

Notice of Proposed Rule

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PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-24.510: Certificate of Public Convenience and Necessity Required

25-24.511: Application for Certificate

25-24.512: Application for Approval of Sale, Assignment or Transfer of Certificate

25-24.514: Cancellation of a Certificate

25-24.515: Pay Telephone Service

PURPOSE AND EFFECT: To reduce requirements on pay telephone service providers in accordance with the Regulatory Reform Act of 2011.

Docket No. 120262-TC

SUMMARY: Rule 25-24-510 is repealed. Rule 25-24.512 is amended to refer to certificates of authority instead of certificates of convenience. Rule 25-24.511 is amended to list both the Office of Telecommunications and the Department of State website for obtaining an application form to provide pay telephone service. Rule 25-24.514 is amended to simplify the provisions and delete a requirement for the provider to state reasons for the cancellation of a certificate. Rule 25-24.515 is amended to delete certain requirements on pay telephones which are no longer authorized by statute and to require each pay telephone station to permit free access to 911.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 365.171, FS

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, 365.171, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 25-24.510 Certificate of Public Convenience and Necessity Required.
Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History-New 1-5-87, Amended 5-15-89, Repealed _____.
- 25-24.511 Application for Certificate.
 - (1) No change

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(2) An applicant shall submit an application on Form PSC/TEL-RAD 32 (xx/xx)(5/08), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's website at www.floridapsc.com/utilities/telecomm/ or from the Office of Telecommunications. ~~Division of Regulatory Analysis.~~ Such form may also be accessed at the Department of State website at _____. A non-refundable application fee of \$250.00 must accompany the filing of all applications.

(3) – (4) No change

Rulemaking Authority 350.127(2) FS Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08, Amended _____.

25-24.512 Application for Approval of Sale, Assignment or Transfer Certificate.

(1) Certificates of ~~public convenience and authority~~ or necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate of ~~from a sale, assignment~~ or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/TEL-RAD 32 (07/12)(05/08), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida." The application form may be obtained from the Commission's website at www.floridapsc.com/utilities/telecomm/ or from the Office of Telecommunications ~~Division of Regulatory Analysis.~~ Such form may also be accessed at the Department of State website at _____. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, ~~assignment~~ or transfer of a certificate will be granted.

(3) An original and one copy of the application shall be filed with the Office of Commission Clerk.

(4) An application for sale, ~~assignment~~ or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold, ~~assigned~~, or transferred only as a whole.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, Amended _____.

25-24.514 Cancellation of a Certificate.

(1) The Commission's cancellation of a certificate shall be based on one or more of the following reasons:
~~The Commission may cancel a company's certificate for any of the following reasons:~~

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rules or orders;
- (c) Violation of Florida Statutes; or
- (d) Failure to provide service for a period of six (6) months.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide a statement of intent and date to pay Regulatory Assessment Fees the following with its request.

~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

~~(b) Statement of why the certificate is proposed to be cancelled.~~

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS. History—New 1-5-8, Amended _____.

25-24.515 Pay Telephone Service

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

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

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

(4) ~~Each pay telephone station shall permit direct free access to the universal telephone number "911" where operable.~~

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

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

(7) ~~Each pay telephone station shall complete calls to local and long distance directory assistance.~~

~~(8) Each pay telephone station shall complete calls to the responsible party for repairs or refunds by direct free access.~~

~~(1) (9) Each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:~~

~~(a) The telephone number and location address of the pay telephone station,~~

~~(b) The name and certificate number of the certificate holder,~~

~~(c) The party responsible for repairs and refunds, address of responsible party, free phone number of responsible party,~~

~~(d) Clear dialing instructions (including notice of the lack of availability of local and toll services),~~

~~(e) The local coin rate.~~

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

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

~~(3) (10) Each pay telephone station that provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.~~

~~(4) Each pay telephone station shall permit free access to the universal telephone number "911".~~

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

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

~~(13)(a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.~~

~~(b) 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. Requests for exemption from the requirement that each pay telephone station shall allow incoming calls shall be accompanied by a completed Form PSC/RAD-2 (02-99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Regulatory Analysis. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/RAD-2 (02-99). Where incoming calls are not received, central office-based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."~~

~~(14) Each pay telephone station must be connected to an individual access line.~~

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

~~(b) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted.)~~

~~(16)(a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term~~

“directory” shall mean both a current white page directory for the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station.

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

(17) Normal maintenance and coin collection activity shall include a review of the cleanliness of each pay telephone station.

(18)(a) Except as provided in paragraph (18)(b) below, each pay telephone station shall conform to sections 4.1.3(17), 4.2.4, 4.2.5, 4.2.6, 4.5.1, 4.31.2, 4.31.3, and 4.31.5 of the ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36, (July 1, 2003 Edition), which sections are incorporated by reference into this rule. This rule does not apply to public text telephone and closed circuit telephones.

(b) Pay telephones shall not be installed where the required “clear floor or ground space” provided for in ADA Accessibility Guidelines for Buildings and Facilities sections 4.2.4.1, 4.2.4.2, and 4.31.2 would be reduced by a vehicle parked in a designated parking space.

(19) Each pay telephone station shall permit end users to input unlimited digits for the duration of the call.

(20) Toll Fraud Liability

(a) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges billed to a line for calls that originated from that line through the use of access codes such as 10XXX, 10XXXX, 10XXXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

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

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

(d) The provider of local exchange telecommunications services is responsible for charges described in paragraph (20)(c) that are associated with the failure of the provider of local exchange telecommunications services’ screening services.

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

(f) Definitions: For purposes of subsection (20) the term “Effective Date” shall mean the date after the call screening order was placed and associated charges apply.

(g) Any charges accrued to a line when the subscriber has subscribed to the provider of local exchange telecommunications services to screen calls described in paragraphs (20)(a) and (b) above shall not be the basis for discontinuance of local and intrastate service.

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

(22) Pay telephone stations located in confinement facilities shall be exempt from the requirements of subsections (2), (4), (6), (7), (8), (10), (12), (13), (15), (16), and (19) of this rule. Such pay telephone stations shall be exempt from the requirements of subsection (9), except that outgoing local and long distance calls may not be terminated until after a minimum elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.

Rulemaking Authority 350.127(2), 365.171.(8) F.S. Law Implemented 364.3375, 365.171 F.S. History – New 1-5-87, Amended 4-14-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, 12-29-05, 9-5-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number
38, September 21, 2012.

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Notices Submitted to/Confirmed by Administrative Code & Register Staff

[Notices Confirmed by ACR](#)

Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
12387887	25-24.845	Customer Relations	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12387596	25-4.083,...	Preferred Carrier Freeze, Local, Local Toll, or Toll Provider Selection	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12386335	25-6.050,...	Location of Meters, Customer Billings	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12387305	25-24.825	Price List	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12387111	25-4.034,...	Tariffs, Filing of Service Schedules	Proposed	12/13/2012 Vol. 38/90	12/12/2012
✓ 12386917	25-24.510,...	Certificate of Public Convenience and Necessity Required, Application for Certificate, Application for Approval of Sale, Assignment or Transfer of Certificate, Cancellation of a Certificate, Pay Telephone Service	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12386141	25-7.0851,...	Backbilling, Unauthorized Use of Gas	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12385559	25-24.585,...	Rules Incorporated, Rules Incorporated	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12385365	25-4.0051	Certificate Holder Information	Proposed	12/13/2012 Vol. 38/90	12/12/2012

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
None					

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