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October 4, 1991

HAND DELIVERY

ORIGINAL  
FILE COPY

Mr. Steve Tribble  
Director, Records & Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: Amendment of Rule 25-4.110, F.A.C., pertaining to  
Customer Billing Period; Docket No. 910060-TP

Dear Mr. Tribble:

Enclosed for filing please find fifteen (15) copies of  
Comments of Central Telephone Company of Florida in the above-  
styled docket.

ACK

AFA

APP

Please acknowledge receipt and filing of the above by stamping  
the duplicate copy of this letter and returning same to this  
writer.

CAF \_\_\_\_\_

CMU 2

Thank you for your assistance in connection with this matter.

CTD \_\_\_\_\_

ENG \_\_\_\_\_

LEB 1

LIN 6

OPD \_\_\_\_\_

RSI \_\_\_\_\_

LLW/Bjb

Enclosures

~~cc:~~ All Parties of Record (w/encls.)

Sincerely,



Lee L. Willis

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09893 OCT -4 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amendment of Rule 25-4.110,) )  
F.A.C., pertaining to Customer ) )  
Billing Period ) )  
\_\_\_\_\_ ) )

DOCKET NO. 910060-TP

FILED: 10/4/91

COMMENTS OF CENTRAL TELEPHONE COMPANY OF FLORIDA

Central Telephone Company of Florida ("Central Telephone-Florida") files this its Comments in response to Notice of Rulemaking, Order No. 25045, issued September 12, 1991 and says:

1. The rules proposed by Order No. 25045 address the Commission's concern for consumers purchasing pay-per-call ("PPC") (900/976) services provided by information service providers ("ISP").

2. Central Telephone-Florida fully supports a reasonable and responsible effort to provide increased protection for consumers of those services. The provision of PPC services have been extremely controversial and in some instances have had an adverse affect on telecommunications customers in Florida as well as other states. Consequently, the Company fully supports the imposition of reasonable and prudent guidelines that are clear and easy to administer. In order to meet this objective the proposed rules should be modified in some respects to directly address the conduct of ISPs.

3. Central Telephone-Florida's most fundamental concern is with proposed Rule 25-4.110(10)(b) which employs a second best indirect approach by attempting to prohibit the offering of billing

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

and collection or transmission service to ISPs which engage in conduct described in eight subparagraphs under Rule 25-4.110(10)(b).

4. The Commission's concern is and should be the provision of the services by ISPs. Central Telephone-Florida has no direct contractual relationship with any ISP. These providers are typically customers of IXCs to whom Central Telephone-Florida provides billing service. Central Telephone-Florida has no practical way of determining whether any particular ISP service offering is subject to this Commission's jurisdiction and whether in fact it has violated the standards under this rule. LECs do not have any method to determine the terminating telephone number associated with a 900 service call. Consequently, LECs do not have data to determine whether a particular 900 service call terminated within Florida and is subject to the Commission's rule. This information is necessary to determine if the rules imposed by the Commission apply. Moreover, the LECs do not have data that would determine whether ISPs providing intrastate service are in compliance with the rule.

5. By Order No. 21815 issued on September 5, 1989 in Docket No. 880423-TP this Commission set forth its decision regarding the provision of information services and other related issues. In that order, the Commission asserted its jurisdiction over ISPs but decided to determine the degree of regulation on a case-by-case basis. (See Order No. 21815, pages 17-18; see also Order No. 23183 issued 7/13/90 resolving motions for reconsideration.) The

Commission should now exercise its jurisdiction over ISPs to impose directly on the PPC service provider the specific standards which are included in proposed Rule 25-4.110(10)(b). The Commission should not impose on the LEC a very difficult if not impossible task of attempting to police the content of PPC service and the conduct of individual PPC providers. The LECs are not equipped to engage in such regulation whereas this Commission is so capable.

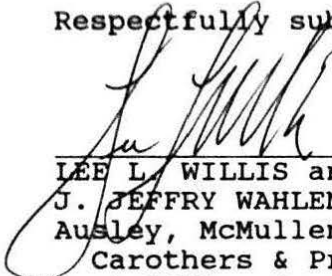
6. The rule should require ISPs providing PPC service to customers in Florida to periodically certify to the Commission that the ISP is in compliance with the Commission's rules relating to PPC service.

7. ISP's should also be required to provide directly to the Commission a list of 900 programs and numbers that are subscribed to by ISPs located in Florida. Upon complaint and after Commission Staff review, if a PPC provider is found to be in violation of the Commission's rule in providing PPC service, the Commission should then direct the LECs or IXC's which have direct contractual relationships with that ISP to discontinue billing and collection services or discontinue transmission for that ISP.

8. On September 26, 1991 the Federal Communications Commission ("FCC") in its Docket No. 91-65 adopted rules regarding the provision of interstate PPC service. (See attached FCC news release.) Since it is very difficult to determine if a particular service is interstate or intrastate it is important to conform the rules of both jurisdictions to the greatest extent possible.

DATED this 4th day of October, 1991.

