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MEMORANDUM

September 16, 1997

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3:20
FPSC - Records/Reporting

TO : Division of Records and Reporting

FROM : Diana W. Caldwell, Associate General Counsel *awc*

RE : 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; 25-4.076, F.A.C., Pay Telephone Service Provided by Local Exchange Companies; 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., Pay Telephone Rate Caps; and 25-24.520, F.A.C., Reporting Requirements

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

PAYPROV.MRD
Attachments
cc: Wanda Terrell

see 1 and 2

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0 boxed*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 951560-TF

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., 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 Requirements.

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 Rules 25-4.076, 25-4.003, 25-4.0345, 25-4.076, 25-24.475, 25-24.505, 25-24.511, 25-24.515, 25-24.516 and 25-24.520, Florida Administrative Code, to amend provisions relating to provision of pay telephone service, and to repeal Rule 25-4.076, F.A.C.

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
2:00 p.m., 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 32399-0850, no later than Friday 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

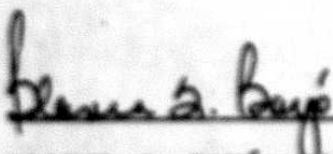
DOCUMENT NO.

09497-97

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Florida Relay Service, which can be reached at 1-800-955-8771
(TDD).

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



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

DWC

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 951560-TP

RULE TITLE:	RULE NO.:
Definitions	25-4.003
Customer Premises Equipment and Inside Wire	25-4.0345
Pay Telephone Service Provided by Local Exchange Companies	25-4.076

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.

Additional amendments are proposed that eliminate distinctions between LEC provided and non-LEC provided pay telephone service. Certain service requirements are amended that include coin return; free access to 800/888 numbers; blocking of incoming calls; telephone directory access; requirement for access by disabled; and rate caps and surcharges are set.

The effect of these changes is to encourage competition for the provision of pay telephone service while protecting the public health, safety and welfare.

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

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

LAW IMPLEMENTED: 364.01, 364.02, 364.03, 364.032, 364.335, 364.337, 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:
25-4.003 Definitions.

For the purpose of Chapter 25-4, the following definitions to the following terms apply:

(1) "Access Line" or "Subscriber Line." The circuit or channel between the demarcation point at the customer's premises and the serving end or class 5 central office.

(2) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the busy season busy hours.

(3) "Busy Hour." The continuous one-hour period of the day during which the greatest volume of traffic is handled in the office.

(4) "Busy Season." The calendar month or period of the year (preferably 30 days but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

(5) "Call." An attempted telephone message.

(6) "Central Office." A location where there is an assembly of equipment that establishes the connections between subscriber access lines, trunks, switched access circuits, private line facilities, and special access facilities with the rest of the telephone network.

(7) "Commission." The Florida Public Service Commission.

(8) "Company," "Telecommunications Company," "Telephone Company," or "Utility." These terms may be used interchangeably herein and shall mean "telecommunications company" as defined in Section 364.02(12), Florida Statutes.

(9) "Completed call." A call which has been switched through an established path so that two-way conversation or data

transmission is possible.

(10) "Disconnect" or "Disconnection." The dissociation or release of a circuit. In the case of a billable call, the end of the billable time for the call whether intentionally terminated or terminated due to a service interruption.

(11) "Drop or Service Wire." The connecting link that extends from the local distribution service terminal to the protector or telephone network interface device on the customer's premises.

(12) "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

(13) "Exchange (Service) Area." The territory of a local exchange company within which local telephone service is furnished at the exchange rates applicable within that area.

(14) "Extended Area Service." A type of telephone service whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other exchanges or areas without toll charges, or complete calls to one or more other exchanges or areas without toll message charges.

(15) "Extension Station." An additional station connected on the same circuit as the main station and subsidiary thereto.

(16) "Foreign Exchange Service." A classification of local exchange telecommunications company exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he

would normally be served.

(17) "Intercept Service." A service arrangement provided by the telecommunications company whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued, or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of conditions such as system blockages, inability of the system to complete a call as dialed, no such office code, and all circuits busy.

(18) "Interexchange Company." Any telecommunications company, as defined in Section 364.02(12), Florida Statute, which provides telecommunication service between local calling areas as those areas are described in the approved tariffs of individual local exchange companies. "Interexchange Company" includes, but is not limited to, Multiple Location Discount Aggregators (MLDA) as defined in subsection (32) of these definitions.

