

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC
99 JUL 21 PM 1:08
RECORDS AND REPORTING

DATE: JULY 23, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CSA*
 DIVISION OF APPEALS (CALDWELL) *AKC*
 DIVISION OF COMMUNICATIONS (KENNEDY, SHELPER) *AKC*

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 TO 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.

AGENDA: AUGUST 4, 1998 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

RULE STATUS: PROPOSAL MAY BE DEFERRED

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\RRR\WP\951560.RCM

CASE BACKGROUND

Section 364.3375, Florida Statutes, provides for the regulation of Pay Telephone Service Providers (PSPs) by the Commission. Subsection (1) provides for certification requirements. Subsection (2) states the requirements for each pay telephone station. Subsection (3) provides for access requirements. Subsection (4) provides for the maximum rate for local coin calls. Finally, Subsection (5) requires pay telephone providers to only obtain operator service from certificated providers of that service.

DOCUMENT NUMBER-DATE

07642 JUL 21 8

FPSC-RECORDS/REPORTING

On September 20, 1996, the Federal Communications Commission (FCC) released and adopted a Report and Order detailing the implementation of the Telecommunications Act of 1996. The Order on Reconsideration was adopted and released on November 8, 1996. The FCC Order requires all states to "review and remove, if necessary, those regulations that affect competition, such as entry and exit restrictions." The FCC's goal is to deregulate and move the pay telephone industry to a competitive-based market. The FCC Order made specific changes to the way the pay telephone industry will operate and also required each state to review its rules and to amend/repeal those rules which provide entry/exit barriers to the pay telephone service industry or those rules which would provide double compensation to the pay telephone service providers due to per call compensation.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission repeal Rule 25-4.076, F.A.C., Pay Telephone Service Provided by Local Exchange Companies, and propose amendments to the following rules: Rule 25-4.003, F.A.C., Definitions; 25-4.0345, F.A.C., Customer Premises Equipment and Inside Wire; Rule 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; Rule 25-24.516, F.A.C., Non-Local Exchange company; 25-24.520, F.A.C., Reporting Requirements.

RECOMMENDATION: Yes. The Commission should repeal Rule 25-4.076, F.A.C., and propose amendments to the other rules relating to pay telephone service.

STAFF ANALYSIS: Per call compensation went into effect October 7, 1997. At that time, the FCC mandated that pay telephone service providers (PSPs) shall be compensated for each and every call. The FPSC currently allows pay telephone service providers to charge the end user a set use fee for 0+ and 0- calls. Since per call compensation will now allow PSPs to be compensated by the interexchange carriers for 0+ calls, the set use fee should no longer apply to those calls because that would constitute double compensation for the same phone call. Per call compensation will also apply to 0- calls which are handed off to an interexchange

carrier. Therefore the set use fee will only apply to 0- calls completed by the provider of local exchange telecommunication services. Since the end user will be charged the set use fee by the operator service provider (OSP) who will remit the fee to the PSP, the rule will be added to the OSP rules in 25-24.630, F.A.C.

The OSP rules, 25-24.630, F.A.C., are currently being revised to set rate caps on the rates and surcharges for various operator services provided by the OSPs. Since the rate caps in 25-24.516, F.A.C., are for pay telephone stations which provide operator-like services, the rate caps in 25-24.630 and 25-24.516, F.A.C., should be identical for providing similar services. Intrastate toll calls should have the same rate caps and surcharges as their counterparts in the OSP rules. The proposed rate cap in the OSP rules was chosen as being representative of the maximum rate (rounded to the next nickel) and surcharges currently being charged by AT&T for providing operator services. Therefore the rate cap for toll calls has been increased from \$0.25 to \$0.30 per minute and the surcharge has been increased to \$1.75.

While the purpose of these amendments is to modify the Florida Administrative Code in order to comply with the FCC Order, there are multiple effects that the rule amendments have on pay telephone service providers. By repealing the LEC pay telephone rules and modifying the non-LEC rules to include those phones formerly provided by the LECs, both the LEC and non-LEC PSPs will now be governed under the same rules. The PSPs will be allowed to charge the end user for directory assistance calls effective October 1997. However, they will no longer be allowed to charge the end user the set use fee for 0+ calls and for IXC completed 0- calls. The PSPs will be allowed to charge up to \$0.30 per minute and \$1.75 surcharge for toll calls.

The following amendments are being made to comply with FCC order 96-388 and FCC Reconsideration Order 96-439, or are affiliated with the changes:

- Amends the interexchange companies rules so 25-24.515, F.A.C., (Pay Telephone service) is referenced for the Toll Fraud Liability language instead of the repealed Rule 25-4.076, F.A.C., (Pay Telephone Service Provided by Local Exchange Companies);
- Includes LECs' pay telephone equipment as customer premises equipment;
- PSPs can charge for directory assistance;

- The pay telephone station cannot move to market-based local coin rate until the placard is modified to show the local coin rate;
- All calls may be routed to a presubscribed carrier except 0- calls which must first be routed to the serving local exchange telecommunications provider;
- PSPs can charge a market-based-rate for local coin calls;
- Extended calling service calls must be billed at the same price as local coin calls; and
- The set use fee for all 0+ calls and IXC completed 0-calls will be discontinued.

Some of the rule amendments are not affiliated with the FCC's Order but are changes initiated by the staff. These rule amendments provide for the following:

- Decreases the number of application copies from five to two that must be remitted to the Commission;
- Allows LECs to provide service in their LEC certificated area, but requires LECs to be certificated to provide service outside of their LEC certificated area;
- Requires coin return of any deposited coins if the call is not completed;
- Requires free access to 800/877/888 numbers and dialtone;
- Allows for temporary and permanent blocking of incoming phone calls in order to deter criminal activity;
- Clarifies that both white and yellow directories (current) must be at each pay telephone station except in phone banks where books are required at every other station. Stations that provide free directory assistance are not required to provide current directories;
- Requires volume control on each pay telephone station except in phone banks (one in ten fc- banks) within six months of the effective date of these rules;
- Prohibits designated parking spaces from intruding on the "clear floor or ground space" required for wheelchair accessibility;
- Requires pay telephone stations in confinement facilities to have a maximum of three pay telephone stations per access line;
- Requires the local coin rate and certificate number of the provider to be added to the placard by December 31, 1998 or six months after the effective date of the rules, which ever is longer;
- Requires notification on a inmate phone that after a minimum of 10 minutes the call will be terminated;

- Increases the rate cap for intrastate toll calls from \$0.25 per minute to \$0.30 per minute;
- Increase the surcharge for intrastate toll calls to \$1.75;
- Requires incoming calls to be received free of charge for the first five minutes, after which time a charge may be imposed for the incoming call; and
- Applies set use fee only to 0- calls completed by the provider of local exchange telecommunications services.