Respectfully submitted,



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ATTORNEYS FOR CENTRAL TELEPHONE  
COMPANY OF FLORIDA

**CERTIFICATE OF SERVICE  
DOCKET NO. 910060-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing Comments of Central Telephone Company of Florida has been furnished by U. S. Mail this 4th day of October, 1991 to the following:

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# NEWS

FEDERAL COMMUNICATIONS COMM  
1919 M STREET, N.W.  
WASHINGTON, D.C. 20554

14943

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v FCC, 519 F.2d 388 (D.C. Cir. 1974).

Report No. DC-1954

ACTION IN DOCKET CASE

September 26, 1991

## RULES ADOPTED FOR PAY-PER-CALL NUMBERS (CC DOCKET 91-65)

To protect consumers, the Commission today adopted rules governing the provision of all interstate "pay-per-call" telephone services, including 900 numbers.

The new rules require a preamble and disclosure of the price and the information provider's identity. The rules also require one-time free blocking of 900 services for residential subscribers and prohibit disconnection, automated collect calls, line seizing and generation of dual-tone, multi-frequency tones, which have been used to allow very young children to access pay-per-call services.

The rules apply to interexchange carriers (IXCs) and local exchange carriers (LECs).

### PREAMBLE

The new rules require a preamble that discloses the price and product or service information and allows the caller an opportunity to hang up without charge. The preamble must include the price, including total price per call where practical, and the name of the information provider. It must also briefly describe the product or service provided. The preamble will be required on all pay-per-call programs except those with costs of \$2.00 or less for a flat-rate call.

The rules require that consumers must have an opportunity to hang up, without charge, after receiving the disclosure information. Repeat callers may be given the option to bypass the preamble. Charges for pay-per-call services must not be imposed until the end of the preamble and special warnings must be provided on all programs aimed at, or likely to be of interest to, children under the age of 18.

These requirements will give consumers the information necessary to make informed choices about pay-per-call services while avoiding requirements that impose an undue burden on carriers or information providers. States will be prohibited from imposing preamble requirements inconsistent with those adopted by the Commission for interstate calls.

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### BLOCKING

The Commission requires free blocking of 900 services, on a one-time basis, for all residential subscribers, where technically feasible. The rule does not mandate any change in the way carriers recover the cost of free blocking. States will be able to set reasonable, non-recurring rates for commercial subscribers and for subsequent blocking requests by residential subscribers. Blocking will allow consumers to control access from their telephones and avoid a potential liability for unwanted 900 service charges. The blocking requirement is ~~not extended to cover pay-per-call services on other exchanges~~ because of the difficulties carriers would face in implementing blocking on them. States have authority over involuntary blocking of 900 services by carriers and information providers for non-payment of pay-per-call charges.

### DISCONNECTION

The rules prohibit common carriers from disconnecting telephone subscribers' basic local exchange service and interexchange services for failure to pay interstate pay-per-call service charges. This rule applies to both residential and commercial subscribers.

### QUALITY

While declining to adopt a separate, specific rule on quality for pay-per-call services, the Commission said it would require that the preamble be clearly understandable and audible. This will eliminate preambles that are too fast or have low or poor audio quality. Quality problems that affect the content of or charges for the program may be dealt with by the Federal Trade Commission or state agencies with jurisdiction over deceptive practices.

### AUTOMATED COLLECT CALLS

The rules ban automated pay-per-call collect calls. This prohibits common carriers from providing transmission services for pay-per-call programs which initiate calls to consumers unless the party called must take affirmative action to accept the collect charges. The requirement will eliminate the practice of assuming the party telephoned will accept the charges unless that person takes some action, such as pushing "0" to indicate they will not accept the charges. In such cases, for example, some calls answered by an answering machine or where the consumer hung up before pushing "0" were charged to the consumers.

### LINE SEIZING

The Commission determined that line seizing by autodialers, a situation in which calls from autodialers remain on the line long after the consumer has hung up, is an issue that should be addressed on a nationwide basis. Therefore, the Commission adopted a rule requiring that autodialers used for outbound telemarketing must disconnect promptly, and in accord with current industry standards and network equipment capabilities.



DUAL-TONE, MULTI-FREQUENCY TONES IN CHILDREN'S PROGRAMMING

The rules prohibit carriers from providing transmission services to any pay-per-call service that uses tones generated in broadcast advertising to complete a call to the pay-per-call program.

SCOPE OF REGULATIONS

The Commission said that, with one exception, the new rules would apply to all interstate pay-per-call services, not just 900 services. The exception is that the LECs will only be responsible for blocking interstate 900 calls since they would encounter serious difficulties in blocking only interstate pay-per-call services on other exchanges.

Action by the Commission September 26, 1991, by Report and Order (FCC 91-299). Commissioners Sikes (Chairman), Quallo, Marshall, Barrett and Duggan.

- FCC -

News Media contact: Rosemary Kimball at (202) 632-5050.

Common Carrier Bureau contact: Thomas G. David at (202) 632-4887.