

STATE OF FLORIDA

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DIVISION OF APPEALS  
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Public Service Commission

December 3, 1997

MEMORANDUM

TO: ALL INTERESTED PERSONS  
FROM: DIANA CALDWELL *DC*  
RE: DRAFT PROPOSED RULE AMENDMENTS - DOCKET NO. [REDACTED] II

Attached is a copy of staff's revisions to the draft proposed rules relating to operator service providers. The revisions have been redlined for your convenience. While staff understands that a matrix of the rate caps would be provided, staff believes that the changes made in Rule 25-24.630, F.A.C., eliminates the need for such a matrix.

Please review these rules. Should you choose to make comments to staff, please submit them before December 19, 1997. If you have any questions, do no hesitate to contact staff.

- ACK \_\_\_\_\_
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[REDACTED]

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1 25-4.002 Application and Scope.

2 (1) These rules and regulations are intended to define  
3 reasonable service standards which will promote the furnishing of  
4 adequate and satisfactory local and long distance service to the  
5 public, and to establish the rights and responsibilities of both  
6 the utility and the customer. The rules contained in Parts I--~~XI~~  
7 of this Chapter apply to any local exchange company ~~Company~~ ~~as~~  
8 ~~defined in Section 25-4.003(26)~~. The rules contained in Part X of  
9 Chapter 25-24 apply to any Interexchange Company ~~as defined in~~  
10 ~~Section 25-4.003(18)~~. The rules in Part XI of Chapter 25-24 apply  
11 to any pay telephone service company ~~as defined in Section~~  
12 ~~25-4.003(26)~~. The rules in Part XII of Chapter 25-24 apply to all  
13 Shared Tenant Service Companies ~~as defined in Section~~  
14 ~~25-24.560(10)~~. The rules in Part XIII of Chapter 25-24 apply to all  
15 Operator Service Provider Companies and call aggregators ~~as defined~~  
16 ~~in Section 25-24.610(1)(f)~~. The rules contained in Part XIV of  
17 Chapter 25-24 apply to all Alternative Access Vendor Service  
18 Providers ~~as defined in Section 25-24.710(2)~~. The rules contained  
19 in Part XV apply to all Alternative Local Exchange  
20 Telecommunications Companies.

21 (2) In addition to the rules contained in this part, any Local  
22 Exchange Company that provides operator services in a call  
23 aggregator context shall also comply with the rules contained in  
24 Part XIII of Chapter 25-24, F.A.C.

25 ~~(2) In any case where compliance with any of these rules~~

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1 ~~introduces unusual hardship, or if unreasonable difficulty is~~  
2 ~~involved in immediate compliance with any particular rule, written~~  
3 ~~application may be made to the Commission for modification of the~~  
4 ~~rule or for temporary exemption from its requirements.~~

5 ~~— (3) The adoption of these rules shall in no way preclude the~~  
6 ~~Commission, upon complaint, upon its own motion or upon the~~  
7 ~~application of any utility, upon due notice and opportunity for~~  
8 ~~hearing, from altering or amending them, in whole or in part, or~~  
9 ~~from requiring any other or additional service, equipment,~~  
10 ~~facility, or standard, or from making such modifications with~~  
11 ~~respect to their application as may be found necessary to meet~~  
12 ~~exceptional conditions.~~

13 ~~— (4) Except as provided in Parts X and XI of Chapter 25-24, the~~  
14 ~~adoption of these rules shall not in any way relieve any utility~~  
15 ~~from any of its duties under the laws of this State.~~

16 Specific Authority 350.127 FS.

17 Law Implemented 364.01, 364.337 FS.

18 History--Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87,  
19 1-8-95,\_\_\_\_\_.

20  
21 25-24.600 Application and Scope.

22 (1) This Part applies to:

23 (a) Every company, ~~other than a local exchange~~  
24 ~~telecommunications company,~~ that provides operator services as  
25 defined in Section 364.02, Florida Statutes (1995),

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1 (b) Every company that bills and collects in its own name for  
2 operator services provided by other entities, and

3 (c) Call aggregators as defined in this Part.

