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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. 98-10-TP

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 25-24.516, 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 not hesitate to contact staff.

Attachment

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC _____
- WAS _____
- OTH _____

DOCUMENT NUMBER DATE
12305 DEC-36
FPSC-RECORDS/REPORTING

1 25-4.003 Definitions.

2 For the purpose of Chapter 25-4, the ~~following~~ definitions of the
3 following terms apply:

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

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

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

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

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

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

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

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

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~~struck-through~~ type are deletions from existing law.

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

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

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

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

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

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

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

25 (16) "Foreign Exchange Service." A classification of local

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1 exchange telecommunications company exchange service furnished
2 under tariff provisions whereby a subscriber may be provided
3 telephone service from an exchange other than the one from which he
4 would normally be served.

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

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

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

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

3 (21) "Intertoll Trunk." A line or circuit between two toll
4 offices, two end offices, or between an end office and toll office,
5 over which toll calls are passed.

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

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

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

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

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

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

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

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1 include one or more exchange areas or portions of exchange areas.

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

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

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

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

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

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

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

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

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

6 (34) "Optional Calling Plan." An optional service furnished
7 under tariff provisions which recognizes the need of some
8 subscribers for extended area calling without imposing the cost on
9 the entire body of subscribers.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (45) "Switching Center." Location at which telephone traffic,
25 either local or toll, is switched or connected from one circuit or

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1 | line to another. A local switching center may be comprised of
2 | several central office units.

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

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

8 | (48) "Traffic Study." The process of recording usage
9 | measurements which can be translated into required quantities of
10 | equipment.

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

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

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

22 | **Specific Authority 350.127(2) FS.**
23 | **Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337 FS.**
24 | **History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03,**
25 | **Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96.**

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1 25-4.0345 Customer Premises Equipment and Inside Wire.

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

4 (a) "Customer Premises Equipment (CPE)" includes terminal
5 equipment intended for use on the customer's premises such as pay
6 telephones, telephone sets, teletypewriters, data terminal
7 equipment, mobile telephone terminal equipment, private branch
8 exchange equipment, key system equipment, dialers and other
9 supplemental equipment. CPE does not include "911" public safety
10 answering point equipment (ALI, ANI, ACD equipment), ~~local exchange~~
11 ~~company pay telephone stations~~, or telecommunications devices
12 required by hearing or speech impaired subscribers.

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

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

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

24 3. Multi Line Systems/Single or Multi Customer Building -- At
25 a point within the same room and within 25 feet of the FCC

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1 registered terminal equipment or cross connect field.

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

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

10 (d) "Inside Wire" ~~All to-all~~ wire or cable other than complex
11 equipment wire located on the customer's side of the demarcation
12 point.

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

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

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

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

25 Specific Authority 350.127(2) FS.

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1 Law Implemented 364.03 PS.

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

4
5 25-4.076 Pay Telephone Service Provided By Local Exchange
6 Companies.

7 ~~----- (1) Each local exchange company shall, where practical, supply~~
8 ~~at least one coin telephone in each exchange that will be available~~
9 ~~to the public on a twenty four (24) hour basis. This coin telephone~~
10 ~~shall be located in a prominent location in the exchange. Except as~~
11 ~~provided herein, a telephone company may not be required to provide~~
12 ~~pay telephone service at locations where the revenues derived~~
13 ~~therefrom are insufficient to support the required investment~~
14 ~~unless reasonable public requirements will be served. Pay stations~~
15 ~~shall be lighted during the hours of darkness when light from other~~
16 ~~sources is not adequate to read instructions and use the~~
17 ~~instrument.~~

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

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

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1 company.

