

MEMORANDUM

September 10, 1998

RECEIVED-FPSC  
93 SEP 10 PM 2:06  
RECORDS AND REPORTING

TO : DIVISION OF RECORDS & REPORTING  
FROM : DIANA W. CALDWELL, <sup>Doc</sup>ASSOCIATE GENERAL COUNSEL  
RE : DOCKET NO. - <sup>951540-TP</sup>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.

PSC-98-1210-NOR-TP

Attached please find a Notice of Rulemaking for distribution by your office.

Industry distribution is:

- Electric (EI)
- Electric (EN)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
- Telephone (TL)
- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (NAW)

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

NOR4076.MRD  
Attachment  
cc: File  
W. Terrell

*see*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rule 25-4.076, F.A.C., Pay Telephone Service Provided by Local Exchange Companies, and proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.0345, F.A.C., Customer Premises Equipment and Inside Wire; 25-24.475, F.A.C., Company Operations; Rules Incorporated; 25-24.505, F.A.C., Scope; 25-24.511, F.A.C., Application for Certificate; 25-24.515, F.A.C., Pay Telephone Service; 25-24.516, F.A.C., Non-Local Exchange Company Pay Telephone Rate Caps; and 25-24.520, F.A.C., Reporting Requirements

DOCKET NO. 951560-TP  
ORDER NO. PSC-98-1210-NOR-TP  
ISSUED: September 11, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to repeal Rule 25-4.076 and amend Rules 25-4.0345, 25-24.475, 25-24.505, 25-24.511, 25-24.515, 25-24.516 and 25-24.520, Florida Administrative Code, relating to the regulation of pay telephone services providers.

The attached Notice of Rulemaking will appear in the September 18, 1998 edition of the Florida Administrative Weekly.

DOCUMENT NUMBER-DATE

09983 SEP 11 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 2

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission  
10:00 a.m., October 19, 1998  
Betty Easley Conference Center  
Room 152, 4075 Esplanade Way  
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0870, no later than October 9, 1998.

By ORDER of the Florida Public Service Commission, this 11th day of September, 1998.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

DWC

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 3

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 951560-TP

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

PURPOSE AND EFFECT: The proposed amendments to rules incorporate requirements mandated by the Federal Communications Commission (FCC) in their latest Report and Order (96-388 and 96-439). The Order requires all states to "review and remove . . . those regulations that affect competition such as entry and exit restrictions." The effect of the proposed amendments is to encourage competition and provide a limited regulatory framework within which all pay telephone service providers (PSPs) will operate. Local exchange company (LEC) pay telephone service providers will operate under the same rules as non-LEC pay telephone service providers.

SUMMARY: The proposed rule amendments 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, under the rules all PSPs must follow

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 4

the same requirements. The proposed amendments implement FCC requirements to bring Florida into compliance with the FCC's orders. These requirements include: defining the LEC's 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 O+ and ICX completed O- 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 allow more flexibility to providers for minimum length of calls at confinement facilities, and add conditions for extending incoming call blocking where exempted. In addition, pay telephones will have to meet certain American National Standards Institute (ANSI) requirements for handicapped users. Finally pay telephone stations located in confinement facilities are exempt from certain requirements, and outgoing local and long distance calls at those facilities can not be terminated until after a minimum elapsed time of ten minutes.

**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 the Commission's initiatives will have additional regulatory

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 5

costs. PSPs stated that limiting the exemption for blocking incoming calls to one year will create costs ranging from \$120 per pay station to a first year total company cost of \$151,918. The Commission is proposing the exemption for two years which will spread out those compliance costs. PSPs may incur costs to comply with placard, volume control, both white and yellow page directory, and accessibility requirements. PSPs can no longer charge the set use fee for O+ calls and IXC completed O- calls. However, offsetting the additional regulatory costs is 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. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), FS.

LAW IMPLEMENTED: 364.01, 364.02, 364.03, 364.32, 364.335, 364.337, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 6

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A  
HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 A.M., October 19, 1998.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade  
Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES ARE:  
Director of Appeals, Florida Public Service Commission, 2540  
Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-4.003 Definitions.

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

(1) - (36) No Change.

