

ORIGINAL

DOCKET NO. 951560-TI

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

ACK _____ (b) Are filed not more than 90 days after the notice
AFA not including days an administrative determination was pending;

APP _____
CAF _____

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

CTR _____ not less than 21 days nor more than 45 days from the date of
EAG _____ publication of the notice of change; or
LEG _____

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

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

SEC 1

WAS _____

OTH _____

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TALLAHASSEE, FLORIDA
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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.

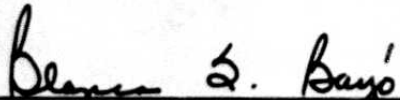
25-24.511

25-24.515

25-24.516

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 25-24.511 Application for Certificate.

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

4 (2) An applicant shall submit an application on Form PSC/CMU
5 32 (02/99)(1/91), 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/CMU 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-
11 refundable application fee of \$100.00 must accompany the filing of
12 all applications. ~~This is a non-refundable fee to cover the costs~~
13 ~~of processing the application, and it has no relevance on the~~
14 ~~approval or denial of a certificate.~~

15 (3)~~(2)~~ An original and two ~~five~~ ~~(5)~~ copies of the
16 application shall be filed with the Division of Records and
17 Reporting.

18 (4)~~(3)~~ Any pay telephone service authority previously
19 granted or granted hereafter is subject to the following:

20 (a) Authority granted is statewide.

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

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

9 PROPOSED EFFECTIVE DATE: 02/01/99

10 Specific Authority: 350.127(2), F.S.

11 Law Implemented: 350.123, 364.32, 364.33, 364.335, 364.337,
12 364.3375, 364.345, F.S.

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

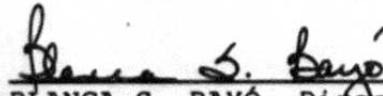
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CERTIFICATION OF
FORM INCORPORATED BY REFERENCE
IN RULE FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-24.511. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

Form PSC/CMU 32 (02/99) - "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida



BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

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TALLAHASSEE, FLORIDA

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

**DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION**

**APPLICATION FORM FOR CERTIFICATE TO PROVIDE
PAY TELEPHONE SERVICE
WITHIN THE STATE OF FLORIDA**

INSTRUCTIONS

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

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

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

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

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TALLAHASSEE, FLORIDA**

1. Name of company:

2. Name under which applicant will do business (fictitious name, etc.):

3. Official mailing address:

Street: _____

P.O. Box: _____

City: _____

State: _____ Zip: _____

4. Florida address:

Street: _____

P.O. Box: _____

City: _____

State: _____ Zip: _____

5. Structure of organization:

Individual

Corporation

General Partnership

Limited Partnership

Other: _____

6. If incorporated in Florida, provide proof of authority to operate in Florida:

Florida Secretary of State
Corporate Registration Number: _____

7. If using fictitious name d/b/a (doing business as), provide proof of compliance with the fictitious name statute (Chapter 865.09, Florida Statutes) to operate in Florida:

**Florida Fictitious Name
Registration Number:** _____

8. F.E.I. Number (if applicable): _____

9. If individual, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ **Fax No.:** _____

Internet E-Mail Address: _____

Internet Website Address: _____

10. If partnership, provide name, title and address of all partners and a copy of the partnership agreement:

a. **Name:** _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ **Fax No.:** _____

Internet E-Mail Address: _____

Internet Website Address: _____

10. Partnership (continued)

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

11. Who will serve as liaison to the Commission with 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 ongoing company operations including complaints and inquiries:
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, directors, or any stockholder has 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, provide explanation: _____

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, provide explanation and list the certificate holder and certificate number.

14. Is the applicant or any subsidiary, partner, officer, director, or any stockholder a subsidiary, partner, or 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 other states in which the applicant:

a. Is currently providing pay telephone service.

b. Has applications pending to be certified 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
- () LONG DISTANCE
- () COIN
- () CALLING CARD
- () CREDIT CARD
- () OTHER (Describe) _____

17. 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

FULL-TIME TECHNICIAN

PART-TIME TECHNICIAN

SERVICE/REPAIR/MAINTENANCE CONTRACT

OTHER (Describe) _____

19. Will each of the installed pay telephones provide access to all locally available long distance carriers via 10XXX+0, 10XXXX+0, 101XXXX+0, 950, and toll free (e.g. 800, 877, and 888)? See Rule 25-24.515(10), Florida Administrative Code.