4 (2) In addition to the rules contained in this Part, every  
5 company providing operator services shall also comply with the  
6 rules contained in Part X of Chapter 25-24, F.A.C.

7 (3) Each company subject to this Part may petition for  
8 exemption from applicable portions of Chapter 364, Florida  
9 Statutes, or for application of different requirements than those  
10 prescribed for telecommunications companies in Chapter 364, Florida  
11 Statutes, under the authority of Section 364.337, Florida Statutes  
12 (1995).

13 **Specific Authority:** 350.127(2), 364.3376(8), F. S.

14 **Law Implemented:** 364.01, 364.3376, F.S.

15 **History:** New 9/6/93, amended 9/10/97,\_\_\_\_\_.

16  
17 **25-24.610 Terms and Definitions; Rule Incorporated.**

18 (1) For purposes of this Part, the following definitions  
19 apply:

20 (a) "Call aggregator" is any person or entity ~~other than a~~  
21 ~~certificated telecommunications company~~ that, in the ordinary  
22 course of its operations, provides telecommunications service to  
23 any end user. Subject to the definition above, "call aggregator"  
24 includes but is not limited to the following:

25 1. Hotel as defined in Section 509.242 (1)(a), Florida

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- 1 Statutes (1995),  
2 2. Motel as defined in Section 509.242 (1)(b), Florida  
3 Statutes (1995),  
4 3. Resort condominium as defined in Section 509.242 (1)(c),  
5 Florida Statutes (1995),  
6 4. Transient apartment as defined in Section 509.242 (1)(e),  
7 Florida Statutes (1995),  
8 5. Roominghouse as defined in Section 509.242 (1)(f),  
9 Florida Statutes (1995),  
10 6. Resort dwelling as defined in Section 509.242 (1)(g),  
11 Florida Statutes (1995),  
12 7. Schools required to comply with any portion of Chapters  
13 228 and 246, Florida Statutes (1995), or Section 229.808, Florida  
14 Statutes (1995),  
15 8. Nursing home licensed under Section 400.062, Florida  
16 Statutes (1995),  
17 9. Assisted living facility licensed under Section 400.407,  
18 Florida Statutes (1995),  
19 10. Hospital licensed under Section 395.003, Florida Statutes  
20 (1995),  
21 11. Timeshare plan as defined in Section 721.05(31), Florida  
22 Statutes (1995),  
23 12. Continuing care facility certificated under Section  
24 651.023, Florida Statutes (1995), and  
25 13. Homes, communities, or facilities funded or insured by

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1 the United States Department of Housing and Urban Development (HUD)  
2 under 12 U.S.C.S. § 1701q (Law. Co-op. 1994) that sets forth the  
3 National Housing Act program designed to aid the elderly.

4 (b) "Conversation time" is the time during which two-way  
5 communication is possible between the calling and called party.

6 (c) "End user" means a person who initiates or is billed for  
7 a telephone call.

8 (d) "Person-to-person" is a service whereby the person  
9 originating the call specifies to the operator service providers  
10 operator a particular person to be reached.

11 ~~(e)-(4)~~ "Surcharge" means an amount billed to an end user by  
12 a call aggregator that is in excess of the rate information that  
13 may be obtained pursuant to Section 364.3376(5), Florida statutes  
14 (1995). "Surcharge" includes any charge billed by a call aggregator  
15 that is associated with a call billed by another entity.

16 (2) In addition to the above, the following rules are  
17 incorporated herein by reference:

Section	Title	Portions Applicable
20 25-4.003	Definitions	All
21 25-4.019	Records and Reports 22 in General	All
23 25-4.020	Location and Preservation 24 of Records	(2) and '3)
25	Specific Authority:	350.127(2), 364.3376(8), F.S.

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1 Law Implemented: 364.01, 364.016, 364.3376, F.S.

