

ORIGINAL

DOCKET NO. 040493-TP

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

FILED
2004 AUG 18 PM 2:59
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

I do hereby certify:

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

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

/X/ (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;

/X/ (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 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

CMP _____
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OTH _____

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// (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.

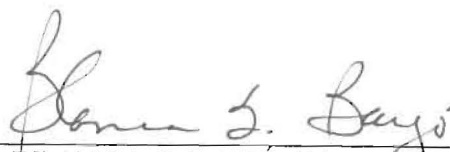
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-24.516
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: _____
(month) (day) (year)



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services



SMC

Number of Pages Certified

1 25-24.516 Pay Telephone Rate Caps.

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

4 (a) Local coin calls – the rate posted at the pay telephone station.

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

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

7 (d) 0+ toll non-person-to-person – a maximum rate of \$0.30 per minute, plus a \$1.75 charge.

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

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

11 (g) 0+ person-to-person local – a rate equivalent to the local coin rate, plus a \$3.25 charge.

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

15 ~~(3) A set use fee of \$.25 shall apply to all completed 0 local calls placed from pay~~
16 ~~telephones.~~

17 Specific Authority: 350.127(2), FS.

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

19 History–New 9-5-95, Amended 2-1-99, XX/XX/XX.

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- 1 25-24.630 Rate and Billing Requirements.
- 2 (1) Services charged and billed to any end user by an operator services provider for an
3 intrastate 0+ or 0- call made from a pay telephone or in a call aggregator context shall not
4 exceed a rate of \$.30 per minute plus the applicable charges for the following types of
5 telephone calls:
- 6 (a) A person-to-person call - - a charge of \$3.25;
- 7 (b) A call that is not a person-to-person call - - a charge of \$1.75.
- 8 ~~(2) For 0- calls from pay telephone stations completed by the provider of local exchange~~
9 ~~telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the~~
10 ~~local exchange company to the pay telephone service provider.~~
- 11 ~~(3)~~ (2) An operator services provider shall have current rate information readily available and
12 provide this information orally to end users upon request prior to connection.
- 13 ~~(4)~~ (3) An operator services provider shall require that its certificated name appear on any
14 telecommunications company's bill for regulated charges.
- 15 ~~(5)~~ (4) An operator services provider shall require all calls to be individually identified on
16 each bill from a telecommunications company on an end user's bill, including the date and
17 start time of the call, call duration, origin and destination (by city or exchange name and
18 telephone number), and type of call.
- 19 ~~(6)~~ (5) An operator services provider shall provide a toll-free number for customer inquiries
20 on the bill and maintain procedures adequate to allow the company to promptly receive and
21 respond to such inquiries.
- 22 ~~(7)~~ (6) An operator services provider shall charge only for conversation time as rounded
23 according to company tariffs.
- 24 ~~(8)~~ (7) An operator services provider shall not:
- 25 (a) Bill or charge for uncompleted calls in areas where answer supervision is available or

1 knowingly bill or charge for uncompleted calls in areas where answer supervision is not
2 available.

3 (b) Bill for any collect call that has not been affirmatively accepted by a person receiving the
4 call regardless of whether the call was processed by a live or automated operator.

5 (c) Bill for calls in increments greater than one minute except for coin calls that may be in
6 increments no greater than three minutes.

7 (d) Bill or collect a surcharge levied by any entity, either directly or through its billing agent,
8 except Commission-approved charges for pay telephone providers.

9 Specific Authority: 350.127(2), FS.

10 Law Implemented: 364.01, 364.3376, FS.

11 History—New 9-6-93, Amended 2-1-99, XX/XX/XX.

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SUMMARY OF RULE

The rule amendment deletes subsection (3) from Rule 25-24.516 and subsection (2) from Rule 25-24.630 to eliminate the requirement that the provider of local exchange telecommunications services pay a set use fee of \$0.25 to the pay telephone service provider for completing a 0- local call from a pay telephone station.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Currently, Rule 25-24.516(3), Florida Administrative Code, requires that a set use fee of \$0.25 shall apply to all completed 0- local calls placed from pay telephones. Also, Rule 25-24.603(2), Florida Administrative Code, states that a set use fee of \$0.25 shall apply and be remitted by the local exchange company to the pay telephone service provider for all 0- calls from pay telephone stations completed by the provider of local exchange telecommunications services.

The Federal Communications Commission (FCC) addressed the compensation for 0- local calls in In the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Third Report and Order, and Order on Reconsideration of the Second Report and Order, 14 FCC Rcd 2545, CC Docket No. 96-128, Order No. FCC 99-7, ¶¶ 51 and 53 (February 4, 1999)(Pay Telephone Order). In this order, the FCC designated 0- local calls as compensable calls subject to the default per-call compensation established in the order.

In Order No. PSC-99-2296-DS-TL, issued November 29, 1999, in Docket No. 991226-TL, In re: Petition by GTE Florida Incorporated for declaratory statement that the Commission's use fee rules do not prohibit GTE from compensating pay telephone service providers for 0- local calls under the FCC's per-call compensation scheme, or, in the alternative, petition for variance from Rules 25-24-516(3) and 25-24.630(2), F.A.C., (GTE Declaratory Statement Order), the Commission found that the FCC preempted the Commission from establishing a different set use fee for 0- local calls because the FCC established the default compensation for these calls in its Pay Telephone Order. The Commission declared that Rules 25-24.516(3) and 25-24.630(2) did not apply to GTE because the company was already compensating payphone service providers for 0- local calls and other pay phone calls under the federal scheme in accordance with the Telecommunications Act and FCC rules. The Commission also stated in the GTE Declaratory Statement Order that rulemaking will be initiated to repeal the set use fees for 0- local calls set forth in Rules 25-24.516 and 25-24.630.

Accordingly, subsection (3) of Rule 25-24.516 and subsection (2) of Rule 25-24.630 are being deleted from the rules because these subsections are no longer relevant.

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