2 ~~(4) Each telephone station shall be equipped with a legible~~
3 ~~sign, card or plate of reasonable permanence which shall identify~~
4 ~~the following: the telephone number and location address of such~~
5 ~~station, the name of the certificate holder and the party~~
6 ~~responsible for repairs or refunds, free telephone number of~~
7 ~~responsible party and clear dialing instructions (including notice~~
8 ~~of the lack of availability of local or toll service). The~~
9 ~~identification of the location address for local exchange and pay~~
10 ~~telephone companies shall be coordinated with the appropriate 911~~
11 ~~or emergency center where applicable. For those pay stations that~~
12 ~~will terminate conversation after fifteen (15) minutes, notice~~
13 ~~shall be included on the sign card as well as an audible~~
14 ~~announcement 30 seconds prior to termination of the phone call.~~

15 ~~(5) Each telephone station which provides access to any long~~
16 ~~distance carrier shall provide coin free access, except for feature~~
17 ~~group A access, to all locally available interexchange companies.~~
18 ~~For pay stations in equal access areas, such access shall be~~
19 ~~provided through the form of access purchased by locally available~~
20 ~~long distance carriers and shall include 10XXX + 0, 950 and 800~~
21 ~~access. For those pay stations located in non equal access areas,~~
22 ~~00 shall directly access the AT&T operator. Where 00 is not~~
23 ~~available, 0 to the LEC operator shall be transferred upon request~~
24 ~~to an AT&T operator, and the instruction card shall so indicate. No~~
25 ~~sales solicitation shall be allowed during the interval between the~~

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1 ~~last digit dialed by the end user and connection with the~~
2 ~~interexchange carrier.~~

3 ~~(6) Each telephone station shall allow incoming calls to be~~
4 ~~received, with the exception of those located at confinement~~
5 ~~facilities, hospitals and schools, and at locations specifically~~
6 ~~exempted by the Commission. There shall be no charge for receiving~~
7 ~~incoming calls. Requests for an exemption from the requirement that~~
8 ~~each telephone station allow incoming calls shall be accompanied by~~
9 ~~a completed FORM PCC/GMU 2 (12/94), which is incorporated into this~~
10 ~~rule by reference. FORM PCC/GMU 2 (12/94), entitled Request to~~
11 ~~Block Incoming Calls, may be obtained from the Commission's~~
12 ~~Division of Communications. The form requires an attestation from~~
13 ~~the owner of the pay telephone, the owner of the pay telephone~~
14 ~~location and the Chief of the responsible law enforcement agency~~
15 ~~that the request is being sought in order to deter criminal~~
16 ~~activity facilitated by incoming calls being received at the~~
17 ~~specified pay telephone. A separate form shall be filed for each~~
18 ~~telephone number for which an exemption is being sought. Where~~
19 ~~incoming calls are not received, central office based intercept~~
20 ~~shall be provided at no charge to the end user and a written notice~~
21 ~~shall be prominently displayed on the instrument directly above or~~
22 ~~below the telephone number which states: "Incoming calls blocked at~~
23 ~~request of law enforcement."~~

24 ~~(7) Where there are fewer than three telephones located in a~~
25 ~~group, a directory for the entire local calling area shall be~~

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1 ~~maintained at each station. Where there are three or more~~
2 ~~telephones located in a group, a directory for the entire local~~
3 ~~calling area shall be maintained at every other station. However,~~
4 ~~where telephone stations are fully enclosed, a directory shall be~~
5 ~~maintained at each station.~~

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

10 ~~(9) Except as provided in paragraphs (9)(a), (9)(b), and~~
11 ~~(9)(c) below, each telephone station installed after January 5,~~
12 ~~1987 shall conform to subsections 4.29.2 4.29.4 and 4.29.7~~
13 ~~4.29.8 of the American National Standards Specifications for Making~~
14 ~~Buildings and Facilities Accessible and Usable by Physically~~
15 ~~Handicapped People, approved February 5, 1986 by the American~~
16 ~~National Standards Institute, Inc. (ANSI A117.1-1986), which is~~
17 ~~incorporated by reference into this rule. Each telephone station~~
18 ~~installed prior to January 5, 1987 shall conform to the above~~
19 ~~standards by January 1, 1995.~~

20 ~~(a) Effective June 1, 1990, where there are two or more~~
21 ~~telephone stations located in a group, there shall be a minimum of~~
22 ~~one telephone per group of ten which conforms to the above~~
23 ~~mentioned standards. The conforming station must be physically~~
24 ~~located in the group of telephone stations or within a clear line~~
25 ~~of sight within fifteen (15) feet of the group and free from~~