Yes

No Explain: _____

20. Will each of the installed pay telephones conform to subsections 4.28.8.4 and 4.29 of the American National Standard (CABO/ANSI A117.1-1992), Accessible and Usable Buildings and Facilities, approved December 15, 1992 by the American National Standards Institute, Inc.? See Rule 25-24.515(18), Florida Administrative Code.

Yes

No Explain: _____

****APPLICANT FEE/TAX STATEMENT****

- 1. REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of 0.15 of one percent of the 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 two and one-half percent on all intra- and interstate business.
- 3. SALES TAX:** I understand the a seven percent sales tax must be paid on intra- and interstate revenues.
- 4. APPLICATION FEE:** I understand that a non-refundable application fee of \$100.00 must be submitted with the application.

UTILITY OFFICIAL:

Print Name

Signature

Title

Date

Telephone No.

Fax No.

Address: _____

****ACKNOWLEDGMENT****

By my signature below, I, the undersigned owner/officer, have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

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

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. 775.082 and s. 775.083."

UTILITY OFFICIAL:

Print Name

Signature

Title

Date

Telephone No.

Fax No.

Address: _____

****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.

Print Name

Signature

Title

Date

Telephone No.

Fax No.

Address: _____

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

1 25-24.515 Pay Telephone Service.

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

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

9 (3)~~(2)~~ Each pay telephone station shall return any
10 deposited amount if the call is not completed, except messages to
11 a Feature Group A access number.

12 (4)~~(3)~~ Each pay telephone station shall permit direct free
13 access to the universal telephone number "911", where operable,
14 ~~without requiring the use of a coin, paper money, or a credit card.~~
15 ~~Where such number is not operable, the station shall permit access~~
16 ~~to a local exchange company toll operator under the same~~
17 ~~conditions.~~

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

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

22 (7)~~(4)~~ Each pay telephone station shall complete calls ~~and~~
23 ~~without charge, permit access~~ to local and long distance directory
24 assistance.

25 (8) Each pay telephone station shall complete calls to and

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1 the ~~telephone number of any person~~ responsible party for repairs or
2 refunds ~~by direct free access, but may provide access by coin~~
3 ~~return. Any long distance directory assistance charges applied to~~
4 ~~the pay telephone service company may be passed on to the customer.~~

5 (9)(5) Except as provided in paragraph 9(c), each pay ~~such~~
6 telephone station shall be equipped with a legible sign, card, or
7 plate of reasonable permanence which shall identify the following:

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

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

20 (c) Pay telephone providers have until June 30, 1998, or six
21 months after the effective date of this rule, which ever is later,
22 to comply with the requirements of placing the certificate number
23 on the pay telephone station sign, card, or plate.

24 (10)(6) Each pay telephone station which provides access to
25 any interexchange company shall provide coin free access, except

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1 for Ffeature Ggroup A access, to all locally available
2 interexchange companies. The pay telephone station shall
3 ~~provide~~~~For pay stations in equal access areas,~~ such access shall be
4 provided through the forms of access purchased by locally available
5 long distance carriers such as and shall include 10XXX+0, 10XXXX+0,
6 101XXXX+0, 950, and toll free (e.g., 800, 877, and 888) access. For
7 ~~these pay stations located in non equal access areas, 102880 may be~~
8 ~~translated to 00 to directly access AT&T. Otherwise, in non equal~~
9 ~~access areas, 00 shall directly route to an AT&T operator and the~~
10 ~~instruction card shall so indicate. Where 00 is not available, 0~~
11 ~~shall route to the LEC operator for transfer to AT&T and the~~
12 ~~instruction card shall so indicate.~~

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

16 (12)-(7) All 0- calls shall be routed to a telecommunications
17 company that is authorized by the Commission to handle 0- calls.
18 All other intralata calls, including operator service calls, may
19 shall be routed to the pay telephone provider's carrier of choice
20 local exchange company, unless the end user dials the appropriate
21 access code for their carrier of choice, i.e., 950, 800, 10XXX,
22 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888).

23 (13)-(8)-(a) Each pay telephone station shall allow incoming
24 calls to be received at all times, with the exception of those
25 located at ~~confinement facilities,~~ hospitals, and schools, and at

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1 | locations specifically exempted by the Commission. There shall be
2 | no charge for receiving incoming calls.

