

FLORIDA PUBLIC SERVICE COMMISSION

DIVISION OF APPEALS

DOCKET NO. 960254-TI

RULE NO:	RULE TITLE:
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1.,

F.S., published in Volume 23, No. 26, June 27, 1997, issue of the Florida Administrative Weekly:

~~25-24.900 Scope and Waiver.~~

(1) This part applies to companies ~~that using their own or resold telecommunications networks to~~ provide prepaid calling services (PPCS) to the public using its own or resold telecommunications networks.

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~~(2) A company that offers for sale PFGS may petition for a waiver for any provision of this Part pursuant to Chapter 120. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas, or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:~~

~~(a) The factors enumerated in Section 364.337(4), Fla. Statutes;~~

~~(b) The extent to which competitive forces may serve the same function as, or obviate the necessity for, the provision sought to be waived; and~~

~~(c) Alternative regulatory requirements for the company which may serve the purposes of this Part.~~

(23) Prepaid calling services provided without compensation are exempt from Part XVI.

25-24.905 Terms and Definitions.

For purposes of this part, the definitions to the following terms apply:

(1) "Company" means any entity providing prepaid calling services to the public using its own or resold telecommunications network ~~to provide prepaid calling services.~~

25-24.910 Certificate of Public Convenience and Necessity Required.

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, alternative local exchange company, or interexchange company. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued. ~~A "doing business as" name may be used in lieu of the certificated name if it is, the names must be registered as a fictitious names with the Florida Division of Corporations and reflected on the certificate before the name is used on the card the certificate must reflect the names prior to the names being used. The "doing business as" names are considered to be the certificated name.~~

25-24.920 Standards For Prepaid Calling Services and Consumer Disclosure.

(2) Each company shall ~~provide legibly display~~ the following information legibly printed either on the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

- (a) Maximum charge per minute for PPCS;
- (b) Applicable surcharges; and
- (c) Expiration policy, if applicable.

The company must insure by contract with its retailers or distributors that the information is provided to the customer.

(4) Each company shall provide a live operator to answer

incoming calls 24 hours a day, 7 days a week or shall electronically voice record end user complaints. A combination of live operators or recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of the recording.

(5) The rates displayed in accord with paragraph (2) above shall be no more than those reflected in the tariff or price list for PPCS.

(12) All cards sold by the company after July 1, 1998, must comply with this rule.

25-24.935 Discontinuance of Service.

A company shall be responsible for ensuring, either through its contracts with its network provider, distributors, or marketing agents, or other means, that end user purchased cards remain usable in accord with Rule 25-24.920(10).

25-24.940 Penalties.

Where a penalty is imposed for a finding that an uncertificated company has provided PPCS within the state of Florida, the penalty shall be no less than \$1,000. The Commission shall impose penalties of not less than \$1,000 upon a finding that an uncertificated company has provided PPCS within the state of Florida.