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1 ~~whoochair barriers.~~

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

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

10 ~~----- (10) Effective September 1, 1993, each telephone shall permit~~
11 ~~and users to input the additional digit necessary to complete~~
12 ~~calling card calls, using any locally available carrier, without~~
13 ~~operator intervention, and to utilize features such as voice mail~~
14 ~~box and menu driven answering devices. This requirement shall not~~
15 ~~be applicable to pay telephones located in confinement facilities.~~

16 ~~----- (11) Pay stations located in confinement facilities shall be~~
17 ~~exempt from the requirements of above subsections (1), (3), (5),~~
18 ~~and (7). Such pay stations shall also be exempt from the~~
19 ~~requirements of subsection (4), except for the audible and written~~
20 ~~15 minute disconnect notification.~~

21 ~~----- (12) Toll Fraud Liability.~~

22 ~~----- (a) A company providing interexchange telecommunications~~
23 ~~services or local exchange services shall not collect from a pay~~
24 ~~telephone provider for charges billed to a line for calls which~~
25 ~~originated from that line through the use of 10XXX + 0, 10XXX + 01,~~

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1 ~~950 1/0XXX + 0, or 1 800 access code, or when the call originating~~
2 ~~from that line otherwise reached an operator position, if the~~
3 ~~originating line is subscribed to outgoing call screening and the~~
4 ~~call was placed after the effective date of the outgoing call~~
5 ~~screening order.~~

6 ~~— (b) A company providing interexchange telecommunications~~
7 ~~services or local exchange services shall not collect from a pay~~
8 ~~telephone provider for charges for collect or third number billed~~
9 ~~calls, if the line to which the call was billed was subscribed to~~
10 ~~incoming call screening and the call was placed after the effective~~
11 ~~date of the incoming call screening order.~~

12 ~~— (c) Any calls billed through the local exchange company or~~
13 ~~directly by an interexchange company, or through a billing agent,~~
14 ~~which have been identified as not collectible as described in~~
15 ~~paragraphs (a) and (b) above, must be removed from any pay~~
16 ~~telephone provider's bill after the pay telephone provider gives~~
17 ~~notice of the fraudulent charges to the billing party. Such notice~~
18 ~~shall be provided to the LEC and INC in writing no later than the~~
19 ~~due date of the bill.~~

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

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

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1 ~~(f) Definitions. For purposes of this rule the term~~
2 ~~1. "Effective Date" shall mean the date after the call~~
3 ~~screening order was placed and associated charges apply.~~

4 ~~(g) Any charges accrued to a subscriber's line when the~~
5 ~~subscriber has paid the local exchange company to screen calls~~
6 ~~described in paragraphs (a) and (b) above shall not be the basis~~
7 ~~for discontinuance of local or intrastate service.~~

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

11 Specific Authority 350.127(2) FS.

12 Law Implemented 364.03 FS.

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

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1 25-24.475 Company Operations; Rules Incorporated.

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

6		Portions Not	
7	Section	Title	Applicable
8	25-4.022	Complaint -- Trouble	<u>AllNone</u>
9		Reports, etc.	
10	25-4.036	Design and	<u>AllNone</u>
11		Construction of Plant	
12	25-4.038	Safety	<u>AllNone</u>
13	25-4.039	Traffic	<u>AllNone</u>
14	25-4.071	Adequacy of Service	<u>All Subsections</u> (1), (2),
15			(3), (4), (5), (6)
16	25-4.076	Pay Telephone Service	All Subsections
17		Provided By Local	except (1)
18		Exchange Companies	
19	<u>25-24.515</u>	<u>Pay Telephone Service</u>	<u>Subsection (2)</u>
20	25-4.077	Metering and Recording	<u>All Subsection</u> (5)
21		Equipment	
22	25-4.160	Operation of	<u>Subsection (1) Subsections</u>
23		Telecommunications	(2), (3)
24		Relay Service	

25 (2) A company may act as an agent of the customer in obtaining

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1 service from the local exchange company, provided the local
2 exchange company bills the customer directly for the service
3 rendered.

