

MEMORANDUM

September 16, 1997

RECEIVED

SEP 17 1997

3:20
FPSC - Records/Reporting

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., 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; 25-24.800, F.A.C., SCOPE

Enclosed is a Notice of Proposed Rule Development. Industry distribution is LECs, ALECs, IXCs and OSPs. This document must be issued with 5 working days.

PROVOPER.MRD
Attachments
cc: Wanda Terrell

See 1 and 2

*674 self-mailers
0 faxed*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 960312-TP

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.

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: September 18, 1997

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rule 25-24.600, 25-24.610, 25-24.620, 25-24.630, 25-24.800, and 25-4.002, Florida Administrative Code, to amend provisions relating to the provision of operator services.

The attached Notice of Proposed Rule Development will appear in the September 26, 1997, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at the following time and place:

Florida Public Service Commission
10:00 a.m., Tuesday, October 28, 1997
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

The request must be submitted in writing and received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0650, no later than October 17, 1997.

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. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

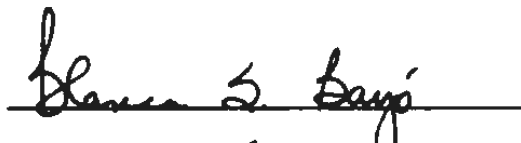
DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 960312-TP
PAGE 2

By DIRECTION of the Florida Public Service Commission, this
18th day of September, 1997.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

DWC

DOCKET NO. 960312-TP
PAGE 3

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 960312-TP

RULE TITLE:	RULE NO.:
Application and Scope	25-24.600
Terms and Definitions;	
Rule Incorporated	25-24.610
Service Requirements for Companies	
Providing Operator Services	25-24.620
Rate and Billing Requirements	25-24.630
Scope	25-24.800

PURPOSE AND EFFECT: The purpose of the rules is to implement Section 364.3376(3), F.S., to codify previous Commission orders that cap operator service rates, de-link the rate cap from the AT&T tariffed rates, and expand the scope of Commission rules to include price caps for LEC operator service providers.

The effect of the propose amendments is to set rates to allow competition while protecting consumers from being subjected to excessive charges.

SUBJECT AREA TO BE ADDRESSED: Defining the scope to which rate caps will apply for the provision of operator services.

SPECIFIC AUTHORITY: 350.127(2), 364.3376(8), F.S.

LAW IMPLEMENTED: 364.01, 364.016, 364.337, 364.3376, F.S.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. Tuesday, October 28, 1997

DOCKET NO. 960312-TP
PAGE 4

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:

25-24.600 Application and Scope.

(1) This Part applies to:

(a) Every company, other than a rate-base regulated 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), FS.

Law Implemented: 364.01, 364.3376, FS.

History: New 9-6-93, amended 9-10-97,_____.

25-24.610 Terms and Definitions; Rule 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, 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 services provider's operator a particular person to be reached.

~~(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), FS.

Law Implemented: 364.01, 364.016, 364.3376, FS.

History: New 9-6-93, Amended 9-10-97_____.

25-24.620 Service Requirements for Companies Providing Operator Services.

(1) Every company providing operator services shall clearly state the name of the company upon answer and again after accepting billing information before the call is connected.

(2) In its tariffs for and contracts with billing and collection agents and other companies providing operator services,

every company providing operator services shall require the other party to:

(a) Allow end users to access, at no charge, all locally available interexchange companies via all locally available methods of access, including 10XXX, 950-XXXX and toll free access codes such as 800 and 888; except that Feature Group A (seven-digit local number) access lines are exempt from this requirement;

(b) Allow end users to access the universal telephone number "911", where operable, at no charge to the end user, and where not operable, to allow end users to access the operator of the provider of local exchange telecommunications services at no charge;

~~----- (c) Route all end user dialed 0 + local and all 0 calls to the provider of local exchange telecommunications services unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 888, or 10XXX, and~~

(c)~~(d)~~ Route all end user dialed 1 + and 0+ toll calls to the preselected carrier unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 888 or 10XXX; and

(d)~~(e)~~ Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services at no charge to the end user when no additional digits are dialed after five seconds.

(3) Each operator services provider shall provide an opportunity for each caller to be identified by name to the called party before any collect calls may be completed.

Specific Authority: 350.127(2), FS.

Law Implemented: 364.01, 364.3376, FS.

History: New 9-6-93, Amended 1-16-96, 9-10-97, _____.

25-24.630 Rate and Billing Requirements.

(1) Services charged and billed any end user by an An operator services provider for an intrastate call shall not exceed a rate of \$.30 per minute plus the applicable surcharges for the following types of telephone calls:

(a) A person-to-person call -- a surcharge 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 surcharge of \$1.75;

(3) The following operator-dialed surcharges shall apply:

(a) If the end user dials an access code and the number, the operator services provider may charge the end user an \$.85 surcharge; or

(b) If the end user dials an access code and requests the operator to dial the number, the operator services provider may charge the end user a \$1.15 surcharge.

(4) 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 to the pay telephone service provider.

(5) 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. ~~†~~

~~(6)(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. ~~†~~

~~(7)(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~~

~~(8)(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~~

~~(9)(f)~~ An operator services provider shall charge only for conversation time as rounded according to company tariffs.

~~(10)(a)~~ 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. ~~†~~

(d) ~~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) FS.

Law Implemented 364.01, 364.3376 FS.

History--New 9-6-93, Amended_____.

25-24.800 Scope.

(1) This part applies only to Alternative Local Exchange Companies. The provisions of Chapters 25-4, 25-9 or 25-14 shall not apply to Alternative Local Exchange Companies, unless specifically provided by this part.

In addition to the rules contained in this part, any Alternative Local Exchange Company which 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.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.337 FS.

History--New 12-27-95, Amended,_____.

DOCKET NO. 960312-TP
PAGE 12

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 960312-TP

RULE TITLE:

RULE NO.:

Application and Scope

25-4.002

PURPOSE AND EFFECT: The purpose of the rules is to implement Section 364.3376(3), F.S. to codify previous Commission orders that cap operator service rates, de-link the rate cap from the AT&T tariffed rates, and expand the scope of Commission rules to include price caps for LEC operator service providers.

The effect of the propose amendments is to set rates to allow competition while protecting consumers from being subjected to excessive charges.

SUBJECT AREA TO BE ADDRESSED: Defining the scope to which rate caps will apply for the provision of operator services.

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

LAW IMPLEMENTED: 364.01, 364.337, F.S.

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TIME AND DATE: 10:00 a.m. Tuesday, October 28, 1997

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DOCKET NO. 960312-TP
PAGE 13

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:

25-4.002 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--IX of this Chapter apply to any Local Exchange 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 ~~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 their 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 FS.

Law Implemented 364.01, 364.337 FS.

History--Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87,

DOCKET NO. 960312-TP
PAGE 15

1-8-95, _____.