

ORIGINAL

MEMORANDUM

December 10, 1998

TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, <sup>DWC</sup>ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. 960312-TI, PROPOSED AMENDMENTS TO RULES 25-4.002, F.A.C., APPLICATION AND SCOPE; 25-24.600, F.A.C., APPLICATION AND SCOPE; 26-24.610, F.A.C., TERMS AND DEFINITIONS; RULES INCORPORATED; 25-24.620, F.A.C., SERVICE REQUIREMENTS FOR COMPANIES PROVIDING OPERATOR SERVICES; 25-24.630, F.A.C., RATE AND BILLING REQUIREMENTS, AND 25-24.800, F.A.C., SCOPE

Attached is an original and three copies of the certification of Rules 25-24.620 and 25-24.800. The Department of State must receive the original and two copies of the certification no later than 5:00 p.m., December 11, 1998. The Certification includes:

- (1) An original and two certified copies of Rules 25-24.620 and 25-24.800, F.A.C.;
- (2) A summary of the rules;
- (3) A summary of the hearing on the rules; and
- (4) A written statement of the facts and circumstances justifying the rules.

ACK \_\_\_\_\_

AFA \_\_\_\_\_

APP \_\_\_\_\_

CAT \_\_\_\_\_ CBT600.DWC

CI \_\_\_\_\_ Attachments

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DOCKET NO. 960312-TP

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

I do hereby certify:

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

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

(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;

(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

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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

  X/ (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.

25-24.620

25-24.800

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: February 1. 1999  
(month) (day) (year)

Blanca S. Bayó  
BLANCA S. BAYÓ, Director  
Division of Records & Reporting

Number of Pages Certified

( S E A L )

DWC

RECEIVED 11/22/99

1           25-24.620 Service Requirements for Companies Providing  
2 Operator Services.

3           (1) Every company providing operator services shall clearly  
4 state the name of the company upon answer and again after accepting  
5 billing information before the call is connected.

6           (2) In its tariffs for and contracts with billing and  
7 collection agents and other companies providing operator services,  
8 every company providing operator services shall require the other  
9 party to:

10           (a) Allow end users to access, at no charge, all locally  
11 available interexchange companies via all locally available methods  
12 of access, such as including 10XXX, 10XXXX, 101XXXX, 950-XXXX, and  
13 toll free access codes, such as 800, 877, and 888; except that  
14 Feature Group A (seven-digit local number) access lines are exempt  
15 from this requirement;

16           (b) Allow end users to access the universal telephone number  
17 "911", where operable, at no charge to the end user, and where not  
18 operable, to allow end users to access the operator of the provider  
19 of local exchange telecommunications services at no charge;

20           (c) Route all end user dialed 0 + local and all 0- calls to  
21 the provider of local exchange telecommunications services unless  
22 the end user dials the appropriate access code for his carrier of  
23 choice, such as 950, 800, 877, 888, 10XXXX, 101XXXX, or 10XXX; and

24           (d) Route all end user dialed 1 + and 0+ toll calls to the  
25 preselected carrier unless the end user dials the appropriate

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

1 access code for his carrier of choice, such as 950, 800, 877, 888,  
2 10XXXX, 101XXX, or 10XXX; and

3 (e) Route all end user dialed 0- calls to the operator of the  
4 provider of local exchange telecommunications services at no charge  
5 to the end user when no additional digits are dialed after five  
6 seconds.

7 (3) Each operator services provider shall provide an  
8 opportunity for each caller to be identified by name to the called  
9 party before any collect calls may be completed.

10 PROPOSED EFFECTIVE DATE 02/01/99.

11 Specific Authority: 350.127(2), F.S.

12 Law Implemented: 364.01, 364.3376, F.S.

13 History: New 9/6/93, Amended 1/16/96, 9/10/97, \_\_\_\_\_.

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1 25-24.800 Scope

2       (1) This part applies only to Alternative Local Exchange  
3 Companies. The provisions of Chapters 25-4, 25-9 or 25-14 shall  
4 not apply to Alternative Local Exchange Companies, unless  
5 specifically provided by this part.

6       In addition to the rules contained in this part, any  
7 Alternative Local Exchange Company which provides operator services  
8 in a call aggregator context shall also comply with the rules  
9 contained in Part XIII of Chapter 25-24, F.A.C.

10 PROPOSED EFFECTIVE DATE 02/01/99.

11 Specific Authority: 350.127(2), F.S.

12 Law Implemented: 364.01, 364.337, F.S.

13 History: New 12/27/95, \_\_\_\_\_.

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Rules 25-24.620 and 25-  
24.800  
Docket No. 960312-TP

**SUMMARY OF RULE**

The proposed amendments remove the exemption for local exchange telecommunications companies providing operator services and extend the provision of the OSP rules to govern every company that provides operator services. The proposed amendments include specific rate caps expressed in dollars and cents that operator service providers must not exceed for various types of calls. Other technical and conforming changes are made.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

The Florida Telecommunications Act of 1995 amended Section 364.3376, Florida Statute, relating to operator services. Subsection (3) requires the Commission to establish maximum rates and charges for all providers of services. The provisions of the section also allow for all operator service providers to be regulated under the same rules, except for certification.

SECRET 11/23/05