4 **Specific Authority 350.127(2) FS.**

5 **Law Implemented 364.03, 364.035, 364.17, 364.14, 364.15, 364.16,**
6 **364.18, 364.185, 364.30, 364.337, 364.345 FS.**

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

8

9

PART XI

10

RULES GOVERNING PAY TELEPHONE SERVICE PROVIDED--

11

~~BY OTHER THAN LOCAL EXCHANGE TELEPHONE COMPANIES~~

12

25-24.500 Reserved

13

25-24.505 Scope

14

25-24.510 Certificate of Public Convenience and Necessity Required

15

25-24.511 Application for Certificate

16

25-24.512 Improper Use of a Certificate

17

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

18

19

25-24.514 Cancellation of a Certificate

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25-24.515 Pay Telephone Service

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

22

25-24.520 Reporting Requirements

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25-24.505 Scope.

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(1) This part applies to any person ~~other than a local~~

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1 Exchange Company providing pay telephone service. As provided by
2 Rules 25-4.002, 25-9.001, and 25-14.001, no provision of Chapters
3 25-4, 25-9, or 25-14 shall apply to pay telephone service
4 companies, except the following: 25-4.003 (Definitions), 25-4.0161
5 (Regulatory Assessment Fees; Telecommunications Companies),
6 25-4.019 (Records and Reports In General), 25-4.020(2) (Location
7 and Preservation of Records), and 25-4.043 (Response to Commission
8 Staff Inquiries).

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

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

20 Specific Authority 350.127(2) FS.

21 Law Implemented 350.113, 350.115, 350.117, 364.01, 364.016, 364.02,
22 364.17, 364.18, 364.183, 364.185, 364.32, 364.337 FS.

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

24
25 25-24.511 Application for Certificate.

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1 (1) Any person desiring to provide pay telephone services must
2 have a pay telephone service certificate.

3 (2) An applicant shall submit an application on Form PSC/CMU
4 32 (XX/XX) (1/91), entitled "Application Form for Certificate to
5 Provide Pay Telephone Service Within the State of Florida." which
6 is incorporated into this rule by reference ~~and Form PSC/CMU 32~~
7 ~~(1/91), entitled "Application Form for Certificate to Provide Pay~~
8 ~~Telephone Service Within the State of Florida,"~~ may be obtained
9 from the Commission's Division of Communications. An non-refundable
10 application fee of \$100.00 must accompany the filing of all
11 applications. ~~This is a non-refundable fee to cover the costs of~~
12 ~~processing the application, and it has no relevance on the approval~~
13 ~~or denial of a certificate.~~

14 (3) (4) An original and two five (5) copies of the application
15 shall be filed with the Division of Records and Reporting.

16 (4) (3) Any pay telephone service authority previously granted
17 or granted hereafter is subject to the following:

18 (a) Authority granted is statewide.

19 (b) Authority is to provide both local and intrastate toll pay
20 telephone service. A certificate to provide pay telephone service
21 does not carry with it the authority to provide local exchange or
22 interexchange service. A separate application must be made for such
23 authority.

24 (5) (4) A certificate will be granted if the Commission
25 determines that grant of the application is in the public interest.

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1 One certificate per applicant will be granted unless the applicant
2 shows that granting of additional certificates is in the public
3 interest. A new certificate will not be granted to any applicant
4 who has previously had a certificate involuntarily cancelled unless
5 the applicant shows that granting of the new certificate is in the
6 public interest.

7 Specific Authority 350.127(2) FS.

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

10 History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92.

11
12 25-24.515 Pay Telephone Service.

13 (1) For the purposes of this section, the term "direct free"
14 shall mean without requiring the use of a coin, paper money, credit
15 card, or any other form of payment, even if the payment will be
16 returned.

17 (2) Pay telephone stations shall be lighted during the hours
18 of darkness when light from other sources is not adequate to read
19 instructions and use the instrument.

20 (3)~~(3)~~ Each pay telephone station shall return any deposited
21 amount if the call is not completed, except messages to a Feature
22 Group A access number.