Subsection 25-24.515(13), F.A.C., provides requirements for incoming calls. Earlier versions of staff's proposed rule required exemptions to automatically expire after one year. This provision would result in additional costs to the companies if required. As an alternative, staff allowed companies to charge for incoming calls after the first five minutes (rated as a local coin call). Within the five minutes staff expected emergency and other call-backs to transpire. Staff realizes that continuous call-backs could occur, but the frustration of doing so should limit such practice. Allowing companies to charge for incoming calls should provide the incentive to keep the telephones working requiring fewer exemptions to be sought from the Commission.

Summary of Statement of Estimated Regulatory Cost: The rule amendments implementing the FCC Order should not impose additional regulatory costs, because PSPs would still be subject to the federal rules absent Florida rule amendments. Rule amendments due to FPSC initiative would have additional regulatory costs. PSPs indicated that limiting the exemption for blocking incoming calls to one year would create costs ranging from \$120 per pay station to a first year total company cost of \$151,918. As discussed above, this provision was not proposed by staff. PSPs may incur costs to comply with placard, volume control, both white and yellow page directory, and accessibility requirements. PSPs could no longer charge the set use fee for 0+ calls and IXC completed 0- calls. However, offsetting the additional regulatory costs would be the opportunity to increase the rate for intrastate toll calls from \$0.25 to \$0.30 per minute and the surcharge for toll calls from \$1.00 to \$1.75 as well as the ability to charge what the market will bear for local calls.

Statutory Authority: Staff believes the proposed rules comply with the federal requirements, as well as Section 364.3375, Florida Statutes.

DOCKET NO. 951560-TP
DATE: June 18, 1998

ISSUE 2: If no requests for hearing or comments are filed, should the rule amendments as proposed be filed for adoption with the Secretary of State and the docket be closed?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Unless comments or requests for hearing are filed, the rules as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

Attachments:

Rules
Statement of Estimated Regulatory Cost
Forms

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.

CODING: Words underlined are additions; words in
~~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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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 12-1-66, Amended 3-31-76, Formerly 25-4.03,**
25 **Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96,_____.**

**CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.**

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)u" 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 Pointu" ~~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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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 is-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 is-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 is-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.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 Law Implemented 364.03 PS.

2 History--New 12-13-32, 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~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

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 1911A~~
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 forms 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~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

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 ~~excepted 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 PDC/GMU 2 (12/94), which is incorporated into this~~
10 ~~rule by reference. FORM PDC/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~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

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, 1992, 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~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 ~~wheelchair 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, 1992, each telephone shall permit~~
11 ~~and users to input the additional digits 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,~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 ~~950-1/XXXX - 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 IXC 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 IXC 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.~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 ~~(f) Definitions. For purpose 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.

15 Repealed

16
17 I:\25-4003.doc

18
19
20
21
22
23
24
25

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

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>All</u> None
9		Reports, etc.	
10	25-4.036	Design and	<u>All</u> None
11		Construction of Plant	
12	25-4.038	Safety	<u>All</u> None
13	25-4.039	Traffic	<u>All</u> None
14	25-4.071	Adequacy of Service	Subsections (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</u> Subsection (5)
21		Equipment	
22	25-4.160	Operation of	<u>Subsection (1)</u> Subsections
23		Telecommunications	(2) , (3)
24		Relay Service	

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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) PS.**

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 PS.**

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

9

10

PART XI

11

RULES GOVERNING PAY TELEPHONE SERVICE PROVIDED-

12

~~BY OTHER THAN LOCAL EXCHANGE TELEPHONE COMPANIES~~

13

25-24.500 Reserved

14

25-24.505 Scope

15

25-24.510 Certificate of Public Convenience and Necessity Required

16

25-24.511 Application for Certificate

17

25-24.512 Improper Use of a Certificate

18

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

19

20

25-24.514 Cancellation of a Certificate

21

25-24.515 Pay Telephone Service

22

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

23

25-24.520 Reporting Requirements

24

25

**CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.**

1 25-24.505 Scope.

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

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

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

22 Specific Authority 350.127(2) FS.

23 Law Implemented 350.113, 350.115, 350.117, 364.01, 364.016, 364.02,
24 364.17, 364.18, 364.183, 364.185, 364.32, 364.337 FS.

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 25-26.511 Application for Certificate.

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

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

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

17 (4)~~(5)~~ Any pay telephone service authority previously granted
18 or granted hereafter is subject to the following:

19 (a) Authority granted is statewide.

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

25 (5)~~(4)~~ A certificate will be granted if the Commission

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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

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

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

11 **History--Law 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92,**
12 **_____.**

13

14 **25-24.515 Pay Telephone Service.**

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

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

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

25 ~~(4)-(3)~~ Each pay telephone station shall permit direct free

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 access to the universal telephone number "911", where operable, r
2 without requiring the use of a coin, paper money, or a credit card.
3 Where such number is not operable, the station shall permit access
4 to a local exchange company toll operator under the same
5 conditions.

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

8 (6) Each Pay telephone station shall permit direct free access
9 to toll free numbers (e.g., 800, 877, and 888).

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

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

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

21 (a) The telephone number and location address of the pay
22 telephone seek station, name and certificate number of the
23 certificate holder, and the party responsible for repairs and
24 refunds, address of responsible party, free phone number of
25 responsible party, clear dialing instructions (including notice of

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 the lack of availability of local or toll services), and the local
2 coin rate, where applicable, ~~a statement that the phone is not~~
3 ~~maintained by the local exchange company.~~

4 (b) For those pay telephone stations that will terminate
5 conversation after a minimum elapsed time of 45 minutes, notice shall
6 be included on the sign card as well as an audible announcement 30
7 seconds prior to termination of the phone call.