3 | **(b) A pay telephone provider may petition the Commission for**
4 | **an exemption from the incoming call requirement for a period that**
5 | **shall not exceed two years from the effective date of the Order**
6 | **granting the exemption.** Requests for exemption from the
7 | requirement that each pay telephone station allow incoming calls
8 | shall be accompanied by a completed Form FORM PSC/CMU-2
9 | (02/99)~~(12/94)~~, entitled "Request to Block Incoming Calls." which
10 | is incorporated into this rule by reference ~~and, FORM PSC/CMU-2~~
11 | ~~(12/94), entitled Request to Block Incoming Calls,~~ may be obtained
12 | from the Commission's Division of Communications. The form
13 | requires an attestation from the owner of the pay telephone, the
14 | owner of the pay telephone location, and the Chief of the
15 | responsible law enforcement agency that the request is sought in
16 | order to deter criminal activity facilitated by incoming calls
17 | being received at the specified pay telephone. A separate form
18 | shall be filed for each telephone number for which an exemption is
19 | sought. Exemptions which were granted prior to the two-year
20 | limitation will expire two years from the effective date of the
21 | amendment establishing the two-year limitation. The provider of
22 | the pay telephone may request subsequent two-year exemptions by
23 | filing another Form PSC/CMU-2 (02/99). Where incoming calls are
24 | not received, central-office based intercept shall be provided at
25 | no charge to the end user ~~end-user~~ and a written notice shall be

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1 prominently displayed on the instrument directly above or below the
2 telephone number which states: "Incoming calls blocked at request
3 of law enforcement."

4 ~~(14)(9)~~ Each pay telephone station must be connected to an
5 individual access line, ~~as provided in the pay telephone access~~
6 ~~tariff offered by the local exchange company.~~

7 ~~(15)(10)~~ (a) Each pay telephone service company shall permit
8 outgoing calls to be placed from its pay telephone stations at all
9 times.

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

23 ~~(16)(a)(11)~~ Where there is a single pay telephone
24 station ~~are fewer than three telephones located in a group, a~~
25 ~~current white and yellow page directory for the entire local~~

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1 ~~calling area~~ shall be maintained at each station. Where there are
2 ~~two three~~ or more pay telephones stations located in a group, a
3 ~~current white and yellow page~~ directory for the entire local
4 calling area shall be maintained at every other station. However,
5 where pay telephone pay stations are fully enclosed, a ~~current~~
6 ~~white and yellow page~~ directory shall be maintained at each pay
7 telephone station. For purposes of this rule, the term "directory"
8 shall mean both a current white page directory for the local
9 calling area and a reasonably current yellow page directory that is
10 appropriate for the calling area of the pay telephone station.
11 Companies must comply with this subsection by June 30, 1999, or six
12 months after the effective date of this rule, which ever is longer.

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

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

21 ~~(18)(a)(13)~~ Except as provided in paragraphs (18)(a)-(c) and
22 (e) subsections (14)(a), (14)(b), and (14)(c) below, each pay
23 telephone station installed after January 5, 1987 shall conform to
24 sections 4.28.8.4 and 4.29 subsections 4.29.2 4.29.4 and
25 4.29.7 4.29.8 of the American National Standards Accessible and

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1 Usable Buildings and Facilities, approved December 15, 1992,
2 ~~Specifications for Making Buildings and Facilities Accessible and~~
3 ~~Usable by Physically Handicapped People, approved February 5, 1986~~
4 by the American National Standards Institute, Inc. (ANSI
5 A117.1-~~1992-1986~~), which is incorporated by reference into this
6 rule. ~~Each telephone station installed prior to January 5, 1987~~
7 ~~shall conform to the above standards by January 1, 1995.~~

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

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

20 (d) ~~(c)~~ Pay telephone stations ~~Stations~~ located in buildings
21 which are not wheelchair accessible ~~to physically handicapped~~
22 ~~persons~~ must comply with all ANSI provisions cited in this
23 subsection except that these stations are exempt from complying
24 with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until
25 the building is modified to make it wheelchair accessible. ~~to the~~

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1 ~~above mentioned standards upon modification of the building to make~~
2 ~~it handicap accessible, according to the Americans with~~
3 ~~Disabilities Act.~~

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

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

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

17 ~~(15) Pay stations located in confinement facilities shall be~~
18 ~~exempt from the requirements of above subsections (1), (3), (4),~~
19 ~~(6), and (11). Such pay stations shall also be exempt from the~~
20 ~~requirements of subsection (5), except for the audible and written~~
21 ~~15 minute disconnect notification.~~

22 ~~(20)~~⁽¹⁶⁾ Toll Fraud Liability.