23 (4)~~(4)~~ Each pay telephone station shall permit direct free
24 access to the universal telephone number "911", where operable,
25 ~~without requiring the use of a coin, paper money, or a credit card.~~

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1 ~~Where such number is not operable, the station shall permit access~~
2 ~~to a local exchange company toll operator under the same~~
3 ~~conditions.~~

4 (5) Each pay telephone station shall permit direct free access
5 to dialtone.

6 (6) Each Pay telephone station shall permit direct free access
7 to toll free numbers (e.g., 800 and 888).

8 (7)(4) Each pay telephone station shall complete calls r
9 ~~without charge, permit access~~ to local and long distance directory
10 assistance.

11 (8) Each pay telephone station shall complete calls to and the
12 ~~telephone number of any person~~ responsible party for repairs or
13 refunds by direct free access, but may provide access by coin
14 return. ~~Any long distance directory assistance charges applied to~~
15 ~~the pay telephone service company may be passed on to the customer.~~

16 (9)(4) Except as provided in paragraph 9(c), each pay Each
17 telephone station shall be equipped with a legible sign, card, or
18 plate of reasonable permanence which shall identify the following:

19 (a) The telephone number and location address of the pay
20 telephone each station, name and certificate number of the
21 certificate holder, ~~and~~ the party responsible for repairs and
22 refunds, address of responsible party, free phone number of
23 responsible party, clear dialing instructions (including notice of
24 the lack of availability of local or toll services), and the local
25 coin rate, ~~where applicable, a statement that the phone is not~~

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1 ~~maintained by the local exchange company.~~

2 (b) For those pay telephone stations that will terminate
3 conversation after a minimum elapsed time 15 minutes, notice shall
4 be included on the sign card as well as an audible announcement 30
5 seconds prior to termination of the phone call. For the purposes of
6 this rule, a local coin call shall have a duration of at least 5
7 conversation minutes.

8 (c) Pay telephone providers have until December 31, 1998, to
9 comply with the requirements of placing the certificate number on
10 the pay telephone station sign, card or plate.

11 (10)44 Each pay telephone station which provides access to
12 any interexchange company shall provide coin free access, except
13 for Feature Group A access, to all locally available
14 interexchange companies. The pay telephone station shall provide
15 ~~pay stations in equal access areas, such access shall be provided~~
16 through the forms of access purchased by locally available long
17 distance carriers and shall include 10XXX+0, 950, and toll free
18 (e.g., 800 and 888) access. ~~For those pay stations located in~~
19 ~~non equal access areas, 102880 may be translated to 00 to directly~~
20 ~~access AT&T. Otherwise, in non equal access areas, 00 shall~~
21 ~~directly route to an AT&T operator and the instruction card shall~~
22 ~~so indicate. Where 00 is not available, 0 shall route to the LEC~~
23 ~~operator for transfer to AT&T and the instruction card shall so~~
24 ~~indicate.~~

25 (11) No sales solicitation shall be allowed during the

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1 interval between the last digit dialed by the end user and
2 connection with the interexchange carrier.

3 ~~(12)47~~ All 0- calls shall be initially routed to the serving
4 local exchange telecommunications provider. All other ~~interstate~~
5 calls, including operator service calls, ~~may shall~~ be routed to the
6 pay telephone provider's carrier of choice local exchange company,
7 unless the end user dials the appropriate access code for their
8 carrier of choice, i.e., 950, ~~800, 10XXX, and toll free access~~
9 (e.g., 800 and 888).

10 ~~(13)48~~ (a) Each pay telephone station shall allow incoming
11 calls to be received at all times, with the exception of those
12 located at ~~confinement facilities,~~ hospitals, and schools, and at
13 locations specifically exempted by the Commission. There shall be
14 no charge for receiving incoming calls for the first five minutes.
15 An audible notice of disconnect shall be provided prior to
16 disconnect. A pay telephone provider may petition the Commission
17 to be exempt from the incoming call requirement for a period that
18 shall not exceed one year from the effective date of the Order
19 granting the exemption. Requests for exemption from the requirement
20 that each pay telephone station allow incoming calls shall be
21 accompanied by a completed Form FORM PSC/CMU-2 (XX/XX)42/94,
22 entitled "Request to Block Incoming Calls," which is incorporated
23 into this rule by reference ~~and FORM PSC/CMU-2 (12/94),~~ entitled
24 ~~Request to Block Incoming Calls,~~ may be obtained from the
25 Commission's Division of Communications. The form requires an

