



ORIGINAL

October 2, 1998

Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 951560-TP

Dear Ms. Bayó:

Enclosed for filing in the above-styled docket are the original and fifteen (15) copies of the Florida Public Telecommunications Association, Inc.'s Comments and Proposed Lower Cost Regulatory Alternatives.

An extra copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me in the enclosed self-addressed envelope.

Thank you for your assistance with this filing.

Sincerely,

Angela B. Green
General Counsel

- ACK ✓
- AFA _____
- APP Caldwell
- CAF _____
- DMU 2
- CTR _____
- EAG _____
- LEG Enclosures
- LIN cc: Ms. Diana Caldwell
- OPC Mr. Richard Moses
- ROH 1
- SEC 1
- WAS _____
- OTH _____

RECEIVED & FILED
[Signature]
BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

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FPSC - RECORDS/REPORTING

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 Pay)
 Telephone Rate Caps; and 25-24.520, F.A.C.,)
 Reporting Requirement)

Docket No. 951560-TP

Dated: October 2, 1998

FLORIDA PUBLIC TELECOMMUNICATIONS ASSOCIATION, INC.'S
COMMENTS AND PROPOSED LOWER COST REGULATORY ALTERNATIVES

Pursuant to Order No. PSC-98-1210-NOR-TP, issued September 11, 1998, and Section 120.541, Florida Statutes, the Florida Public Telecommunications Association, Inc. ("FPTA") hereby files these comments and proposes these lower cost regulatory alternatives to several sections of the proposed rules set forth above. In support thereof, FPTA states as follows:

1. The complete name and address of the entity responsible for these comments is:

Florida Public Telecommunications Association, Inc.
 125 South Gadsden Street
 Suite 200
 Tallahassee, Florida 32301

2. All notices, pleadings, orders, and other documents should be directed to:

Angela B. Green
 Florida Public Telecommunications Association, Inc.
 125 South Gadsden Street
 Suite 200
 Tallahassee, Florida 32301

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

3. FPTA is a domestic, not-for-profit corporation organized pursuant to Chapter 617, Florida Statutes. The membership of the FPTA includes payphone service providers ("PSPs") certificated by the Florida Public Service Commission ("FPSC" or "the Commission"). FPTA's members, as PSPs, have a substantial interest in the subject matter of the rules being addressed through this docket because these rules directly affect the terms and conditions under which FPTA's members conduct business in the State of Florida.

4. On September 11, 1998, the Commission issued Order No. PSC-98-1210-NOR-TP, in which it proposed repealing and amending certain rules related to regulation of pay telephone providers. The proposed rule changes were published in the September 18, 1998, edition of the Florida Administrative Weekly. The comments below pertain to certain changes proposed by the Commission in the above-referenced order.

5. The Commission's proposed amendment to Rule 25-24.515(13)(b) appears to have a typographical error. The words "for an exemption" should be inserted after the word "Commission" so that the first line of this rule would read:

A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption.

6. The Commission has proposed amending Rule 25-24.515(16)(a) to require both white and yellow page directories at pay telephones. Initially FPTA notes that it maintains its strong objections to being required to obtain additional yellow page volumes where the yellow pages are not included within the same book as the white pages. In major metropolitan areas, this will mean that a pay telephone will have to accommodate three volumes of directories, necessitating considerably more costly equipment than usual, as well as extra maintenance and

associated expenses. Swing-away binders to accommodate this many volumes will cost approximately \$200 as opposed to a single volume binder that would cost approximately \$75. There is already a problem keeping phone books in place at certain locations without imposing the requirement for maintaining even more volumes. Additionally, yellow pages are a purely commercial activity that is not regulated by the FPSC. PSPs should not be required to provide free advertising space for commercial entities at their pay telephones. Local exchange companies are not required to publish or provide yellow page directories to their customers. In fact, the Commission does not require any other telecommunications company to provide yellow page directories to customers, nor does it have any type of jurisdiction over the entities that publish and/or distribute these directories. FPTA has no objection, however, to being required to furnish white page directories for the local calling area of the pay telephone.

