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DIVISION OF APPEALS
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Public Service Commission

January 4, 1999

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: DOCKET NO. 960312-TI, PROPOSED AMENDMENTS TO RULES 25-4.002, F.A.C., APPLICATIONS AND SCOPE; 25-24.600, F.A.C., APPLICATION AND SCOPE; 25-24.610, 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

Dear Mr. Webb:

Enclosed is the notice of change, which has been published in the FAW on December 11, 1998, and the statement of changes for the proposed amendment of Rules 25-4.002, 25-24.600, 25-24.610, and 25-24.630.

We plan to file the rule for adoption on January 12, 1999.

Sincerely,

Diana W. Caldwell

Diana W. Caldwell
Associate General Counsel

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
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- EAG _____
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- LIN _____
- OPC _____
- RCH _____
- SEA _____
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- OTH _____

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Enclosure

of Records & Reporting

DOCUMENT NUMBER-DATE
00036 JAN-4-99
PSC-RECORDS/REPORTING

STATEMENT OF CHANGES

Technical and substantive changes were made to Rules 25-4.002, 25-24.600, 25-24.610 and 25-24.620, F.A.C. For technical changes, the phrase "and regulations" was deleted from Rule 25-4.002, and statutory references were added to the law implemented. Reference to the statute year was deleted in Rules 25-24.600 and 25-24.610.

The substantive change added clarifying language in Rule 25-24.630(1) to specify which calls were subject to rate caps.

1 25-4.002 Application and Scope.

2 (1) These rules ~~and regulations~~ are intended to define
3 reasonable service standards which will promote the furnishing of
4 adequate and satisfactory local and long distance service to the
5 public, and to establish the rights and responsibilities of both
6 the utility and the customer. The rules contained in Parts I--~~XI~~
7 of this Chapter apply to any local exchange company ~~Company as~~
8 ~~defined in Section 25-4.003(36)~~. The rules contained in Part X of
9 Chapter 25-24 apply to any Interexchange Company ~~as defined in~~
10 ~~Section 25-4.003(18)~~. The rules in Part XI of Chapter 25-24 apply
11 to any pay telephone service company ~~as defined in Section~~
12 ~~25-4.003(36)~~. The rules in Part XII of Chapter 25-24 apply to all
13 Shared Tenant Service Companies ~~as defined in Section 25-~~
14 ~~24-560(10)~~. The rules in Part XIII of Chapter 25-24 apply to all
15 Operator Service Provider Companies and call aggregators ~~as defined~~
16 ~~in Section 25-24.610(1)(f)~~. The rules contained in Part XIV of
17 Chapter 25-24 apply to all Alternative Access Vendor Service
18 Providers ~~as defined in Section 25-24.710(2)~~. The rules contained
19 in Part XV apply to all alternative local exchange
20 telecommunications companies.

21 (2) In addition to the rules contained in this part, any
22 local exchange company that provides operator services in a call
23 aggregator context shall also comply with the rules contained in
24 Part XIII of Chapter 25-24, F.A.C.

25 ~~(2) In any case where compliance with any of these rules~~

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1 ~~introduces unusual hardship, or if unreasonable difficulty is~~
2 ~~involved in immediate compliance with any particular rule, written~~
3 ~~application may be made to the Commission for modification of the~~
4 ~~rule or for temporary exemption from its requirements.~~

5 ~~(3) The adoption of these rules shall in no way preclude the~~
6 ~~Commission, upon complaint, upon its own motion or upon the~~
7 ~~application of any utility, upon due notice and opportunity for~~
8 ~~hearing, from altering or amending them, in whole or in part, or~~
9 ~~fr requiring any other or additional service, equipment,~~
10 ~~facility, or standard, or from making such modifications with~~
11 ~~respect to the application as may be found necessary to meet~~
12 ~~exceptional conditions.~~

13 ~~(4) Except as provided in Parts X and XI of Chapter 35 34,~~
14 ~~the adoption of these rules shall not in any way relieve any~~
15 ~~utility from any of its duties under the laws of this State.~~

16 PROPOSED EFFECTIVE DATE 02/01/99

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

18 Law Implemented: 364.01, 364.335, 364.337, 364.3376, F.S.

19 History: Revised 12-1-68, formerly 25-4.02, Amended 2-23-87, 1-8-
20 95, _____.

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1 **25-24.600 Application and Scope.**

2 (1) This Part applies to:

3 (a) Every company, ~~other than a local exchange~~
4 ~~telecommunications company,~~ that provides operator services as
5 defined in Section 364.02, Florida Statutes ~~(1995),~~

6 (b) Every company that bills and collects in its own name for
7 operator services provided by other entities, and

8 (c) Call aggregators as defined in this Part.

9 (2) In addition to the rules contained in this Part, every
10 company providing operator services shall also comply with the
11 rules contained in Part X of Chapter 25-24, F.A.C.

