage competition for
- RCH \_\_\_\_\_ the provision of pay telephone service while protecting the public'
- SEC \_\_\_\_\_ health, safety and welfare.
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
00471 SEP 17 5  
#PSC-RECORDS/REPORTING

**SUBJECT AREA TO BE ADDRESSED:** Amendments to rules regulating the provision of pay telephone services.

**SPECIFIC AUTHORITY:** 350.127(2), F.S.

**LAW IMPLEMENTED:** 350.113, 350.115, 350.117, 364.01, 364.02, 364.03, 364.035, 364.17, 364.14 364.15, 364.16, 364.18, 364.183, 364.185, 364.30, 364.32, 364.33, 364.063, 364.335, 364.337, 364.3375(4), 364.375, 364.345, F.S.

**IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 2:00 p.m. Tuesday, October 28, 1997

**PLACE:** Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

**THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Natalie Montiero, Division of Communications, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.**

Any person requiring some accommodation at this workshop 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. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

25-24.475 Company Operations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to Interexchange Companies. In these rules, the word "local" should be omitted or interpreted as "toll", as they shall apply only to interexchange and not local service.

Section	Title	Portions Not Applicable
25-4.022	Complaint -- Trouble Reports, etc.	<u>All</u> None
25-4.036	Design and Construction of Plant	<u>All</u> None
25-4.038	Safety	<u>All</u> None
25-4.039	Traffic	<u>All</u> None
25-4.071	Adequacy of Service	<u>All</u> Subsections <del>(1), (2), (3), (4), (5), (6)</del>
<del>25-4.076</del>	<del>Pay Telephone Service Provided By Local Exchange Companies</del>	<del>All Subsections except (12)</del>
<u>25-24.515</u>	<u>Pay Telephone Service</u>	<u>Subsection (20)</u>
25-4.077	Metering and Recording Equipment	<u>All</u> Subsection <del>(6)</del>
25-4.160	Operation of Telecommunications Relay Service	<u>Subsection (1)</u> Subsections <del>(2), (3)</del>

(2) A company may act as an agent of the customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service

rendered.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.035, 364.17, 364.14, 364.15, 364.16,  
364.18, 364.185, 364.30, 364.337, 364.345 FS.

History--New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96.

## PART XI

### ~~RULES GOVERNING PAY TELEPHONE SERVICE PROVIDED BY OTHER THAN LOCAL EXCHANGE TELEPHONE COMPANIES~~

25-24.500 Reserved

25-4.505 Scope

25-24.510 Certificate of Public Convenience and Necessity Required

25-24.511 Application for Certificate

25-24.512 Improper Use of a Certificate

25-24.513 Application for Approval of Sale, Assignment or Transfer  
of Certificate (Repealed)

25-24.514 Cancellation of a Certificate

25-24.515 Pay Telephone Service

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

25-24.520 Reporting Requirements

25-24.505 Scope.

(1) This part applies to any person ~~other than a Local Exchange Company~~ providing pay telephone service. As provided by Rules 25-4.002, 25-9.001, and 25-14.001, no provision of Chapters 25-4, 25-9, or 25-14 shall apply to pay telephone service companies, except the following: 25-4.003 (Definitions), 25-4.0161 (Regulatory Assessment Fees; Telecommunications Companies), 25-4.019 (Records and Reports In General), 25-4.020(2) (Location



and Preservation of Records), and 25-4.043 (Response to Commission Staff Inquiries).

~~(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, as regards pay telephone service, companies subject to this part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.337, Florida Statutes.~~

~~(3) Any applicant may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.~~

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.115, 350.117, 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337 FS.

History--New 1-5-87, Amended 11-13-95.

25-24.511 Application for Certificate.

(1) Any certificated local exchange company may provide pay telephone service in its certificated area without the need for a separate pay telephone service certificate. A separate certificate is required for a local exchange company to provide pay telephone service outside of its certificated area. Any other persons 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 (XX/XX) (4/94), 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/CNU 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)(3)~~ 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 exchange or interexchange service. A separate application must be made for such authority.

~~(5)(4)~~ A certificate will be granted if the Commission determines that grant of the application is in the public interest. 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 canceled unless the applicant shows that granting of the new certificate is in the public interest.

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS.

History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92. 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)~~(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)~~(4)~~ Each pay telephone station shall permit direct free access to the universal telephone number "911", where operable, without requiring the use of a coin, paper money, or a credit card. Where "911" such number is not operable, the station shall permit direct free access to the operator of the provider of a local exchange company telecommunications services, 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 1-800 and 1-888.