8 (c) Pay telephone providers have until December 31, 1998, or
9 six months after the effective date of this rule, whichever is
10 later, to comply with the requirements of placing the certificate
11 number on the pay telephone station sign, card, or plate.

12 ~~(10)46~~ Each pay telephone station which provides access to
13 any interexchange company shall provide coin free access, except
14 for Feature Group A access, to all locally available
15 interexchange companies. The pay telephone station shall provide for
16 ~~pay stations in equal access areas, such access shall be provided~~
17 through the forms of access purchased by locally available long
18 distance carriers such as and shall include 10XXX+0, 10XXXX+0,
19 101XXXX+0, 950, and toll free (e.g., 800, 877, and 888) access. For
20 ~~those pay stations located in non equal access areas, 102880 may be~~
21 ~~translated to 00 to directly access AT&T. Otherwise, in non equal~~
22 ~~access areas, 00 shall directly route to an AT&T operator and the~~
23 ~~instruction card shall so indicate. Where 00 is not available, 0~~
24 ~~shall route to the LEC operator for transfer to AT&T and the~~
25 ~~instruction card shall so indicate.~~

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 (11) No sales solicitation shall be allowed during the
2 interval between the last digit dialed by the end user and
3 connection with the interexchange carrier.

4 ~~(12)(4)~~ All 0- calls shall be initially routed to the serving
5 local exchange telecommunications provider. All other interstate
6 calls, including operator service calls, may shall be routed to the
7 pay telephone provider's carrier of choice local exchange company,
8 unless the end user dials the appropriate access code for their
9 carrier of choice, i.e., 950, ~~000~~, ~~10XXX~~, ~~10XXXX~~, ~~101XXXX~~, and toll
10 free access (a.g., 800, 877, and 888).

11 ~~(13)(4)~~ (a) Each pay telephone station shall allow incoming
12 calls to be received at all times, with the exception of those
13 located at ~~confinement facilities~~, hospitals, and schools, and at
14 locations specifically exempted by the Commission. There shall be
15 no charge for receiving incoming calls for the first five minutes.
16 An audible notice of disconnect shall be provided prior to
17 disconnect. Incoming calls exceeding five minutes shall be rated
18 as a local coin call. Requests for exemption from the requirement
19 that each pay telephone station allow incoming calls shall be
20 accompanied by a completed Form FORM PSC/CNU-2 (XX/XX) (12/94),
21 entitled "Request to Block Incoming Calls," which is incorporated
22 into this rule by reference ~~and FORM PSC/CNU-2 (12/94), entitled~~
23 ~~Request to Block Incoming Calls,~~ may be obtained from the
24 Commission's Division of Communications. The form requires an
25 attestation from the owner of the pay telephone, the owner of the

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 pay telephone location, and the Chief of the responsible law
2 enforcement agency that the request is sought in order to deter
3 criminal activity facilitated by incoming calls being received at
4 the specified pay telephone. A separate form shall be filed for
5 each telephone number for which an exemption is sought. Where
6 incoming calls are not received, central-office based intercept
7 shall be provided at no charge to the end user ~~end-user~~ and a
8 written notice shall be prominently displayed on the instrument
9 directly above or below the telephone number which states:
10 "Incoming calls blocked at request of law enforcement."

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

15 1. central office based intercept message activated;
16 2. written notice display as required above; and
17 3. the local exchange telecommunications provider has informed
18 the local emergency 911 services center that the number is
19 restricted to outbound calls. Any temporary block initiated after
20 a completed Form PSC/CMU-2 (XX/XX) has been filed is contingent
21 upon the decision of the Commission which will be rendered
22 subsequently and may nullify the temporary block.

23 (14)(9) Each pay telephone station must be connected to an
24 individual access line as provided in the pay telephone access
25 tariff offered by the local exchange company.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~(15)(40)~~(a) Each pay telephone service company shall permit
2 outgoing calls to be placed from its pay telephone stations at all
3 times.

4 (b) Each pay telephone service company shall make all
5 reasonable efforts to minimize the extent and duration of
6 interruptions of service. Service repair programs should have as
7 their objective the restoration of service on the same day that the
8 interruption is reported to the company. (Sundays and holidays
9 excepted.) ~~(b) Each telephone utility shall conduct its operations~~
10 ~~in such manner to ensure that, in each exchange, ninety five (95)~~
11 ~~percent of all interruptions in telephone service occurring in any~~
12 ~~calendar month shall be cleared and service restored within~~
13 ~~twenty four (24) hours (Sundays and holidays excepted) after the~~
14 ~~trouble is reported to the company, except where such interruptions~~
15 ~~are caused by emergency situations, unavoidable casualties, and~~
16 ~~acts of God affecting large groups of subscribers.~~

17 ~~(16)(a)(11)~~ Where there is a single pay telephone station
18 ~~fewer than three telephones located in a group, a~~ current white and
19 yellow page directory for the entire local calling area shall be
20 maintained ~~at each station.~~ Where there are ~~two~~ three or more pay
21 telephones stations located in a group, a current white and yellow
22 page directory for the entire local calling area shall be
23 maintained at every other station. However, where telephone pay
24 stations are fully enclosed, a current white and yellow page
25 directory shall be maintained at each pay telephone station.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 Companies must comply with this subsection by December 31, 1998, or
2 six months after the effective date of this rule, which ever is
3 longer.

4 (b) Pay telephone stations that provide directory assistance
5 at no charge are exempt from the provisions in (16)(a). A notice
6 must appear on the placard if directory assistance at no charge is
7 being provided.