2 History: New 9/6/93, Amended 9/10/97, \_\_\_\_\_.

3

4 25-24.620 Service Requirements for Companies Providing Operator  
5 Services.

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

9 (2) In its tariffs for and contracts with billing and  
10 collection agents and other companies providing operator services,  
11 every company providing operator services shall require the other  
12 party to:

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

18 (b) Allow end users to access the universal telephone number  
19 "911", where operable, at no charge to the end user, and where not  
20 operable, to allow end users to access the operator of the provider  
21 of local exchange telecommunications services at no charge;

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

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1 (d) Route all end user dialed 1 + and 0+ toll calls to the  
2 preselected carrier unless the end user dials the appropriate  
3 access code for his carrier of choice, such as 950, 800, 888 or  
4 10XXX; and

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

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

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

13 Law Implemented: 364.01, 364.3376, F.S.

14 History: New 9/6/93, Amended 1/16/96, 9/10/97, \_\_\_\_\_.

15  
16 25-24.630 Rate and Billing Requirements.

17 (1) Services charged and billed any end user by an An operator  
18 services provider for an intrastate call shall not exceed a rate of  
19 \$ .30 per minute plus the applicable charges for the following types  
20 of telephone calls:

21 (a) A person-to-person call -- a charge of \$3.25; charge and  
22 bill end users no more than the Commission approved rate for  
23 intrastate calls;

24 (b) A call that is not a person-to-person call -- a charge of  
25 \$1.75.

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1        (2) The charge for an end user dialed 0+ local call shall not  
2 exceed \$.35 per call, plus applicable operator charges

3        (3) For 0- calls from pay telephone stations completed by the  
4 provider of local exchange telecommunications services, a set use  
5 fee of \$.25 shall apply and shall be remitted to the pay telephone  
6 service provider.

7        (4) An operator services provider shall have current rate  
8 information readily available and provide this information orally  
9 to end users ~~end users~~ upon request prior to connection. 7

10        (5)(e) An operator services provider shall require that its  
11 certificated name ~~or the name of its certificated billing agent~~  
12 appear on any telecommunications company's bill for regulated  
13 charges. 7

14        (6)(d) An operator services provider shall require all calls  
15 ~~are~~ to be individually identified on each bill from a  
16 telecommunications company ~~on~~ ~~to~~ an end user's ~~end user~~ bill,  
17 including the date and start time of the call, call duration,  
18 origin and destination (by city or exchange name and telephone  
19 number), and type of call. 7 ~~and~~

20        (7)(e) An operator services provider shall provide a toll-free  
21 number for customer inquiries on the bill and maintain procedures  
22 adequate to allow the company to promptly receive and respond to  
23 such inquiries. 7 ~~and~~

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

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1        ~~(9)(2)~~ An operator services provider shall not:

2        (a) ~~B~~bill or charge for uncompleted calls in areas where  
3 answer supervision is available or knowingly bill or charge for  
4 uncompleted calls in areas where answer supervision is not  
5 available.†

6        (b) ~~B~~bill for any collect call that has not been affirmatively  
7 accepted by a person receiving the call regardless of whether the  
8 call was processed by a live or automated operator.†

9        (c) ~~B~~bill for calls in increments greater than one minute.†

10       (d) ~~B~~bill or collect a surcharge levied by any entity, either  
11 directly or through its billing agent, except Commission-approved  
12 charges for pay telephone providers.

13       Specific Authority 350.127(2) FS.

14       Law Implemented 364.01, 364.3376 FS.

15       History--New 9-6-93, Amended .

16  
17       25-24.800 Scope.

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

22       In addition to the rules contained in this part, any  
23 Alternative Local Exchange Company which provides operator services  
24 in a call aggregator context shall also comply with the rules  
25 contained in Part XIII of Chapter 25-24, F.A.C.

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1 | Specific Authority 350.127(2) FS.  
2 | Law Implemented 364.01, 364.337 FS.  
3 | History--New 12-27-95, Amended,\_\_\_\_\_.

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