(19) "Inter-office Call." A telephone call originating in one central office but terminating in another central office, both of which are in the same designated exchange area.

(20) "Interstate Toll Message." Those toll messages which do not originate and terminate within the same state.

(21) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or between an end office and toll office,

over which toll calls are passed.

(22) "Intra-office Call." A telephone call originating and terminating within the same central office.

(23) "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

(24) "Invalid Number." A number comprised of an unassigned area code number or a non-working central office code (NXX).

(25) "Large LEC." A local exchange telecommunications company certificated by the Commission prior to July 1, 1995, that had in excess of 100,000 access lines in service on July 1, 1995.

(26) "Local Access and Transport Area (LATA)" or "Market Area." A geographical area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which a local exchange company (LEC) may transport telecommunication signals.

(27) "Local Exchange Telecommunications Company (LEC)." Any telecommunications company, as defined in Section 364.02(6), Florida Statutes.

(28) "Local Service Area" or "Local Calling Area." The area within which telephone service is furnished subscribers under a specific schedule of rates and without toll charges. A local exchange telecommunications company's local service area may include one or more exchange areas or portions of exchange areas.

(29) "Main Station." The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by an individual or party line circuit or channel.

(30) "Message." A completed telephone call.

(31) "Mileage Charge." A tariff charge for circuits and channels connecting other services that are auxiliary to local exchange service such as off premises extensions, foreign exchange and foreign central office services, private line services, and tie lines.

(32) "Multiple Location Discount Aggregator (MLDA)." An entity that offers discounted long distance telecommunications services from an underlying interexchange company to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:

(a) It collects fees related to interexchange telecommunications services directly from subscribers,

(b) It bills for interexchange telecommunications services in its own name,

(c) It is responsible for an end user's unpaid interexchange telecommunications bill, or

(d) A customer's bill cannot be determined by applying the tariff of the underlying interexchange company to the customer's individual usage.

(33) "Normal Working Days." The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone utility.

(34) "Optional Calling Plan." An optional service furnished

under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

(35) "Out of Service." The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

(a) Service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages;

(b) Interruptions caused by a negligent or willful act of the subscriber; and

(c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

(36) "Outside Plant." The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices of the same or different exchanges.

(37) "Pay Telephone Service Company." Any telecommunications company, ~~other than a Local Exchange Company,~~ which provides pay telephone service as defined in Section 364.3375, Florida Statutes.

(38) "Primary Interexchange Company." The pre-subscribed toll service provider for a subscriber.

(39) "Service Objective." A quality of service which is desirable to be achieved under normal conditions.

(40) "Service Standard." A level of service which a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(41) "Small LEC." A local exchange telecommunications company certificated by the Commission prior to July 1, 1995, which had fewer than 100,000 access lines in service on July 1, 1995.

(42) "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending or receiving telephone messages.

(43) "Subscriber" or "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telecommunications company.

(44) "Subscriber Line." See "Access Line."

(45) "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

(46) "Toll Connecting Trunk." A trunk which connects a local central office with its toll operating office.

(47) "Toll Message." A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(48) "Traffic Study." The process of recording usage

measurements which can be translated into required quantities of equipment.

(49) "Trouble Report." Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(50) "Trunk." A communication channel between central office units or entities, or private branch exchanges.

(51) "Valid Number." A number for a specific telephone terminal in an assigned area code and working central office which is equipped to ring and connect a calling party to such terminal number.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337 FS.

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03,

Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96.

25-4.0345 Customer Premises Equipment and Inside Wire.

(1) Definitions: For purposes of this chapter, the definition to the following terms definitions apply:

(a) "Customer Premises Equipment (CPE)" includes terminal equipment intended for use on the customer's premises such as pay telephones, telephone sets, teletypewriters, data terminal equipment, mobile telephone terminal equipment, private branch exchange equipment, key system equipment, dialers and other supplemental equipment. CPE does not include "911" public safety

answering point equipment (ALI, ANI, ACD equipment), ~~local exchange company pay telephone stations,~~ or telecommunications devices required by hearing or speech impaired subscribers.