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

12 (18)(a) ~~(a)~~ Except as provided in paragraphs (18)(a)-(c) and
13 (c) subsections (14)(a), (14)(b), and (14)(e) below, each pay
14 telephone station installed after January 5, 1987 shall
15 conform to sections 4.28.5.4 and 4.29 ~~subsections 4.29.3-4.29.4~~
16 ~~and 4.29.7-4.29.8~~ of the American National Standards Accessible
17 and Usable Buildings and Facilities, approved December 15, 1992,
18 ~~Specifications for Making Buildings and Facilities Accessible and~~
19 ~~Usable by Physically Handicapped People, approved February 5, 1986~~
20 by the American National Standards Institute, Inc. (ANSI
21 A117.1-~~1992~~1986), which is incorporated by reference into this
22 rule. ~~Each telephone station installed prior to January 5,~~
23 ~~1987 shall conform to the above standards by January 1, 1995.~~

24 ~~(b) Where (a) Effective June 1, 1992,~~ where there are two or
25 more pay telephone stations located in a group, there shall be a

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 minimum of one telephone per group of ten which conforms to the
2 ANSI above-mentioned standards listed in subsection (18)(a). The
3 conforming station must be physically located in the group of pay
4 telephone stations or must be installed within a clear line of
5 sight within 15 feet of the group and the route to the conforming
6 station must be free from wheelchair barriers.

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

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

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

23 (f) Each pay telephone provider shall modify its pay telephone
24 station to comply with ANSI section 4.29.5 within six months from
25 the effective date of these rules.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~(19) Each pay~~⁽¹⁴⁾ ~~Effective September 1, 1992,~~ each telephone
2 ~~station shall permit end users to input unlimited the additional~~
3 ~~digits for the duration of the call necessary to complete calling~~
4 ~~card calls, using any locally available carrier, without operator~~
5 ~~intervention, and to utilize features such as voice mail box and~~
6 ~~menu driven answering devices. This requirement shall not be~~
7 ~~applicable to pay telephones located in confinement facilities.~~

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

13 ~~(20)~~⁽¹⁶⁾ Toll Fraud Liability.

14 (a) A company providing interexchange telecommunications
15 services or local exchange telecommunications services shall not
16 collect from a pay telephone provider for charges billed to a line
17 for calls which originated from that line through the use of access
18 codes such as 10XXX-0, 10XXXX, 101XXXX, 950, and toll free (e.g.,
19 800, 877, 888) 10XXX-01, 950 1/0XXX-0, or 1-800 access codes, or
20 when the call originating from that line otherwise reached an
21 operator position, if the originating line is subscribed to
22 outgoing call screening and the call was placed after the effective
23 date of the outgoing call screening order.

24 (b) A company providing interexchange telecommunications
25 services or local exchange telecommunications services shall not

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 collect from a pay telephone provider for charges for collect or
2 third number billed calls, if the line to which the call was billed
3 was subscribed to incoming call screening and the call was placed
4 after the effective date of the incoming call screening order.

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

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

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

23 (f) Definitions: For purposes of subsection (20) ~~this rule~~ the
24 term

25 ~~—~~ "Effective Date" shall mean the date after the call

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 screening order was placed and associated charges apply.

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

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

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

19 Specific Authority 350.127(2) FS.

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

21 History--New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94,
22 12-27-94, 9-5-95, _____.

23
24 ~~25-24.516 Non-Local-Exchange-Company Pay Telephone Rate Caps.~~

25 (1) Rates charged any end user by a pay telephone provider.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 providing operator service within the pay telephone premises'
2 equipment, shall not exceed the following:

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

8 (b) Extended area service (EAS) coin calls - a rate equivalent
9 to the local coin call rate.

10 (c) Extended calling scope (ECS) calls - the rate equivalent
11 to the local coin rate.

12 (d) 0+ toll non-person-to-person - a maximum rate of \$0.30 per
13 minute, plus a \$1.75 charge, intralATA and interlATA toll coin
14 calls - a rate of \$.25 per minute, plus a \$1.00 surcharge,

15 ~~----- (e) 0+ and 0 interlATA toll non coin calls billed directly or~~
16 ~~on behalf of the pay telephone provider - a rate of \$.25 per~~
17 ~~minute, plus the Commission authorized set use fee as described in~~
18 ~~subsection (3) below, plus a \$1.00 surcharge.~~

19 (e) 0+ toll person-to-person - a maximum rate of \$.30 per
20 minute, plus a \$3.25 charge.

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

25 (3) A set use fee of \$.25 shall apply to all completed ~~0+~~ and

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 0- local ~~and intralATA toll~~ calls placed from pay telephones. A
2 ~~\$.25 ext use fee may optionally be applied to completed 0- and 0-~~
3 ~~interLATA toll calls.~~

4
5 Specific Authority 350.127(2) FS.

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

7 History--New 9-5-95; Amended _____.

8
9
10 25-24.520 Reporting Requirements.

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

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

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

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

22 Specific Authority 350.127(2) FS.

23 Law Implemented 350.115, 350.117, 364.17, 364.18, 364.185, 364.3375
24 FS.

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

MEMORANDUM

May 20, 1998

98 MAY 22 PM 2:48

TO: DIVISION OF APPEALS (CALDWELL)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CH of NW*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS, 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 PREMISE 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; RULE 25-24.515, F.A.C., PAY TELEPHONE SERVICE; RULE 25-24.516, F.A.C., PAY TELEPHONE RATE CAPS; AND RULE 25-24.520, F.A.C., REPORTING REQUIREMENTS.

SUMMARY OF THE RULE

The current rules in Chapter 25-24, F.A.C., governing pay telephone service apply to any telecommunications company, other than local exchange companies (LECs), that provide pay telephone service as defined in Section 364.3375, Florida Statutes (1995). LECs are governed by Rule 25-4.076, F.A.C., Pay Telephone Service By Local Exchange Companies.

The proposed rule amendments would repeal the separate rule for LECs providing pay telephone services, extend the scope of the other pay telephone rules to include LECs, and require that, "Any person desiring to provide pay telephone services must have a pay telephone certificate." Thus, the rules would combine all pay telephone service providers (PSPs) under the same requirements.

The amendments would also implement Federal Communications Commission (FCC) requirements found in FCC Report and Order 96-388 and FCC Order 96-439 on Reconsideration. Adopting these requirements is necessary to bring Florida into compliance with the FCC's orders. These requirements include: defining the LECs' pay telephone equipment as customer premises equipment; allowing the PSPs to charge for directory assistance; allowing the PSPs to charge a market-based rate for local coin calls; and discontinuing the set use fee for all 0+ and DXC completed 0- calls.