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1 | attestation from the owner of the pay telephone, the owner of the
2 | pay telephone location, and the ~~g~~chief of the responsible law
3 | enforcement agency that the request is sought in order to deter
4 | criminal activity facilitated by incoming calls being received at
5 | the specified pay telephone. A separate form shall be filed for
6 | each telephone number for which an exemption is sought. Exemptions
7 | which were granted prior to the one-year limitation will expire one
8 | year from the effective date of the amendment establishing the one-
9 | year limitation. The Commission may grant additional requests for
10 | subsequent one year exemptions if the provider of the pay telephone
11 | files another Form PSC/CMU-2 (XX/XX) on which, in addition to the
12 | signature of the property owner and pay telephone provider, the
13 | chief of the responsible law enforcement agency attests that
14 | criminal activity associated with the pay telephone has been
15 | reduced because incoming calls were blocked at the pay telephone
16 | location. Where incoming calls are not received, central-office
17 | based intercept shall be provided at no charge to the end user
18 | end-user and a written notice shall be prominently displayed on the
19 | instrument directly above or below the telephone number which
20 | states: "Incoming calls blocked at request of law enforcement."

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

25 | (a) central office based intercept message activated;

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1 (b) written notice display as required above; and
2 (c) the local exchange telecommunications provider has
3 informed the local emergency 911 services center that the number is
4 restricted to outbound calls. Any temporary block initiated after
5 a completed Form PSC/CMU-2 (XX/XX) has been filed is contingent
6 upon the decision of the Commission which will be rendered
7 subsequently and may nullify the temporary block.

8 ~~(14)49~~ Each pay telephone station must be connected to an
9 individual access line ~~as provided in the pay telephone access~~
10 ~~tariff offered by the local exchange company.~~

11 ~~(15)44~~(a) Each pay telephone service company shall permit
12 outgoing calls to be placed from its pay telephone stations at all
13 times.

14 (b) Each pay telephone service company shall make all
15 reasonable efforts to minimize the extent and duration of
16 interruptions of service. Service repair programs should have as
17 their objective the restoration of service on the same day that the
18 interruption is reported to the company. (Sundays and holidays
19 excepted.) ~~(b) Each telephone utility shall conduct its operations~~
20 ~~in such manner to ensure that, in each exchange, ninety five (95)~~
21 ~~percent of all interruptions in telephone service occurring in any~~
22 ~~calendar month shall be cleared and service restored within~~
23 ~~twenty four (24) hours (Sundays and holidays excepted) after the~~
24 ~~trouble is reported to the company, except where such interruptions~~
25 ~~are caused by emergency situations, unavoidable casualties, and~~

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1 ~~acts of God affecting large groups of subscribers.~~

2 ~~(16)(44)~~ Where there is a single pay telephone station
3 ~~fewer than three telephones located in a group,~~ a white and yellow
4 page directory for the entire local calling area shall be
5 maintained ~~at each station.~~ Where there are ~~two~~ three or more pay
6 telephones stations located in a group, a white and yellow page
7 directory for the entire local calling area shall be maintained at
8 every other station. However, where telephone pay stations are
9 fully enclosed, a white and yellow page directory shall be
10 maintained at each pay telephone station.

11 ~~(17)(45)~~ Normal maintenance and coin collection activity shall
12 include a review of the cleanliness of each pay telephone station
13 ~~and reasonable efforts shall be made to ensure that 95% of all~~
14 ~~stations are clean and free of obstructions.~~

15 ~~(18)(a)(46)~~ Except as provided in paragraphs (18)(a)-(c) and
16 (e) subsections (14)(a), (14)(b), and (14)(c) below, each pay
17 telephone station ~~installed after January 5, 1987~~ shall
18 conform to sections 4.28.8.4 and 4.22 subsections 4.29.2-4.29.4
19 and 4.29.7-4.29.8 of the American National Standards Accessible
20 and Usable Buildings and Facilities, approved December 15, 1992.
21 ~~Specifications for Making Buildings and Facilities Accessible and~~
22 ~~Usable by Physically Handicapped People, approved February 5, 1986~~
23 by the American National Standards Institute, Inc. (ANSI
24 A117.1-1992(1996)), which is incorporated by reference into this
25 rule. ~~Each telephone station installed prior to January 5,~~

