

CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;

or

(b) Are filed not more than 90 days after the notice

not including days an administrative determination was pending;

or

(c) Are filed more than 90 days after the notice, but

not less than 21 days nor more than 45 days from the date of

publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but

not less than 14 nor more than 45 days after the adjournment of

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the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-24.600

25-24.610

25-24.630

Under the provision of subparagraph 120.54(3)(e)6., F.S.,  
the rules take effect 20 days from the date filed with the  
Department of State or a later date as set out below:

Effective: February 1 1999  
(month) (day) (year)

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

\_\_\_\_\_  
Number of Pages Certified

( S E A L )

DWC

1           25-24.600 Application and Scope.

2           (1) This Part applies to:

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

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

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

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

12           (3) Each company subject to this Part may petition for  
13 exemption from applicable portions of Chapter 364, Florida  
14 Statutes, or for application of different requirements than those  
15 prescribed for telecommunications companies in Chapter 364, Florida  
16 Statutes, under the authority of Section 364.337, Florida Statutes  
17 ~~(1995)~~.

18 PROPOSED EFFECTIVE DATE 02/01/99

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

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

21 History: New 9-6-93, amended 9-10-97, \_\_\_\_\_.

22           25-24.610 Terms and Definitions; Rules Incorporated

23           (1) For purposes of this Part, the following definitions  
24 apply:

25           (a) "Call aggregator" is any person or entity

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

1 ~~certificated telecommunications company~~ that provides  
2 telecommunications service to the transient public, ~~in the ordinary~~  
3 ~~course of its operations, provides telecommunications service to~~  
4 ~~any end user.~~ Subject to the definition above, "call aggregator"  
5 includes but is not limited to the following:

6 1. Hotel as defined in Section 509.242 (1)(a), Florida  
7 Statutes ~~(1995),~~

8 2. Motel as defined in Section 509.242 (1)(b), Florida  
9 Statutes ~~(1995),~~

10 3. Resort condominium as defined in Section 509.242 (1)(c),  
11 Florida Statutes ~~(1995),~~

12 4. Transient apartment as defined in Section 509.242 (1)(e),  
13 Florida Statutes ~~(1995),~~

14 5. Roominghouse as defined in Section 509.242 (1)(f),  
15 Florida Statutes ~~(1995),~~

16 6. Resort dwelling as defined in Section 509.242 (1)(g),  
17 Florida Statutes ~~(1995),~~

18 7. Schools required to comply with any portion of Chapters  
19 228 and 246, Florida Statutes ~~(1995),~~ or Section 229.808, Florida  
20 Statutes ~~(1995),~~

21 8. Nursing home licensed under Section 400.062, Florida  
22 Statutes ~~(1995),~~

23 9. Assisted living facility licensed under Section 400.407,  
24 Florida Statutes ~~(1995),~~

25 10. Hospital licensed under Section 395.003, Florida Statutes

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1 ~~(1995)~~,

2 11. Timeshare plan as defined in Section 721.05(31), Florida  
3 Statutes ~~(1995)~~,

4 12. Continuing care facility certificated under Section  
5 651.023, Florida Statutes ~~(1995)~~, and

6 13. Homes, communities, or facilities funded or insured by  
7 the United States Department of Housing and Urban Development (HUD)  
8 under 12 U.S.C.S. § 1701q (Law. Co-op. 1994) that sets forth the  
9 National Housing Act program designed to aid the elderly.

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

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

14 (d) "Person-to-person" is a service whereby the person  
15 originating the call specifies to the operator service provider's  
16 operator a particular person to be reached.

17 (e) ~~(d)~~ "Surcharge" means an amount billed to an end user by  
18 a call aggregator that is in excess of the rate information that  
19 may be obtained pursuant to Section 364.3376(5), Florida Statutes  
20 ~~(1995)~~. "Surcharge" includes any charge billed by a call  
21 aggregator that is associated with a call billed by another entity.

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

24	Portions	
25 Section	Title	Applicable

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1	25-4.003	Definitions	All
2	25-4.019	Records and Reports	All
3		in General	
4	25-4.020	Location and Preservation	(2) and (3)
5		of Records	

6 PROPOSED EFFECTIVE DATE 02/01/99

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

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

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

10 **25-24.630 Rate and Billing Requirements.**

11 (1) Services charged and billed to any end user by an An  
 12 operator services provider for an intrastate 0+ or 0- call made  
 13 from a pay telephone or in a call aggregator context shall not  
 14 exceed a rate of \$.30 per minute plus the applicable charges for  
 15 the following types of telephone calls:

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

19 (b) A call that is not a person-to-person call -- a charge of  
 20 \$1.75.

21 (2) For 0- calls from pay telephone stations completed by the  
 22 provider of local exchange telecommunications services, a set use  
 23 fee of \$.25 shall apply and shall be remitted by the local exchange  
 24 company to the pay telephone service provider.

25 (3) An operator services provider shall have current rate

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1 information readily available and provide this information orally  
2 to end users ~~end-users~~ upon request prior to connection.†

3 (4)(e) An operator services provider shall require that its  
4 certificated name ~~or the name of its certificated billing agent~~  
5 appear on any telecommunications company's bill for regulated  
6 charges.†

7 (5)(d) An operator services provider shall require all calls  
8 are to be individually identified on each bill from a  
9 telecommunications company on to an end user's ~~end-user~~ bill,  
10 including the date and start time of the call, call duration,  
11 origin and destination (by city or exchange name and telephone  
12 number), and type of call.† ~~and~~

13 (6)(e) An operator services provider shall provide a toll-free  
14 number for customer inquiries on the bill and maintain procedures  
15 adequate to allow the company to promptly receive and respond to  
16 such inquiries.† ~~and~~

17 (7)(f) An operator services provider shall charge only for  
18 conversation time as rounded according to company tariffs.

19 (8)(a) An operator services provider shall not:

20 (a) ~~Bill~~ or charge for uncompleted calls in areas where  
21 answer supervision is available or knowingly bill or charge for  
22 uncompleted calls in areas where answer supervision is not  
23 available.†

24 (b) ~~Bill~~ for any collect call that has not been affirmatively  
25 accepted by a person receiving the call regardless of whether the

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1 | call was processed by a live or automated operator.†  
2 |       (c) Bbill for calls in increments greater than one minute  
3 | except for coin calls that may be in increments no greater than  
4 | three minutes.†  
5 |       (d) Bbill or collect a surcharge levied by any entity, either  
6 | directly or through its billing agent, except Commission-approved  
7 | charges for pay telephone providers.  
8 | PROPOSED EFFECTIVE DATE 02/01/99  
9 | Specific Authority: 350.127(2), F.S.  
10 | Law Implemanted: 364.01, 364.3376, F.S.  
11 | History: New 9/6/93, \_\_\_\_\_.  
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Rules 25-24.600, 25-24.610,  
and 25-24.630  
Docket No. 960312-TI

**SUMMARY OF RULE**

The proposed amendments remove the exemption for local exchange telecommunications companies providing operator services and extend the provision of the OSP rules to govern every company that provides operator services. The proposed amendments include specific rate caps expressed in dollars and cents that operator service providers must not exceed for various types of calls. Other technical and conforming changes are made.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

The Florida Telecommunications Act of 1995 amended Section 364.3376, Florida Statute, relating to operator services. Subsection (3) requires the Commission to establish maximum rates and charges for all providers of services. The provisions of the section also allow for all operator service providers to be regulated under the same rules, except for certification.

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