The proposed amendments include specific rate caps expressed in dollars and cents that pay telephone providers must not exceed for various types of calls. The proposed amendments would also

allow more flexibility to providers for minimum length of calls at confinement facilities, allow a charge for incoming calls after five minutes, and add conditions for extending incoming call blocking where exempted. Outgoing calls would be required to be permitted at all times. In addition, pay telephones would have to meet certain American National Standards Institute (ANSI) requirements for handicapped users. Finally, pay telephone stations located in confinement facilities would be exempt from certain requirements, and outgoing local and long distance calls at those facilities could not be terminated until after a minimum elapsed time of ten minutes.

ESTIMATED NUMBER AND DESCRIPTION OF INDIVIDUALS AND ENTITIES IMPACTED

Any telecommunications company that provides pay telephone service would be required to comply with the proposed rule amendments. In Florida, certificates to provide pay telephone telecommunications service are currently held by over 1,000 entities. The companies range from sole proprietors with one pay telephone to large companies with thousands of pay telephones throughout the state.

Any individual that uses a pay telephone in Florida could be indirectly impacted by the proposed rule amendments when implemented by pay telephone providers. They would be the ultimate bearer of the costs and receiver of the benefits of the rule changes.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

The Florida Public Service Commission (Commission) should eventually see a reduction in the number of complaints filed by pay telephone users if the rule achieves its purpose (to reduce the incidence of price gouging on toll calls and increase the level of information and service quality of pay telephones). However, there may be a short-term increase in consumer complaints (due to higher surcharges and rates). Also, staff would be monitoring compliance with the proposed rule changes. Present staff levels should be adequate if these increases are short term.

At least three local governments (Cities of Lakeland, Ocala, and Tallahassee) hold ALEC certificates, although none are currently offering telecommunications services. Local governments offering pay telephone service would face the same compliance costs as others. Local law enforcement

agencies would have some minimal costs associated with approving call blocking renewals. No other direct costs to state or local government entities are foreseen.

**ESTIMATED TRANSACTIONAL COSTS
TO INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY**

The estimated costs of complying with the proposed rule amendments are described in this section. Staff reviewed data request responses, testimony, and workshop comments and has made every effort to include all costs provided by any participating party. Cost estimates are contained in the following discussion for each section of the proposed rule amendments where data request responses indicated an increased regulatory cost. Where explicit costs are not included but indicated, the total amount of regulatory cost increases would depend on unknown factors such as the actual number of companies affected and the duration and number of calls affected.

Proposed Rule Amendments to 25-24.515, F.A.C., Pay Telephone Service

Proposed Rule Amendments 25-24.515(5) & (6), F.A.C., would require free direct access to dial tone and toll free numbers. This would decrease revenues for companies currently charging for these items. Subsection (7) would allow a charge for local directory calls which could increase revenues for those companies imposing a charge per the FCC order.

Subsection (9)(a) would require the certificate number and local coin rate to be added to the currently required identification information at the pay telephone station. Alltel does not believe that the certificate should be required to be listed on the phone because: (a) the pay station cards are already over crowded with required information; (b) the name of the provider is on the phone and can be checked with the Commission for an assigned certificate number; and (c) multi-state operations create difficulties with lack of consistency in formatting. Sprint-Florida, Inc. responded that this section has caused a total expense of \$4,200 to include the company's certificate number. Sprint Payphone Services, Inc. indicated it has incurred a one-time expense of \$4,000 to update its existing place cards in compliance with the proposed rule change.

The Florida Public Telecommunications Association, Inc. (FPTA) suggested that a minimum time period of at least six months be allowed for PSPs to bring their pay telephones into compliance with the rule changes. With a reasonable amount of time to change signage, the economic impact of

these changes would be minimal, because the PSP can change the cards during the normal course of business, without a special trip.

Subsection (9)(b) would change the allowed call termination period from "15 minutes" to "a minimum elapsed time." The change could reduce the amount of time allowed without an additional charge which could increase revenues to PSPs and increase costs to pay telephone users.

Subsection (13)(a) would require incoming calls to be received at all times with no charge for the first five minutes unless the location has been granted an exemption by the Commission. There could be an increase in revenues for companies now blocking incoming calls at certain times. An audible notice of disconnect must be provided prior to disconnect. The cost to provide this audible notice was not reported. Subsection (13)(a) would also limit the exemption for the incoming call requirement to a one year period. Exemptions granted prior to the one year limitation would expire one year from the effective date of the proposed amendment. Florida Pay Phone Systems, Inc. (FPPS) indicated that it is extremely difficult to obtain a signature from a chief of police because of reluctance to acknowledge a crime problem in his jurisdiction. FPPS states it took five months to obtain a signature (including 80 man hours, many calls, and visits to the office) for two phones at one location. It stated, "An annual exemption signature would make the request a constant battle." While there is a regulatory cost to obtain additional signatures every year, the requirement would ensure that there is continued justification for the blocking and loss of accessibility for customers receiving incoming calls. GTE anticipates that annual petitions for exemption for blocking incoming calls would result in an additional expense of \$120 per pay station.

BellSouth Public Communications, Inc. (BSPC) estimated that to comply with this change would initially cost \$113,799 with subsequent costs per year to comply at \$38,119, for a total first year cost of \$151,918. Costs include labor costs for administration, marketing, technical, and maintenance and assumes 50% of existing exempted stations and subsequent exempted stations would revert back to two-way calling.

FPTA believes that a five-minute minimum elapsed time is too long a time period to allow for free incoming calls. FPTA recommends only one or two minutes at most which would accommodate most, if not all, emergency call-back situations. This would still provide an incentive to the PSP to only request incoming call blocking where absolutely necessary due to a crime situation.