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

(38) - (51) No Change.

Specific Authority 350.127(2) FS.

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

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03,  
Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, \_\_\_\_\_.

25-4.0345 Customer Premises Equipment and Inside Wire.

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

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

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

1. - 4. No Change

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



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

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

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

(3) - (4) No Change.

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

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

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

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

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

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 9

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: August 18, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 23, Number 39, September 26, 1997

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 10

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 951560-TP

RULE TITLE:	RULE NO.:
Company Operations, Rules Incorporated	25-24.475
Scope	25-24.505
Application for Certificate	25-24.511
Pay Telephone Service	25-24.515
Pay Telephone Rate Caps	25-24.516
Reporting Requirements	25-24.520

PURPOSE AND EFFECT: The proposed amendments to rules incorporate requirements mandated by the Federal Communications Commission (FCC) in their latest Report and Order (96-388 and 96-439). The Order requires all states to "review and remove . . . those regulations that affect competition such as entry and exit restrictions." The effect of the proposed amendments is to encourage competition and provide a limited regulatory framework within which all pay telephone service providers (PSPs) will operate. Local exchange company (LEC) pay telephone service providers will operate under the same rules as non-LEC pay telephone service providers.

SUMMARY: The proposed rule amendments 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

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 11

person desiring to provide pay telephone services must have a pay telephone certificate." Thus, under the rules all PSPs must follow the same requirements. The proposed amendments implement FCC requirements to bring Florida into compliance with the FCC's orders. These requirements include: defining the LEC's 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 O+ and ICK completed O- 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 allow more flexibility to providers for minimum length of calls at confinement facilities, and add conditions for extending incoming call blocking where exempted. In addition, pay telephones will have to meet certain American National Standards Institute (ANSI) requirements for handicapped users. Finally pay telephone stations located in confinement facilities are exempt from certain requirements, and outgoing local and long distance calls at those facilities can not be terminated until after a minimum elapsed time of ten minutes.

**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

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 12

federal rules absent Florida rule amendments. Rule amendments due to the Commission's initiatives will have additional regulatory costs. PSPs stated that limiting the exemption for blocking incoming calls to one year will create costs ranging from \$120 per pay station to a first year total company cost of \$151,918. The Commission is proposing the exemption for two years which will spread out those compliance costs. PSPs may incur costs to comply with placard, volume control, both white and yellow page directory, and accessibility requirements. PSPs can no longer charge the set use fee for O+ calls and IXC completed O- calls. However, offsetting the additional regulatory costs is 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.

SPECIFIC AUTHORITY: 350.127(2), FS.

LAW IMPLEMENTED: 350.113, 350.115, 350.117, 364.01, 364.02, 364.03, 364.035, 364.063, 364.14, 364.15, 364.16, 364.17, 364.18, 364.183, 364.185, 364.30, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 13

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A  
HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 A.M., October 19, 1998

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade  
Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES ARE:  
Director of Appeals, Florida Public Service Commission, 2540  
Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-24.475 Company Operations; Rules Incorporated.

(1) No Change.

Section	Title	Portions Not Applicable
25-4.022	Complaint -- Trouble Reports, etc.	<u>All</u> None
25-4.036	Design and Construction of Plant	<u>All</u> None
25-4.038	Safety	<u>All</u> None
25-4.039	Traffic	<u>All</u> None
25-4.071	Adequacy of Service	Subsections (1) (2) (3) (4) (5) (6)
<del>25-4.076</del>	<del>Pay Telephone Service</del>	<del>All Subsections</del> <del>Provided By Local except (1) (2)</del>

~~Exchange Companies~~

25-24.515	<u>Pay Telephone Service</u>	<u>Subsection (20)</u>
25-4.077	Metering and Recording Equipment	<del>All Subsection (5)</del>
25-4.160	Operation of Telecommunications Relay Service	<u>Subsection (1) Subsections</u> <del>(2), (3)</del>

(2) No Change.

Specific Authority 350.127(2) FS.