7. Proposed Rule 25-24.515(16)(a) would require "a current white and yellow page directory for the entire local calling area" anytime a directory is required under the rules. At the Agenda Conference during which the Commission considered these rule amendments, there was a discussion about alternatives to the yellow page directories published by LEC affiliates. The Commission indicated that it was willing to accept one of these alternative type directories at the pay telephone and that there was no intent to require pay telephone providers to only use directories published by LEC affiliates. The Commission further indicated that it would be amenable to modifying the language of the rule to allow PSPs to utilize alternative directories. In light of this discussion, FPTA suggests the following language for Rule 25-24.515(16)(a):

Where there is a single pay telephone station, a directory shall be maintained at the station. Where there are two or more pay telephone stations located in a group, a directory shall be maintained at every other station. However, where pay telephone stations are fully enclosed, a directory shall be maintained at each station. For purposes

of this rule, the term "directory" shall mean both a current white page directory for the entire local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station. Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, whichever is longer.

FPTA believes that these modifications would result in a lower regulatory cost for PSPs while still providing the same degree of service to consumers contemplated by the Commission because PSPs would be authorized to utilize alternatives to the yellow page directories published by LEC affiliates. FPTA finds these modifications more palatable than the original language proposed by the Commission. However, FPTA still maintains its objections to being required to furnish commercial advertising at pay telephones and urges the Commission to reconsider this policy.

8. The Commission's proposed amendment to Rule 25-24.515(16)(b) appears to have a typographical error. The word "local" should be inserted in two places so that the rule would read:

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

9. The Commission has also proposed substantial amendments to Rule 25.24.516, the rule addressing pay telephone rate caps. In reviewing this rule as a whole, it appears that the Commission inadvertently omitted the cap for operator assisted local calls. FPTA suggests the following language be added to an appropriate place within Rule 25-24.516:

0+ non-person-to-person local calls - a rate equivalent to the local coin rate, plus a \$1.75 charge.

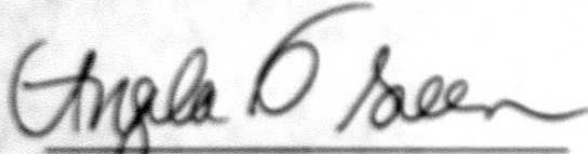
0+ person-to-person local calls - a rate equivalent to the local coin rate, plus a \$3.25 charge.

10. As to the rate caps proposed in these rule amendments, FPTA notes that the Commission has also proposed substantial amendments to the rate caps for operator services providers ("OSPs") in Docket No. 960312-TP. FPTA understands that it is the Commission's intent that rate caps in Docket No. 960312-TP and Docket No. 951560-TP correspond with each other so that identical calls (from the end user's perspective) have identical rate caps, regardless of where the "bong" is generated (regardless of whether the call rating function is performed by store-and-forward type equipment in the pay station or whether the call is routed to an OSP). FPTA supports this approach. Because comments have been filed by at least one party in response to the Commission's proposed rate caps in Docket No. 960312-TP, the Commission may need to come back to this docket and revise these rate caps if it ultimately decides to change any of the proposed rate caps in Docket No. 960312-TP.

11. Finally, to the extent the Commission may deem it necessary to convene a hearing in this matter, FPTA believes the currently scheduled hearing date of October 19, 1998, would not be reasonable. Comments are due to be filed in this docket by the close of business October 9, 1998. A hearing date of October 19th would only allow one week between the time comments are filed and the hearing would be held. This would not allow adequate preparation time for either Staff or interested parties. Accordingly, if the Commission were to hold a hearing in this docket, the hearing date would need to be rescheduled. FPTA is not requesting a hearing, but merely pointing out the scheduling issue and making this rescheduling request in the event that either another entity requests a hearing or the Commission or Staff deem a hearing to be necessary.

WHEREFORE, FPTA requests that the Commission consider these comments and adopt these proposals for lower cost regulatory alternatives.

Respectfully submitted this 2nd day of October, 1998.



ANGELA B. GREEN
GENERAL COUNSEL

Florida Public Telecommunications
Association, Inc.
125 South Gadsden Street
Suite 200
Tallahassee, FL 32301

(850) 222-5050 (telephone)

(850) 222-1355 (facsimile)