FPTA believes that a one-year exemption would create an additional administrative burden that would not be offset by any benefit. Allowing PSPs to charge for incoming calls would be a sufficient incentive to allow incoming calls everywhere possible. Some of the increased costs would be associated with increased paperwork and the need to create and maintain another set of records with very specific tracking requirements. To secure signatures, it would be necessary to divert personnel to track down location owners. Also, FPTA believes that the chief of law enforcement would be reluctant to state in writing that crime has been reduced because of incoming call blocking. The result would be the loss of a number of pay telephones where the location provider or law enforcement agencies are reluctant to get involved with such "bureaucracy."

Subsection (13)(b) would allow a pay telephone provider to initiate a temporary block of incoming calls after: (a) the required form has been filed with the Commission; (b) a central office based interoffice message has been activated; (c) a written notice is displayed as required; and, (d) the LEC has informed the local emergency 911 services center that the number is restricted to outbound calls. This proposed amendment should shorten the time frame to implement an incoming call block but would make continuation of the exemption contingent on subsequent Commission approval of the request.

Subsection (14) would require that each pay telephone station be connected to an individual access line. This may require companies with multiple stations to incur costs to connect to an individual access line.

Subsection (15) would require that outgoing calls be permitted at all times. Although this should increase revenues for PSPs, there may be some additional costs to some PSPs from this requirement. FPTA states that it strongly believes that PSPs should have the latitude to configure each pay telephone in the way that is best suited to serve each specific location. A PSP should be allowed, with proper signage, to turn off a pay telephone certain hours to deter loitering and criminal activity around the phone. Otherwise, PSPs would be forced to remove some instruments that could have remained for use during most hours of the day.

Subsection (16) would require that both white and yellow pages directories must be at each pay telephone station except in phone banks where every other station must have directories. Florida Pay Phone Systems, Inc. indicated that it would cost the company approximately \$200 for every single pay phone station. Where there are two phones at one location, the cost would be approximately \$30 per

pay phone. Sprint-Florida, Inc. estimates the initial expense to adhere to this section would be \$51,500 to cover the purchase and installation of additional directory binders and mounting equipment to secure directories at the pay phone location. Sprint Payphone Services, Inc. would incur \$42,200 in additional expense for the required directory binders, mounting equipment, and labor.

FPTA objects to being required to obtain yellow page volumes where the yellow pages are not included within the same book as the white pages. Large metropolitan areas can mean three volumes of directories. A larger swing-away binder to accommodate this many volumes cost approximately \$200 versus a single volume binder that would cost approximately \$75. Also, because yellow pages are a commercial activity, FPTA believes PSPs should not be required to provide free advertising space for these commercial entities.

Subsection (18)(a) would change the ANSI reference date from 1986 to 1992 and require volume controls on pay telephones. Subsection (18)(b) would insure that the route to a conforming station was free of wheelchair barriers. Subsection (18)(c) would prohibit the installation of pay telephones where the clear floor or ground space provided in ANSI section 4.29.2 is reduced by a vehicle parked in a designated parking space. Florida Pay Phone Systems, Inc. indicated that this section would dramatically reduce the amount of pay phones which are accessible to the public. If a pay phone is placed in a location that is not adjacent to a designated parking space, for example, at a gas station, then it is usually in the direct line of traffic which would be a liability to both the pay phone provider and location owner if anyone was hit while using the pay phone. It would cost approximately \$250 per pay phone to move the phones and an estimated 40% of all pay phones could be lost at gas stations, according to Florida Pay Phone Systems, Inc. FPTA states that to upgrade an instrument to comply with volume control requirements would cost between \$50 and \$100, including parts and labor, depending on the age of the phone. Allowing the modifications over a period of time and in conjunction with routine repairs and maintenance would minimize costs and use employees most efficiently.

Subsection (19) requires that each pay telephone station except those in a confinement facility allow entry of unlimited digits for the duration of a call. The proposed amendment removes the exception for pay telephones in confinement facilities. GTE objects that this new requirement would have a potentially significant impact on GTE. "A significant majority, if not all, of the pay station systems serving inmate facilities do not allow inmate dialing after either seven or ten digits have been

dialed. This is a limitation typically asked for by the superintendents of the inmate facilities." Unlimited dialing increases the opportunity for an inmate to harass persons outside the inmate facility or commit telephone fraud. Although the impact to GTE is undeterminable, GTE's experience indicates that inmate systems which limit the calling access by limiting the number of digits dialed, do have a positive effect on limiting pay station fraud. Otherwise, the unlimited digit input is beneficial, particularly for a calling card customer who desires to make several calls, but only wants to dial the carrier access number once, and for banking and other transactions. However, these applications should not apply to an inmate.

Subsection (22) exempts pay telephone stations located in confinement facilities from many of the provisions of 25-24.515 because of the restricted nature of the end user. Although inmates would not enjoy all the benefits of this section, the exemptions are necessary for the safety and welfare of the nonincarcerated public.

Proposed Amendments to Rule 25-24.516, F.A.C., Pay Telephone Rate Caps

The proposed amendments for rate caps would raise rate and surcharge caps and allow increased revenues if market conditions permitted higher charges. Extended calling service (ECS) calls must be billed at the same price as local coin calls per the FCC order. Sprint-Florida, Inc. estimated that if it raises rates to a very high level, it would generate approximately \$328,500 annually (\$53,400 nonregulated and \$275,100 regulated), presumably at current volume. In addition, the Pay Station Location Provider would realize an increase in revenue estimated at \$82,100 annually based on the current contracted commission rates. Sprint Payphone Services, Inc. could realize additional revenues, if it raises its rates to a very high level, of approximately \$127,600 annually. In addition, the pay station location provider would realize an increase in revenue estimated at \$32,400 annually, based on the current contracted commission rates. FPTA objects to the requirement that ECS coin calls match local coin call rates because PSPs are charged measured rates for ECS calls and market conditions may dictate a different price. However, since local call rates would be rates set by the PSPs, they may be set at an adequately high rate for ECS calls. That higher rate may, in turn, make the local call rate too high for the local market. The PSPs would each have to find the right balance for their local and ECS coin call rate.

Although PSPs may increase rates and surcharges, in a competitive market they may be constrained from charging the highest level possible. Also, as charges increase, there may be a consumer response of less usage of pay telephones which could lessen the rise in PSP revenues.