(b) "Demarcation Point." ~~The is-the~~ point of physical interconnection (connecting block, terminal strip, jack, protector, optical network interface, or remote isolation device) between the telephone network and the customer's premises wiring. Unless otherwise ordered by the Commission for good cause shown, the location of this point is:

1. Single Line/Single Customer Building -- Either at the point of physical entry to the building or a junction point as close as practicable to the point of entry.

2. Single Line/Multi Customer Building -- Within the customer's premises at a point easily accessed by the customer.

3. Multi Line Systems/Single or Multi Customer Building -- At a point within the same room and within 25 feet of the FCC registered terminal equipment or cross connect field.

4. Temporary Accommodations Subscriber Premises with Inadequate Grounding (e.g., some mobile homes, trailers, houseboats, construction modules) -- On a permanent stake, pole, or structure with a suitable safety ground.

(c) "Complex Equipment Wire" ~~The is-the~~ premises wiring owned by the local exchange company which may be used as station wiring and to connect off-premises extensions and is beyond the normal demarcation points.

(d) "Inside Wire" ~~All is-all~~ wire or cable other than complex

equipment wire located on the customer's side of the demarcation point.

(e) "Customer Premises" ~~The is the~~ discrete real property owned, leased, or controlled by a customer for the customer's own business or residential purposes.

(2) The provision and maintenance of CPE ~~Customer-Premises Equipment (CPE)~~ and inside wire, but not complex equipment wire, is deregulated for intrastate purposes.

(3) Network facilities up to and including the demarcation point are part of the telephone network, provided and maintained by the telecommunications company under tariff.

(4) CPE Network Responsibility. No CPE may harm the network by introducing signals that interfere or affect other subscribers or network operations.

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

History--New 12-13-82, Amended 9-30-85, Formerly 25-4.345, Amended 4-16-90, 3-10-96.

25-4.076 Pay Telephone Service Provided By Local Exchange Companies.

~~(1) Each local exchange company shall, where practical, supply at least one coin telephone in each exchange that will be available to the public on a twenty four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange. Except as provided herein, a telephone company may not be required to provide pay telephone service at locations where the revenue derived~~

~~therefrom are insufficient to support the required investment unless reasonable public requirements will be served. Pay stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

~~—(2) Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.~~

~~—(3) Each telephone station shall have the capability of coin free access to a local exchange company toll operator and the universal emergency telephone number "911" where operable, and coin free or coin return access to local directory assistance, intercept, repair service and calls to the business office of the company.~~

~~—(4) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: the telephone number and location address of such station, the name of the certificate holder and the party responsible for repairs or refunds, free telephone number of responsible party and clear dialing instructions (including notice of the lack of availability of local or toll service). The identification of the location address for local exchange and pay telephone companies shall be coordinated with the appropriate "911" or emergency center where applicable. For those pay stations that will terminate conversation after fifteen (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.~~

~~(5) Each telephone station which provides access to any long distance carrier shall provide coin free access, except for feature group A access, to all locally available interexchange companies. For pay stations in equal access areas, such access shall be provided through the form of access purchased by locally available long distance carriers and shall include 10XXX + 0, 950 and 600 access. For those pay stations located in non equal access areas, 00 shall directly access the AT&T operator. Where 00 is not available, 0 to the LEC operator shall be transferred upon request to an AT&T operator, and the instruction card shall so indicate. No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the interexchange carrier.~~

~~(6) Each telephone station shall allow incoming calls to be received, 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. Requests for an exemption from the requirement that each telephone station allow incoming calls shall be accompanied by a completed FORM PSC/GMU 2 (12/94), which is incorporated into this rule by reference. FORM PSC/GMU 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 being 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 being sought. 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."~~

~~(7) Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.~~

~~(8) Normal maintenance and coin collection activity shall include a review of the cleanliness of each station and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.~~

~~(9) Except as provided in paragraphs (9)(a), (9)(b), and (9)(c) below, each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2, 4.29.4 and 4.29.7, 4.29.8 of the American National Standards 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 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.~~

~~(a) Effective June 1, 1993, where there are two or more telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the above mentioned standards. The conforming station must be physically located in the group of telephone stations or within a clear line of sight within fifteen (15) feet of the group and free from wheelchair barriers.~~