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

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

PART XI

RULES GOVERNING PAY TELEPHONE SERVICE ~~PROVIDED-~~  
~~BY OTHER THAN LOCAL EXCHANGE TELEPHONE COMPANIES~~

25-24.500 Reserved

25-24.505 Scope

25-24.510 Certificate of Public Convenience and Necessity Required

25-24.511 Application for Certificate

25-24.512 Improper Use of a Certificate

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

25-24.514 Cancellation of a Certificate

25-24.515 Pay Telephone Service

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

25-24.520 Reporting Requirements

25-24.505 Scope.

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

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

~~(3) Any applicant may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone~~



~~companies by Chapter 364, Florida Statutes, under the authority of  
Section 364.337, Florida Statutes.~~

Specific Authority 350.127(2) FS.

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

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

25-24.511 Application for Certificate.

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

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

~~(3)(2)~~ An original and two five ~~(5)~~ copies of the application  
shall be filed with the Division of Records and Reporting.

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

(a) - (b) No Change.

~~(5)++~~ A certificate will be granted if the Commission determines that grant of the application is in the public interest. One certificate per applicant will be granted unless the applicant shows that granting of additional certificates is in the public interest. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled unless the applicant shows that granting of the new certificate is in the public interest.

Specific Authority 350.127(2) FS.

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

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

25-24.515 Pay Telephone Service.

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

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

(3)+2 Each pay telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.

(4)+3 Each pay telephone station shall permit direct free access to the universal telephone number "911", where operable, ~~r~~ without requiring the use of a coin, paper money, or a credit card. ~~Where such number is not operable, the station shall permit access to a local exchange company toll operator under the same conditions.~~

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

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

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

(8) Each pay telephone station shall complete calls ~~and~~ the ~~telephone number of any person~~ responsible party for repairs or refunds by direct free access, ~~but may provide access by coin~~

~~return. Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.~~

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

(a) The telephone number and location address of the pay telephone each station, name and certificate number of the certificate holder, ~~and~~ the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and the local coin rate, ~~where applicable, a statement that the phone is not maintained by the local exchange company.~~

(b) For those pay telephone stations that will terminate conversation after a minimum elapsed time 15 minutes, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.

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

(10)(6) Each pay telephone station which provides access to any interexchange company shall provide coin free access, except

for ~~F~~feature ~~G~~group A access, to all locally available interexchange companies. The pay telephone station shall provide ~~For pay stations in equal access areas, such access shall be provided through the forms of access purchased by locally available long distance carriers such as and shall include 10XXX+0, 10XXXX+0, 101XXXX+0, 950, and toll free (e.g., 800, 877, and 888) access. For those pay stations located in non equal access areas, 102880 may be translated to 00 to directly access AT&T. Otherwise, in non equal access areas, 00 shall directly route to an AT&T operator and the instruction card shall so indicate. Where 00 is not available, 0 shall route to the LEC operator for transfer to AT&T and the instruction card shall so indicate.~~

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

(12) (7) All 0- calls shall be routed to a telecommunications company that is authorized by the Commission to handle 0- calls. All other intratele calls, including operator service calls, may shall be routed to the pay telephone provider's carrier of choice local exchange company, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 800, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888).

~~(13146)~~ (a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at ~~confinement facilities~~, hospitals, and schools, and ~~at~~ locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.

(b) A pay telephone provider may petition the Commission from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption. Requests for exemption from the requirement that each pay telephone station allow incoming calls shall be accompanied by a completed Form PSC/CNU-2 (XX/XX) (12/94), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference ~~and Form PSC/CNU-2 (12/94), entitled Request to Block Incoming Calls,~~ may be obtained from the Commission's Division of Communications. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the ~~g~~Chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. Exemptions which were granted prior to the two-year limitation will expire two years from the effective date of the amendment establishing the two-year limitation. The

Commission may grant additional requests for subsequent two-year exemptions if the provider of the pay telephone files another Form PSC/CMU-2 (XX/XX). Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end user ~~end-user~~ and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

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

~~(15)(10)~~(a) Each pay telephone service company shall permit outgoing calls to be placed from its pay telephone stations at all times.