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1 ~~1987 shall conform to the above standards by January 1, 1995.~~

2 ~~(b) Where~~(c) ~~Effective June 1, 1993,~~ where there are two or
3 more pay telephone stations located in a group, there shall be a
4 minimum of one telephone per group of ten which conforms to the
5 ANSI above-mentioned standards listed in subsection (18)(a). The
6 conforming station must be physically located in the group of pay
7 telephone stations or must be installed within a clear line of
8 sight within 15 feet of the group and the route to the conforming
9 station must be free from wheelchair barriers.

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

14 ~~(d)(c)~~ Pay telephone stations ~~Stations~~ located in buildings
15 which are not wheelchair accessible to ~~physically handicapped~~
16 ~~persons~~ must comply with all ANSI provisions cited in this
17 subsection except that these stations are exempt from complying
18 with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until
19 the building is modified to make it wheelchair accessible, to the
20 ~~above-mentioned standards upon modification of the building to make~~
21 ~~it handicap accessible, according to the Americans with~~
22 ~~Disabilities Act.~~

23 (e) Pay telephones shall not be installed where the required
24 "clear floor or ground space" provided for in ANSI section 4.29.2
25 is reduced by a vehicle parked in a designated parking space.

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1 (f) Each pay telephone provider shall modify its pay telephone
2 station to comply with ANSI section 4.29.5 within six months from
3 the effect date of these rules.

4 ~~(19) Each pay~~ ~~Effective September 1, 1993,~~ each telephone
5 station shall permit end users to input unlimited ~~the additional~~
6 digits for the duration of the call necessary to complete calling
7 ~~card calls, using any locally available carrier, without operator~~
8 ~~intervention, and to utilize features such as voice mail box and~~
9 ~~menu driven answering devices. This requirement shall not be~~
10 ~~applicable to pay telephones located in confinement facilities.~~

11 ~~(15) Pay stations located in confinement facilities shall be~~
12 ~~exempt from the requirements of above subsections (1), (3), (4),~~
13 ~~(6), and (11). Such pay stations shall also be exempt from the~~
14 ~~requirements of subsection (5), except for the audible and written~~
15 ~~15 minute disconnect notification.~~

16 ~~(20)(16)~~ Toll Fraud Liability.

17 (a) A company providing interexchange telecommunications
18 services or local exchange telecommunications services shall not
19 collect from a pay telephone provider for charges billed to a line
20 for calls which originated from that line through the use of
21 10KXX+0, 10KXX+01, 950-KKXX+0 ~~950-1/0KXX+0~~, or 1-800, or 1-888
22 access codeg, or when the call originating from that line otherwise
23 reached an operator position, if the originating line is subscribed
24 to outgoing call screening and the call was placed after the
25 effective date of the outgoing call screening order.

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1 (b) A company providing interexchange telecommunications
2 services or local exchange telecommunications services shall not
3 collect from a pay telephone provider for charges for collect or
4 third number billed calls, if the line to which the call was billed
5 was subscribed to incoming call screening and the call was placed
6 after the effective date of the incoming call screening order.

7 (c) Any calls billed through the provider of local exchange
8 telecommunications services company or directly by an interexchange
9 company, or through a billing agent, which have been identified as
10 not collectible as described in paragraphs (20)(a) and (20)(b)
11 above, must be removed from any pay telephone provider's bill after
12 the pay telephone provider gives notice of the fraudulent charges
13 to the billing party. Pay telephone providers shall give such ~~Such~~
14 ~~notice shall be provided~~ to the provider of local exchange
15 telecommunications services LSC and the interexchange company IXC
16 in writing no later than the due date of the bill.