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

~~(c) Stations located in buildings which are not accessible to physically handicapped persons must comply with the above mentioned standards upon modification of the building to make it handicap accessible, according to the Americans with Disabilities Act.~~

~~(10) Effective September 1, 1993, each telephone shall permit end users to input the additional digits 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.~~

~~(11) Pay stations located in confinement facilities shall be~~

~~except from the requirements of above subsections (1), (3), (5), and (7). Such pay stations shall also be exempt from the requirements of subsection (4), except for the audible and written 15 minute disconnect notification.~~

~~(12) Toll Fraud Liability.~~

~~(a) A company providing interexchange telecommunications services or local exchange 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 1/0XXX + 0, or 1 800 access code, 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 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 local exchange company or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (a) and (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. Such notice~~

~~shall be provided to the LEC and IXC in writing no later than the due date of the bill.~~

~~(d) The LEC is responsible for charges described in paragraph (c) that are associated with the failure of the LEC's screening services.~~

~~(e) The IXC is responsible for charges described in paragraph (c) that are associated with its failure to properly validate calls via the appropriate local exchange company data base.~~

~~(f) Definitions. For purposes of 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 local exchange company to screen calls described in paragraphs (a) and (b) above shall not be the basis for discontinuance of local or intrastate service.~~

~~(13) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

History--New 12-1-68, Amended 3-31-76, 3-6-78, Formerly 25-4.76, Amended 1-5-87, 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94.

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 951560-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

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.

Additional amendments are proposed that eliminate distinctions between LEC provided and non-LEC provided pay telephone service. Certain service requirements are amended that include coin return; free access to 800/888 numbers; blocking of incoming calls; telephone directory access; requirement for access by disabled; and rate caps and surcharges are set.

The effect of these changes is to encourage competition for the provision of pay telephone service while protecting the public

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health, safety and welfare.

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 None</u>
25-4.036	Design and Construction of Plant	<u>All None</u>
25-4.038	Safety	<u>All None</u>
25-4.039	Traffic	<u>All None</u>
25-4.071	Adequacy of Service	<u>All Subsections</u> (1), (2), (3), (4), (5), (6)
25-4.076	Pay Telephone Service Provided By Local Exchange Companies	All Subsections except (1)
<u>25-24.515</u>	<u>Pay Telephone Service</u>	<u>Subsection (2)</u>
25-4.077	Metering and Recording Equipment	<u>All Subsection</u> (5)
25-4.160	Operation of Telecommunications	<u>Subsection (1) Subsections</u> (2), (3)

Relay Service

(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)44/91~~, 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)(a)~~ An original and two ~~five~~ ~~(5)~~ copies of the application shall be filed with the Division of Records and Reporting.

~~(4)(a)~~ 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)(a)~~ 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)~~(2)~~ 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)~~(3)~~ 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)++ 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)++ Except as provided in paragraph 9(c), 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 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, 102888 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) (7) 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.

~~(131)(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)(13/94), entitled "Request to Block Incoming
Calls," which is incorporated into this rule by reference ~~and~~
~~FORM PSC/CMU-2 (13/94), 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 ~~g~~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

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 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)49~~ 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)440~~(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)444~~ Where there is a single pay telephone station ~~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)(19)~~ 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)(19)~~ Except as provided in paragraphs (18)(a)-(c) and (e) subsections (14)(a), (14)(b), and (14)(c) below, each pay telephone station ~~installed after January 5, 1987~~ shall conform to sections 4.28.6.4 and 4.22 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 (a) 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 ~~each~~ stations shall be placed in areas accessible to the physically handicapped.

~~(d)~~ ~~(e)~~ 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

~~except 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)(44)~~ 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/XXXX+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 LEC and the interexchange company IXC in writing no later than the due date of the bill.

(d) The provider of local exchange telecommunications services LEC is responsible for charges described in paragraph (20)(c) that are associated with the failure of the provider of local exchange telecommunications services' LEC'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 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 cent 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 ~~\$.30~~ \$.25 per minute, plus a ~~\$1.75~~ \$1.00 surcharge, ~~and 0 interlATA toll non-coin calls billed directly or on behalf of the pay telephone provider~~ a rate of \$.25 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 \$.25 shall apply to all completed 0- and 0- local and intralATA 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) 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~~ 40 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.

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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.