IMPACT ON SMALL BUSINESS, SMALL CITIES, OR SMALL COUNTIES

None of the responding pay telephone companies said that they met the statutory definition of a small business. However, FPTA indicated that most of its members are small businesses. Small pay telephone companies should have the same regulatory compliance costs per pay telephone station as the larger companies. They would have the same rate and surcharge caps. All providers of pay telephone services must meet Commission service availability and accessibility requirements so that pay telephone users may expect a minimum acceptable level of service. Small pay telephone companies should also enjoy the same benefits as large companies by having more flexibility in setting local call rates and raising their revenues. No additional direct impact on small cities or small counties is foreseen.

REASONABLE ALTERNATIVE METHODS

Section 120.541, Florida Statutes, provides for a substantially affected person to submit a good faith written proposal for a lower cost regulatory alternative to a proposed rule and requires the SERC to either adopt the alternative or give a statement of the reasons for rejecting it in favor of the proposed rule. There were no formal proposals submitted in accordance with Section 120.541, F.S., however, the alternative suggestions submitted are addressed. These proposals have not been adopted into staff's proposed rule amendments.

The proposed rule amendment to 25-24.515(9), F.A.C., requires the addition of the holder's certificate number to the pay telephone station information provided. Although this addition may cause some additional expense and difficulty, PSPs have six months to comply, and it would help avoid confusion between similar named companies and eliminate several steps in addressing complaints about a particular pay phone.

The proposed rule amendment to 25-24.515(12) allows all calls except 0- calls (currently all calls must be routed to the LEC) to be routed to the PSP's carrier of choice. FPTA objects that the proposed amendment would continue to mandate that the local exchange provider (LEP) ultimately

carry non-emergency 0- calls. Unless the Commission requires that the LEP re-route non-emergency calls back to the PSP's carrier of choice, FPTA proposes that all 0- calls be routed to a certificated provider authorized by the Commission to handle 0- traffic. For each 0- call handled by the LEP, the PSP loses a commission that may be 30%-40% of the revenue on the call. For an "operator transfer," long distance carriers pay LEPs a typical transfer fee of \$0.75.

The proposed rule amendment to 25-24.515(13)(a), F.A.C., makes incoming call blocking exemptions limited to one year. One suggestion was that only the pay phone owner and location provider be required to sign any renewal. Another alternative, considered less cumbersome by one company, would be to allow the exemption to remain in place until the local agent or local police authority requests to open the pay stations to incoming calls. The requirement aims to balance the interest of the public in having available incoming calling ability and the need to eliminate or minimize criminal elements congregating at certain pay telephone locations.

Regarding the proposed rule amendment 25-24.515(16), F.A.C., for directory placement, a suggestion was made that all single pay phones only need white pages and only two or more pay phones need yellow. This suggestion would not fully meet the needs of pay phone users.

The proposed rule amendment 25-24.515(18)(c), F.A.C., prohibits installing a pay phone where the required clear floor or ground space is reduced by a vehicle parked in a designated parking place. There was an opinion expressed that the section should be removed. Although this section may be a disincentive for some location owners to install a pay phone, removal of the amendment would allow clear ground space to be occupied by a vehicle, thus, blocking access and clear space for handicapped access. FPTA suggests that pay telephone providers be allowed a minimum period of at least one year after the rule becomes effective to comply with the newly adopted ANSI standards.

The proposed rule amendment 25-24.515(19), F.A.C., requires allowing unlimited input of digits during a call. A language change was recommended to block inmates from using this ability to harass and commit phone fraud. Not allowing inmates unlimited digit entry has merit but that objective may be reached by including subsection (19) in the exemptions for confinement facilities in subsection (22).

BSPC requested that it be allowed to place additional directories and directory holders, where required, on routine maintenance visits within a specified period of time to avoid additional costs of dispatching service technicians.

CONCLUSION

The rule amendments implementing the FCC Order should not impose additional regulatory costs, because PSPs would still be subject to the federal rules absent Florida rule amendments. Rule amendments due to FPSC initiative would have additional regulatory costs. PSPs may incur costs to comply with placard, volume control, both white and yellow page directory, and accessibility requirements. PSPs could no longer charge the set use fee for 0+ calls and IXC completed 0- calls. However, offsetting the additional regulatory costs would be the opportunity to increase the rate for intrastate toll calls from \$0.25 to \$0.30 per minute and the surcharge for toll calls from \$1.00 to \$1.75 as well as the ability to charge what the market will bear for local calls.

CBH:tf/e-patel3

FLORIDA PUBLIC SERVICE COMMISSION

REQUEST TO BLOCK INCOMING CALLS

PAY TELEPHONE NUMBER (ONE NUMBER PER REQUEST. NO EXCEPTIONS): _____

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): _____

To deter criminal activity facilitated by individuals receiving incoming calls at the pay telephone listed above, I request that I be granted an exemption from the requirement that incoming calls be received at the pay telephone location (Rule 25-24.515(B) or 25-4.075(B), F.A.C., as appropriate). I agree to provide central office based intercept at no charge to the end-user and to prominently display a written notice directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

I, the undersigned owner or officer of the pay telephone company named below, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF OWNER/OFFICER OF PAY TELEPHONE COMPANY: _____ DATE _____

NAME OF OWNER/OFFICER OF PAY TELEPHONE COMPANY (PRINT OR TYPE): _____

NAME OF PAY TELEPHONE COMPANY: _____

MAILING ADDRESS: _____

I, the undersigned owner of the above-referenced pay telephone location, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at the pay telephone will eliminate or help control that activity and attest to this fact by my signature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF LOCATION OWNER: _____ DATE _____

NAME OF PAY TELEPHONE LOCATION OWNER (PRINT OR TYPE): _____

MAILING ADDRESS: _____

I, the undersigned Chief of the law enforcement agency of the jurisdiction in which the above-referenced pay telephone is located, declare that to the best of my knowledge and belief, criminal activity is associated with and facilitated by incoming calls being received at the pay telephone number and location referenced above. It is my belief that allowing incoming calls to be blocked at this pay telephone will eliminate or help control that activity and attest to this fact by my signature below. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public-servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