12 (3) Each company subject to this Part may petition for
13 exemption from applicable portions of Chapter 364, Florida
14 Statutes, or for application of different requirements than those
15 prescribed for telecommunications companies in Chapter 364, Florida
16 Statutes, under the authority of Section 364.337, Florida Statutes
17 ~~(1995).~~

18 PROPOSED EFFECTIVE DATE 02/01/99

19 Specific Authority: 350.127(2), 364.3376(8), F. S.

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

21 History: New 9-6-93, amended 9-10-97, _____.

22 **25-24.610 Terms and Definitions; Rules Incorporated.**

23 (1) For purposes of this Part, the following definitions
24 apply:

25 (a) "Call aggregator" is any person or entity ~~other than a~~

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1 ~~certificated telecommunications company~~ that provides
2 telecommunications service to the transient public, ~~in the ordinary~~
3 ~~course of its operations, provides telecommunications service to~~
4 ~~any end user.~~ Subject to the definition above, "call aggregator"
5 includes but is not limited to the following:

6 1. Hotel as defined in Section 509.242 (1)(a), Florida
7 Statutes ~~(1995)~~,

8 2. Motel as defined in Section 509.242 (1)(b), Florida
9 Statutes ~~(1995)~~,

10 3. Resort condominium as defined in Section 509.242 (1)(c),
11 Florida Statutes ~~(1995)~~,

12 4. Transient apartment as defined in Section 509.242 (1)(e),
13 Florida Statutes ~~(1995)~~,

14 5. Roominghouse as defined in Section 509.242 (1)(f),
15 Florida Statutes ~~(1995)~~,

16 6. Resort dwelling as defined in Section 509.242 (1)(g),
17 Florida Statutes ~~(1995)~~,

18 7. Schools required to comply with any portion of Chapters
19 228 and 246, Florida Statutes ~~(1995)~~, or Section 229.808, Florida
20 Statutes ~~(1995)~~,

21 8. Nursing home licensed under Section 400.062, Florida
22 Statutes ~~(1995)~~,

23 9. Assisted living facility licensed under Section 400.407,
24 Florida Statutes ~~(1995)~~,

25 10. Hospital licensed under Section 395.003, Florida Statutes

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1 ~~(1995),~~

2 11. Timeshare plan as defined in Section 721.05(31), Florida
3 Statutes ~~(1995),~~

4 12. Continuing care facility certificated under Section
5 651.023, Florida Statutes ~~(1995),~~ and

6 13. Homes, communities, or facilities funded or insured by
7 the United States Department of Housing and Urban Development (HUD)
8 under 12 U.S.C.S. § 1701q (Law. Co-op. 1994) that sets forth the
9 National Housing Act program designed to aid the elderly.

10 (b) "Conversation time" is the time during which two-way
11 communication is possible between the calling and called party.

12 (c) "End user" means a person who initiates or is billed for
13 a telephone call.

14 (d) "Person-to-person" is a service whereby the person
15 originating the call specifies to the operator service provider's
16 operator a particular person to be reached.

17 ~~(e)-(d)~~ "Surcharge" means an amount billed to an end user by
18 a call aggregator that is in excess of the rate information that
19 may be obtained pursuant to Section 364.3376(5), Florida Statutes
20 ~~(1995)~~. "Surcharge" includes any charge billed by a call
21 aggregator that is associated with a call billed by another entity.

22 (2) In addition to the above, the following rules are
23 incorporated herein by reference:

24		Portions
25	Section Title	Applicable

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1	25-4.003	Definitions	All
2	25-4.019	Records and Reports	All
3		in General	
4	25-4.020	Location and Preservation	(2) and (3)
5		of Records	

6 PROPOSED EFFECTIVE DATE 02/01/99

7 Specific Authority: 350.127(2), 364.3376(8), F.S.

8 Law Implemented: 364.01, 364.016, 364.3376, F.S.

9 History: New 9-6-93, Amended 9-10-97, _____.

10 25-24.630 Rate and Billing Requirements.

11 (1) Services charged and billed to any end user by an An
 12 operator services provider for an intrastate 0+ or 0- call made
 13 from a pay telephone or in a call aggregator context shall not
 14 exceed a rate of \$.30 per minute plus the applicable charges for
 15 the following types of telephone calls:

16 (a) A person-to-person call -- a charge of \$3.25; charge and
 17 bill end users no more than the Commission approved rate for
 18 intrastate calls;

19 (b) A call that is not a person-to-person call -- a charge of
 20 \$1.75.

21 (2) For 0- calls from pay telephone stations completed by the
 22 provider of local exchange telecommunications services, a set use
 23 fee of \$.25 shall apply and shall be remitted by the local exchange
 24 company to the pay telephone service provider.

25 (3) An operator services provider shall have current rate

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1 information readily available and provide this information orally
2 to end users ~~end-users~~ upon request prior to connection.¹⁷

3 (4)(e) An operator services provider shall require that its
4 certificated name ~~or the name of its certificated billing agent~~
5 appear on any telecommunications company's bill for regulated
6 charges.¹⁷

7 (5)(d) An operator services provider shall require all calls
8 are to be individually identified on each bill from a
9 telecommunications company ~~on to an end user's end-user~~ bill,
10 including the date and start time of the call, call duration,
11 origin and destination (by city or exchange name and telephone
12 number), and type of call.¹⁷ ~~and~~

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

17 (7)(f) An operator services provider shall charge only for
18 conversation time as rounded according to company tariffs.

19 (8)(a) An operator services provider shall not:

20 (a) ~~Bill~~ or charge for uncompleted calls in areas where
21 answer supervision is available or knowingly bill or charge for
22 uncompleted calls in areas where answer supervision is not
23 available.¹⁷

24 (b) ~~Bill~~ for any collect call that has not been affirmatively
25 accepted by a person receiving the call regardless of whether the

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1 | call was processed by a live or automated operator.†

2 | (c) ~~Bill~~ for calls in increments greater than one minute
3 | except for coin calls that may be in increments no greater than
4 | three minutes.†

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

8 | PROPOSED EFFECTIVE DATE 02/01/99

9 | Specific Authority: 350.127(2), F.S.

10 | Law Implemented: 364.01, 364.3376, F.S.

11 | History: New 9/6/93, _____.

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