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

21 (e) The interexchange company IXC is responsible for charges
22 described in paragraph (20)(c) that are associated with the failure
23 to properly validate calls via the appropriate provider of local
24 exchange telecommunications services company data base.

25 (f) Definitions: For purposes of subsection (20) ~~this rule~~ the

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1 term

2 ~~---~~ "Effective Date" shall mean the date after the call
3 screening order was placed and associated charges apply.

4 (g) Any charges accrued to a ~~subscriber's~~ line when the
5 subscriber has ~~subscribed to~~ ~~paid~~ the provider of local exchange
6 telecommunications services company to screen calls described in
7 paragraphs (20)(a) and (20)(b) above shall not be the basis for
8 discontinuance of local and intrastate service.

9 ~~(21)(4)(3)~~ Providers serving confinement facilities shall
10 provide for completion of all inmate calls allowed by the
11 confinement facility.

12 (22) Pay telephone stations located in confinement facilities
13 shall be exempt from the requirements of subsections (2), (4), (6),
14 (7), (8), (10), (12), (13), (15), and (16) of this rule. Such pay
15 telephone stations shall also be exempt from the requirements of
16 subsection (9), except that outgoing local and long distance calls
17 may not be terminated until after a minimum elapsed time of ten
18 minutes. Audible and written disconnect notifications shall apply,
19 and one access line shall not be connected to more than three pay
20 telephone stations.

21 Specific Authority 350.127(2) FS.

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

23 History--New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94,
24 12-27-94, 9-5-95.

25
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1 25-24.516 ~~Non-Local-Exchange-Company~~ Pay Telephone Rate Caps.

2 (1) Rates charged any end user by a pay telephone provider,
3 providing operator service within the pay telephone premises'
4 equipment, shall not exceed the following:

5 (a) ~~Local~~ coin calls -- the rate posted at the pay
6 telephone station, a rate equivalent to the local coin rate of the
7 local exchange telecommunications company, except that a provider
8 using a debit card system may charge \$1.00 for a sent paid local
9 call made from a pay telephone located in a confinement facility;

10 (b) Extended area service coin calls - a rate equivalent to
11 the local coin call rate.

12 (c) ~~Intrastate intralATA and interLATA~~ toll coin calls -- a
13 ~~maximum~~ rate of ~~\$1.10~~ ~~\$1.25~~ per minute, plus a ~~\$1.75~~ ~~\$1.00~~
14 ~~surcharge,~~ (e) ~~0.10~~ and ~~0.10~~ ~~interLATA~~ toll non coin calls billed
15 directly or on behalf of the pay telephone provider -- a rate of
16 ~~\$1.25~~ per minute, plus the Commission authorized set use fee as
17 described in subsection (3) below, plus a ~~\$1.00~~ surcharge.

18 (d) 0.10 local - the local rate posted at the pay telephone
19 station plus a \$1.75 charge.

20 (e) 0.10 local person-to-person - the local rate posted at the
21 pay telephone station plus a \$1.25 charge.

22 (f) 0.10 toll - a maximum rate of \$2.30 per minute, plus a \$1.75
23 charge.

24 (g) 0.10 toll person-to-person - a maximum rate of \$1.30 per
25 minute, plus a \$1.25 charge.

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1 (2) A pay telephone provider shall not obtain services from an
2 interexchange carrier or an operator service provider unless such
3 carrier or provider has obtained a certificate of public
4 convenience and necessity from the Commission.

5 ~~(3) A set use fee of \$.25 shall apply to all completed 0- and~~
6 ~~0- local and intralATA toll calls placed from pay telephones. A~~
7 ~~\$.25 set use fee may optionally be applied to completed 0- and 0-~~
8 ~~interlATA toll calls.~~

9
10 Specific Authority 350.127(2) FS.

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

12 History--New 9-5-95.

13
14 25-24.520 Reporting Requirements.

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

18 (a) The street address of the certificate holder including
19 number, street name, city, state and zip code, and the mailing
20 address if it differs from the street address.

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

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

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1 | **Specific Authority 350.127(2) FS.**

2 | **Law Implemented 350.115, 350.117, 364.17, 364.18, 364.185, 364.3375**

3 | **FS.**

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

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