(7)~~(7)~~ 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) (4) Except as provided in paragraph 9(c), each pay Beech 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 such 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 of 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 a pay telephone station's local coin call rate is modified to a market based rate or July 1, 1998, whichever is earlier, to comply with the requirements of placing the certificate number and local coin call rate on the pay telephone station sign, card or plate.~~



~~(10) (4)~~ 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 and shall include 10XXX+0, 950, and 800, and 888 access. For those pay stations located in non equal access areas, 102660 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) 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) (3)~~ All 0- calls shall be initially routed to the serving local exchange telecommunications provider. All other interstate 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, 888, and 10XXX.

~~(13) (4)~~ (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. A pay telephone provider

may petition the Commission to be exempt from the incoming call requirement for a period that shall not exceed one year 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 (XX/XX) (10/94), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and ~~FORM PSC/CMU-2 (10/94), 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 gChief 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 one-year limitation will expire one year from the effective date of the amendment establishing the one-year limitation. The Commission may grant additional requests for subsequent one year exemptions if the provider of the pay telephone files another Form PSC/CMU-2 (XX/XX) on which, in addition to the signature of the property owner and pay telephone provider, the chief of the responsible law enforcement agency attests that criminal activity associated with the pay telephone has been reduced because incoming calls were blocked at the pay telephone location. 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."

(b) A pay telephone provider may initiate a temporary block of incoming calls on the date a completed Form PSC/CMU-2 (XX/XX) is filed with the Division of Records and Reporting provided each of the following has been completed:

(a) central office based intercept message activated;

(b) written notice display as required above; and

(c) the local exchange telecommunications provider has informed the local emergency 911 services center that the number is restricted to outbound calls. Any temporary block initiated after a completed Form PSC/CMU-2 (XX/XX) has been filed is contingent upon the decision of the Commission which will be rendered subsequently and may nullify the temporary block.

~~(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)(44)~~ Where there is a single pay telephone station ~~ere fewer than three telephones located in a group~~, a 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 white and yellow page directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a white and yellow page directory shall be maintained at each pay telephone station.

~~(17)(43)~~ 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)(43)~~ Except as provided in paragraphs (18)(a)-(c) and (g) 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-~~1992-1996~~), 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 ~~(a) Effective June 1, 1993,~~ 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) ~~(c)~~ 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 by July 1, 1998.

(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 10XXX+0, 10XXX+01, 950-XXXX+0 950-1/0XXX+0, or 1-800, or 1-888 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 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 ~~such~~ notice ~~shall be provided~~ to the provider of local exchange telecommunications services ~~LEB~~ and the interexchange company ~~INC~~ in writing no later than the due date of the bill.

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

(e) The interexchange company ~~INC~~ 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-

~~1-~~ "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 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)(17) 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), (7), (8), (10), (12), (13), (15), and (16) 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 be terminated after a minimum elapsed time of ten minutes and the audible and written disconnect notifications shall apply, and subsection (14), except that one access line shall not be connected to more than three pay telephone stations.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.035, 364.063, 364.337, 364.345 FS.

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

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 sent paid local call made from a pay telephone located in a confinement facility,~~

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

~~(c) Intrastate intralATA and interlATA toll coin calls -- a rate of \$1.10 \$1.05 per minute, plus a \$1.75 \$1.00 surcharge, \$1.00 and \$1.00 interlATA toll non coin calls billed directly or on behalf of the pay telephone provider -- a rate of \$1.05 per minute, plus the Commission authorized set use fee as described in subsection (3) below, plus a \$1.00 surcharge.~~

(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 \$1.05 shall apply to all completed 0- and 0- local and intralATA toll calls placed from pay telephones. A \$1.05 set use fee may optionally be applied to completed 0- and 0- interlATA toll calls.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.3375(4), (5) FS.

History--New 9-5-95.

25-24.520 Reporting Requirements.

(1) Each pay telephone service company shall file with the Commission's Division of Communications updated information for the following items within ten 10 days after a change occurs:

(a) The street address of the certificate holder including

number, street name, city, state and zip code, and the mailing address if it differs from the street address.

(b) Name, title, and phone number of the individual responsible for contact with the Commission.

~~(2) Each pay telephone service company shall by January 31 of each year provide a report to the local exchange companies listing the station number and location of all of its pay telephones.~~

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 350.117, 364.17, 364.18, 364.185, 364.3375

FS.

History--New 1-5-87, Amended 1-2-91, 12-29-91.