23 (a) A company providing interexchange telecommunications
24 services or local exchange telecommunications services shall not
25 collect from a pay telephone provider for charges billed to a line

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1 for calls which originated from that line through the use of access
2 codes such as 10XXX+0, 10XXXX, 101XXXX, 950, and toll free (e.g.,
3 800, 877, 888) 10XXX+01, 950 1/0XXX+0, or 1-800 access codes, or
4 when the call originating from that line otherwise reached an
5 operator position, if the originating line is subscribed to
6 outgoing call screening and the call was placed after the effective
7 date of the outgoing call screening order.

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

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

24 (d) The provider of local exchange telecommunications
25 services ~~LEG~~ is responsible for charges described in paragraph

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1 (20)(c) that are associated with the failure of the provider of
2 local exchange telecommunications services' ~~LBC's~~ screening
3 services.

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

8 (f) Definitions: For purposes of subsection (20) ~~this rule~~
9 the term-

10 ~~1.~~ "Effective Date" shall mean the date after the call
11 screening order was placed and associated charges apply.

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

17 ~~(21)(17)~~ Providers serving confinement facilities shall
18 provide for completion of all inmate calls allowed by the
19 confinement facility.

20 (22) Pay telephone stations located in confinement facilities
21 shall be exempt from the requirements of subsections (2), (4), (6),
22 (7), (8), (10), (12), (13), (15), (16), and (19) of this rule.
23 Such pay telephone stations shall also be exempt from the
24 requirements of subsection (9), except that outgoing local and long
25 distance calls may not be terminated until after a minimum elapsed

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1 time of ten minutes. Audible and written disconnect notifications
2 shall apply, and one access line shall not be connected to more
3 than three pay telephone stations.

4 PROPOSED EFFECTIVE DATE: 02/01/99.

5 Specific Authority: 350.127(2), F.S.

6 Law Implemented: 364.03, 364.035, 364.063, 364.337, 364.3375,
7 364.345, F.S.

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

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CERTIFICATION OF
FORM INCORPORATED BY REFERENCE
IN RULE FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-24.515. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

Form PSC/CMU-2 (02/99) - Request to Block Incoming Calls.

Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

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99 JAN 12 AM 8:35
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FLORIDA PUBLIC SERVICE COMMISSION
REQUEST TO BLOCK INCOMING CALLS

Original Request *(check one)* Subsequent Request

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

PHYSICAL LOCATION OF PAY TELEPHONE (ADDRESS): _____

NAME OF BUSINESS WHERE PAY TELEPHONE IS LOCATED: _____

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(13), F.A.C. 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 & TELEPHONE NUMBER: _____

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 & TELEPHONE NUMBER: _____

I, the undersigned Chief of the law enforcement agency in 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 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 CHIEF OF RESPONSIBLE LAW ENFORCEMENT AGENCY: _____

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

NAME OF LAW ENFORCEMENT AGENCY: _____

MAILING ADDRESS & TELEPHONE NUMBER: _____

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

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

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

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

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

14 (d) 0+ toll non-person-to-person - a maximum rate of \$0.30
15 per minute, plus a \$1.75 charge, intraLATA and interLATA toll coin
16 ~~calls - a rate of \$.25 per minute, plus a \$1.00 surcharge,~~

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

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

23 (f) 0+ non-person-to-person local - a rate equivalent to the
24 local coin rate, plus a \$1.75 charge.

25 (g) 0+ person-to-person local - a rate equivalent to the

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1 local coin rate, plus a \$3.25 charge.

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

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

10 PROPOSED EFFECTIVE DATE: 02/01/99

11 Specific Authority: 350.127(2), F.S.

12 Law Implemented: 364.03, 364.3375(4), (5), F.S.

13 History--New 9-5-95, Amended.

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Rules 25-24.511, 25-24.515,
25-24.516
Docket No. 951560-TI

SUMMARY OF RULE

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 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 market-based rate for local coin calls; and discontinuing the set use fee for all 0+ and ICX 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 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 requirement, and outgoing local and long distance calls

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TALLAHASSEE, FLORIDA
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at those facilities cannot be terminated until after a minimum elapsed time of ten minutes.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

On September 20, 1996, the Federal Communications Commission 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's objective in the Order was to "advance the twin goals of competition among pay phone service providers and promoting the widespread deployment of pay phone services to the benefit of the general public". Paragraph 50 of the Order provides that "the states must conduct its examination of pay phone regulations during this one year period to review and remove, if necessary, those regulations that affect competition". The proposed amendments/repeals are a combination of staff's fine-tuning of the rules to improve their clarity, detail, performance and consistency with other rules, and staff's interpretation of the order. Those changes which were not directly ordered by the FCC have been changed under the authority of Section 350.127(2), F.S.