SIGNATURE OF CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: _____ DATE _____

NAME & POSITION/TITLE (PRINT OR TYPE): _____

NAME OF LAW ENFORCEMENT AGENCY: _____

MAILING ADDRESS: _____

**** FLORIDA PUBLIC SERVICE COMMISSION ****

DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION

APPLICATION FORM
for
AUTHORITY TO PROVIDE PAY TELEPHONE SERVICE
WITHIN THE STATE OF FLORIDA

INSTRUCTIONS

- A. This form is used as an application for an original certificate to provide pay telephone service within the State of Florida.
- B. Print or Type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form, the signed Applicant Acknowledgement Card and a non-refundable application fee of \$100.00 to:

Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Blvd.
Masley Building
Tallahassee, Florida 32399-0850
(850) 413-6770

- E. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Communications
Bureau of Certification and Evaluation
2540 Shumard Oak Blvd.
Gunter Building
Tallahassee, Florida 32399-0850
(850) 413-6600

FORM PSC/CNU 22 (X/XX)
Required by Commission Rule Nos. 25-24.511

1. Please give name of company;

2. Please give name under which the applicant will do business (fictitious name, etc.):

3. Official mailing address (including street name & number, post office box, city, state, and zip code).

4. Florida address (including street name & number, post office box, city, state, and zip code):

5. Structure of organization;

- Individual Corporation
 General Partnership Limited Partnership
 Other, _____

6. If incorporated in Florida, please give proof that the applicant has authority to operate in Florida:

(a) The Florida Secretary of State Corporate registration number: _____

7. If using fictitious name-d/b/a, please give proof that the applicant is in compliance with the fictitious name statute (Chapter 885.09 FS) to operate in Florida.

(a) The Florida Fictitious name registration number: _____

8. Please give FEID Number(if applicable): _____

9. If individual, please give:

Name : _____
Title : _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ FAX No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

10. If applicant is a partnership, please give name, title and address of all partners and a copy of the partnership agreement.

#1 Name : _____
Title : _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ FAX No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

#2 Name : _____
Title : _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ FAX No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

11. Who will serve as liaison with the Commission in regard to the following?

(a) The application:

Name : _____

Title : _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ FAX No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

(b) Official Point of Contact for the ongoing operations of the company:

Name : _____

Title : _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ FAX No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

(c) Complaints/Inquiries from customers:

Name : _____

Title : _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ FAX No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

12. Indicate if applicant or any subsidiary, partner, officers, director, or any stockholder been previously adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.

13. Has the applicant or any subsidiary, partner, officer, director, or any stockholder ever been granted or denied a pay telephone certificate in the State of Florida? (This includes active and canceled pay telephone certificates.) If yes, please explain and list the certificate holder and certificate number.

14. Is the applicant or any subsidiary, partner, officer, director, or any stockholder a subsidiary, partner, officer in any other Florida certificated pay telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

15. List the states in which the applicant is:

a. currently providing pay telephone service,

b. has applications pending to be certificated as a pay telephone provider.

c. has been denied authority to operate as a pay telephone provider. Explain circumstances.

d. has had regulatory penalties imposed for violations of telecommunications statutes, rules, or orders. Explain circumstances.

16. Please check (✓) the services that will be provided:

LOCAL	<input type="checkbox"/>
LONG DISTANCE	<input type="checkbox"/>
COIN	<input type="checkbox"/>
CALLING CARD	<input type="checkbox"/>
CREDIT CARD	<input type="checkbox"/>
OTHER, (Describe)	<input type="checkbox"/>

17. What is the proposed number of pay telephone instruments the applicant plans to install/operate in the first year: _____

18. How does the applicant intend to service and maintain each payphone (✓) (check all that apply)

PERSONALLY	<input type="checkbox"/>
FULL-TIME TECHNICIAN	<input type="checkbox"/>
PART-TIME TECHNICIAN	<input type="checkbox"/>
SERVICE/REPAIR/MAINTENANCE CONTRACT	<input type="checkbox"/>
OTHER (Describe)	<input type="checkbox"/>

19. Will each of the pay telephones which you plan to install, provide access to all locally available long distance carriers via 10XXX+0, 1010XXX, 950-XXXX, and 1-800? (See Rule 25-24.515(6), F.A.C.) () Yes () No

Explain: _____

20. Will each of the pay telephones which you plan to install conform to subsections 4.29.2 - 4.29.4 and 4.29.8 of the American National Standard Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People (Attachment F ANSI STANDARDS) (See Rule 25-24.515(14), F.A.C.)

() Yes () No

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of 1% of gross percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of 1% and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** A non-refundable application fee of \$100.00 must be submitted with the application.

UTILITY OFFICIAL:

	_____	_____
	Signature	Date
	_____	_____
	Title	Telephone No.
Address:	_____	_____
	_____	Fax No.

Attachments

**APPENDIX A
 APPLICANT ACKNOWLEDGMENT**

•• APPENDIX A ••

AFFIDAVIT

By my signature below, I, the undersigned owner or officer of the above named entity, have read the foregoing and declare that to the best of my knowledge and belief, the information is a true and correct statement.

Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 778.082 and s. 778.083".

I will comply with all current and future Commission requirements regarding the pay telephone service. I understand that a non-refundable application fee of \$100 must accompany the application, also I understand that I am required to pay a regulatory assessment fee (minimum of \$50.00 per calendar year), to file an annual pay telephone service report, and pay gross receipts tax. Furthermore I agree to keep the Commission advised of any changes in the names or addresses listed in the application within ten (10) days of the change.

UTILITY OFFICIAL:

Signature

Date

Title

Telephone No.

Address: _____

FAX No.

APPLICANT ACKNOWLEDGMENT

Applicant: _____

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Pay Telephone Service.

Signature: _____

Date: _____

Title: _____

Address: _____

Tel. No. _____

Fax No. _____

THIS MUST BE COMPLETED AND RETURNED WITH THE APPLICATION BEFORE THE CERTIFICATION PROCESS BEGINS. FAILURE TO DO SO WILL RESULT IN A DELAY OF THE CERTIFICATE BEING ISSUED.