(b) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted.) ~~(b) Each telephone utility shall conduct its operations in such manner to ensure that, in each exchange, ninety five (95) percent of all interruptions in telephone service occurring in any calendar month shall be cleared and service restored within~~

~~twenty-four (24) hours (Sundays and holidays excepted) after the trouble is reported to the company, except where such interruptions are caused by emergency situations, unavoidable casualties, and acts of God affecting large groups of subscribers.~~

~~(16)(a)(1)(i)~~ Where there is a single pay telephone station ~~ere~~ fewer than three telephones located in a group, a current white and yellow page directory for the entire local calling area shall be maintained ~~at each station~~. Where there are two three or more pay telephones stations located in a group, a current white and yellow page directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a current white and yellow page directory shall be maintained at each pay telephone station. Companies must comply with this subsection by December 31, 1998, or six months after the effective date of this rule, whichever is longer.

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

~~(17)(1)(i)~~ Normal maintenance and coin collection activity shall include a review of the cleanliness of each pay telephone station



~~and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.~~

~~(18)(a)(13)~~ Except as provided in paragraphs ~~(18)(a)-(c)~~ and ~~(e)~~ subsections ~~(14)(a)~~, ~~(14)(b)~~, and ~~(14)(c)~~ below, each pay telephone station ~~installed after January 5, 1987~~ shall conform to ~~sections 4.28.6.4 and 4.29 subsections 4.29.2-4.29.4 and 4.29.7-4.29.8~~ of the American National Standards Accessible and Usable Buildings and Facilities, approved December 15, 1992. ~~Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986~~ by the American National Standards Institute, Inc. (ANSI A117.1-~~1992~~1986), which is incorporated by reference into this rule. ~~Each telephone station installed prior to January 5, 1987 shall conform to the above standards by January 1, 1995.~~

~~(b) Where (a) Effective June 1, 1992, where~~ there are two or more pay telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the ANSI above mentioned standards listed in subsection (18)(a). The conforming station must be physically located in the group of pay telephone stations or must be installed within a clear line of sight within 15 feet of the group and the route to the conforming station must be free from wheelchair barriers.

~~(c)(4)~~ Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, pay telephone ~~each~~ stations shall be placed in areas accessible to the physically handicapped.

~~(d)(4)~~ Pay telephone stations ~~Stations~~ located in buildings which are not wheelchair accessible ~~to physically handicapped persons~~ must comply with all ANSI provisions cited in this subsection except that these stations are exempt from complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is modified to make it wheelchair accessible, to the above mentioned standards upon modification of the building to make it handicap accessible, according to the Americans with Disabilities Act.

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

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

~~(19) Each pay(14)~~ Effective September 1, 1992, each telephone station shall permit end users to input unlimited the additional digits for the duration of the call necessary to complete calling card calls, using any locally available carrier, without operator

~~intervention, and to utilize features such as voice mail box and menu driven answering devices. This requirement shall not be applicable to pay telephones located in confinement facilities.~~

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

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

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

(b) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed

was subscribed to incoming call screening and the call was placed after the effective date of the incoming call screening order.

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

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

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

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

~~4-~~ "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.

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

~~(21)(13)~~ Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.

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

Specific Authority 350.127(2) FS.

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

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

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

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

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

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

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

(d) 0+ toll non-person-to-person - a maximum rate of \$0.30 per minute, plus a \$1.75 charge, intralATA and interlATA toll coin calls - a rate of \$0.25 per minute, plus a \$1.00 surcharge;

~~(e) 0+ and 0 interlATA toll non-coin calls billed directly or on behalf of the pay telephone provider - a rate of \$0.25 per minute, plus the Commission authorized set use fee as described in subsection (3) below, plus a \$1.00 surcharge;~~

(e) 0+ toll person-to-person - a maximum rate of \$0.30 per minute, plus a \$3.25 charge.

(2) No Change.

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 30

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

Specific Authority 350.127(2) FS.

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

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

25-24.520 Reporting Requirements.

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

(a) - (b) No Change.

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

Specific Authority 350.127(2) FS.

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

History--New 1-5-87, Amended 1-2-91, 12-29-91, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:  
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: August 18, 1998

ORDER NO. PSC-98-1210-NOR-TP  
DOCKET NO. 951560-TP  
PAGE 31

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 23, Number 39, September 26, 1997

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).