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STATE OF FLORIDA



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Public Service Commission

October 16, 2009

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COMMISSION
CLERK

Mr. Scott Boyd, Executive Director
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

Re: Docket No. 060476-TL - Rule Nos. 25-24.516 and 25-24.630

Dear Mr. Boyd:

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to these rules, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink that reads "Richard C. Bellak".

Richard C. Bellak
Associate General Counsel

Enclosures

cc: Office of Commission Clerk

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DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

1 25-24.516 Pay Telephone Operator Services Rate Caps.

2 ~~(1) Rates charged any end user by a pay telephone provider, providing operator service within~~
3 ~~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 charge.~~

10 ~~(g) 0+ person to person local—a rate equivalent to the local coin rate, plus a \$3.25 charge.~~

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

14 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5),

15 364.3376 FS. History—New 9-5-95, Amended 2-1-99, 9-7-04.

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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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 the rates in the company's published schedules. ~~a rate of \$.30 per minute plus the~~
5 ~~applicable charges for the following types of 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) An operator services provider shall have current rate information readily available and
9 provide this information orally to end users upon request prior to connection.

10 (3) An operator services provider shall require that its certificated or registered name appear
11 on any telecommunications company's bill for regulated charges.

12 (4) An operator services provider shall require all calls to be individually identified on each
13 bill from a telecommunications company on an end user's bill, including the date and start
14 time of the call, call duration, origin and destination (by city or exchange name and telephone
15 number), and type of call.

16 (5) An operator services provider shall provide a toll-free number for customer inquiries on
17 the bill and maintain procedures adequate to allow the company to promptly receive and
18 respond to such inquiries.

19 (6) An operator services provider shall charge only for conversation time as rounded
20 according to company published schedules ~~tariffs~~.

21 (7) An operator services provider shall not:

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

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CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

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

3 (c) Bill for calls in increments greater than one minute except for pay telephone coin calls that
4 may be in increments no greater than three minutes.

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

7 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS.

8 History—New 9-6-93, Amended 2-1-9, 9-7-04.

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-24.516: Pay Telephone Rate Caps

25-24.630: Rate and Billing Requirements

PURPOSE AND EFFECT: To amend the rules to implement changes made by the Legislature to Section 364.3376, Florida Statutes. Docket No. 060476-TL.

SUMMARY: The amendments remove the price caps for operator services and replace references to "tariffs" with "schedules."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The amendments would not impose costs or confer benefits on the Commission. Companies providing operator services would have more flexibility to price operator services, but customers could face higher costs for those services.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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, 364.3376, 364.03, 364.3375(4), (5) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard C. Bellak, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6092, rbellak@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.516 Pay Telephone Operator Services 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 calls—the rate posted at the pay telephone station.~~

~~(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.~~

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

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

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

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

~~Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS. History—New 9-5-95, Amended 2-1-99, 9-7-04.~~

25-24.630 Rate and Billing Requirements.

(1) Services charged and billed to any end user by an operator services provider for an intrastate 0+ or 0- call made from a pay telephone or in a call aggregator context shall not exceed the rates in the company's published schedules, ~~a rate of \$.30 per minute plus the applicable charges for the following types of telephone calls:~~

~~(a) A person to person call—a charge of \$3.25;~~

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

(2) No change.

(3) An operator services provider shall require that its certificated or registered name appear on any telecommunications company's bill for regulated charges.

(4) – (5) No change.

(6) An operator services provider shall charge only for conversation time as rounded according to company published schedules tariffs.

(7) An operator services provider shall not:

(a) – (b) No change.

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

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

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-6-93, Amended 2-1-9, 9-7-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6584

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 06, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006, Volume 32/32 and December 12, 2008, Volume 34/50

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Rules 25-24.516 and 25-24.630
Docket No. 060476-TL

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

It was necessary to amend the rule to be consistent with recent legislative changes to Section 364.3376, Florida Statutes.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 24, 2009
TO: Office of General Counsel (Bellak)
FROM: Division of Economic Regulation (Hewitt) *CBH* *OSV* *MS* *TJH*
RE: Proposed Amendments to Rule 25-24.516, Pay Telephone Rate Caps, F.A.C., and Rule 25-24.630, Rate and Billing Requirements, F.A.C.

DETAILED DESCRIPTION OF THE PROPOSED RULE REPEALS

1. Why are the rule amendments being proposed?

Senate Bill 2626, the Consumer Choice and Protection Act, was signed by the governor June 24, 2009 and eliminated the Commission authority and requirement to establish maximum rates and charges for all Operator Services Providers (OSPs) within the state. The rules must be amended to follow the statutes.

2. What do the rules do and how do they accomplish the goal?

The rules currently cap rates and charges for OSPs. The proposed amendments would revise the rules to adhere to the new legislation and remove the rate caps and delete the references to "tariffs" and replace them with "schedules" or "published schedules."

IMPACT ON THE PSC

Incremental costs

There should be no net incremental costs for the Commission. Complaints of higher prices may increase but staff time spent on verifying price schedules may decrease.

Incremental benefits

There should be no net benefits for the Commission.

WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSED REPEALS

Utilities/Regulated Companies

Any companies providing operating services regulated by Commission imposed rate caps would be affected.

Customers

Customers would be affected if OSPs raise their rates and charges higher than presently allowed by the rates and charges caps.

Outside business and local governments

Small businesses would be affected if they are an OSP; they would have greater pricing flexibility. Small cities or small counties would not be affected from amending the above rules.

HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

Estimated transactional costs to individuals and entities

Utilities

The companies that would be affected would benefit from being able to set their prices according to the market. There should be minimal costs to "publish" their new rate schedules.

Customers

Some customers could be affected adversely if they do not shop around for the more competitively priced OSPs. Prices could be doubled or more by some OSPs.

Outside businesses including specifically small businesses

Most outside businesses should not be affected by the proposed rule amendments. Businesses that are OSPs would be able to raise their prices if they wished.

Local governments

Local governments should have no transactional costs from the rule repeals.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE

No other pertinent comments are germane to the proposed rule repeals.

CH:kb
cc: Mary Andrews Bane
Chuck Hill
Ray Kennedy