

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 951560-TP

RULE TITLE:

RULE NO.:

Definitions

25-4.003

Customer Premises Equipment and
Inside Wire

25-4.0345

Pay Telephone Service Provided by
Local Exchange Companies

25-4.076

PURPOSE AND EFFECT: The rules are amended to incorporate requirements of FCC Order 96-388 and FCC Reconsideration Order 96-439 that includes allowing providers to charge a market base rate for local calls, designating a LEC's pay telephone equipment as customer premises equipment; allowing a charge for directory assistance; requiring the placard on the pay telephone station to reflect certain information; requiring specific routing for certain calls; specifying certain billing requirements; and discontinuing the set use fee for certain calls.

Additional amendments are proposed that eliminate distinctions

- ACK _____ between LEC provided and non-LEC provided pay telephone service.
- AFA _____
- APP _____ Certain service requirements are amended that include coin return;
- CAF _____ free access to 800/888 numbers; blocking of incoming calls;
- CMU _____ telephone directory access; requirement for access by disabled; and
- CTR _____
- EAG _____ rate caps and surcharges are set.
- LEG _____ The effect of these changes is to encourage competition for
- LTN _____ the provision of pay telephone service while protecting the public
- OPC _____
- RCH _____ health, safety and welfare.
- SEC _____ **SUBJECT AREA TO BE ADDRESSED:** Amendments to rules regulating the
- WAS _____
- OTH _____

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FPSC-RECORDS/REPORTING

provision of pay telephone services.

SPECIFIC AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.01, 364.02, 364.03, 364.032, 364.335, 364.337,
F.S.

IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME,
DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m. Tuesday, October 28, 1997

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade
Way, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF
THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND
REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT
IS: Natalie Montiero, Division of Communications, Florida Public
Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-
0862.

Any person requiring some accommodation at this workshop
because of a physical impairment should call the Division of
Records and Reporting at (850) 413-6770 at least five calendar days
prior to the hearing. If you are hearing or speech impaired,
please contact the Florida Public Service Commission using the
Florida Relay Service, which can be reached at: 1-800-955-8771
(TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.003 Definitions.

For the purpose of Chapter 25-4, the following definitions to the
following terms apply:

(1) "Access Line" or "Subscriber Line." The circuit or channel between the demarcation point at the customer's premises and the serving end or class 5 central office.

(2) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the busy season busy hours.

(3) "Busy Hour." The continuous one-hour period of the day during which the greatest volume of traffic is handled in the office.

(4) "Busy Season." The calendar month or period of the year (preferably 30 days but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

(5) "Call." An attempted telephone message.

(6) "Central Office." A location where there is an assembly of equipment that establishes the connections between subscriber access lines, trunks, switched access circuits, private line facilities, and special access facilities with the rest of the telephone network.

(7) "Commission." The Florida Public Service Commission.

(8) "Company," "Telecommunications Company," "Telephone Company," or "Utility." These terms may be used interchangeably herein and shall mean "telecommunications company" as defined in Section 364.02(12), Florida Statutes.

(9) "Completed call." A call which has been switched through an established path so that two-way conversation or data transmission is possible.

(10) "Disconnect" or "Disconnection." The dissociation or release of a circuit. In the case of a billable call, the end of

the billable time for the call whether intentionally terminated or terminated due to a service interruption.

(11) "Drop or Service Wire." The connecting link that extends from the local distribution service terminal to the protector or telephone network interface device on the customer's premises.

(12) "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

(13) "Exchange (Service) Area." The territory of a local exchange company within which local telephone service is furnished at the exchange rates applicable within that area.

(14) "Extended Area Service." A type of telephone service whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other exchanges or areas without toll charges, or complete calls to one or more other exchanges or areas without toll message charges.

(15) "Extension Station." An additional station connected on the same circuit as the main station and subsidiary thereto.

(16) "Foreign Exchange Service." A classification of local exchange telecommunications company exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.

(17) "Intercept Service." A service arrangement provided by the telecommunications company whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone

number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued, or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of conditions such as system blockages, inability of the system to complete a call as dialed, no such office code, and all circuits busy.

(18) "Interexchange Company." Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunication service between local calling areas as those areas are described in the approved tariffs of individual local exchange companies. "Interexchange Company" includes, but is not limited to, Multiple Location Discount Aggregators (MLDA) as defined in subsection (32) of these definitions.

(19) "Inter-office Call." A telephone call originating in one central office but terminating in another central office, both of which are in the same designated exchange area.

(20) "Interstate Toll Message." Those toll messages which do not originate and terminate within the same state.

(21) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or between an end office and toll office, over which toll calls are passed.

(22) "Intra-office Call." A telephone call originating and terminating within the same central office.

(23) "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

(24) "Invalid Number." A number comprised of an unassigned area code number or a non-working central office code (NXX).

(25) "Large LEC." A local exchange telecommunications company certificated by the Commission prior to July 1, 1995, that had in excess of 100,000 access lines in service on July 1, 1995.

(26) "Local Access and Transport Area (LATA)" or "Market Area." A geographical area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which a local exchange company (LEC) may transport telecommunication signals.

(27) "Local Exchange Telecommunications Company (LEC)." Any telecommunications company, as defined in Section 364.02(6), Florida Statutes.

(28) "Local Service Area" or "Local Calling Area." The area within which telephone service is furnished subscribers under a specific schedule of rates and without toll charges. A local exchange telecommunications company's local service area may include one or more exchange areas or portions of exchange areas.

(29) "Main Station." The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by an individual or party line circuit or channel.

(30) "Message." A completed telephone call.

(31) "Mileage Charge." A tariff charge for circuits and channels connecting other services that are auxiliary to local exchange service such as off premises extensions, foreign exchange and foreign central office services, private line services, and tie lines.

(32) "Multiple Location Discount Aggregator (MLDA)." An entity that offers discounted long distance telecommunications services from an underlying interexchange company to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:

(a) It collects fees related to interexchange telecommunications services directly from subscribers,

(b) It bills for interexchange telecommunications services in its own name,

(c) It is responsible for an end user's unpaid interexchange telecommunications bill, or

(d) A customer's bill cannot be determined by applying the tariff of the underlying interexchange company to the customer's individual usage.

(33) "Normal Working Days." The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone utility.

(34) "Optional Calling Plan." An optional service furnished under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

(35) "Out of Service." The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

(a) Service difficulties such as slow dial tone, circuits

busy, or other network or switching capacity shortages;

(b) Interruptions caused by a negligent or willful act of the subscriber; and

(c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

(36) "Outside Plant." The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices of the same or different exchanges.

(37) "Pay Telephone Service Company." Any telecommunications company, ~~other than a Local Exchange Company~~, which provides pay telephone service as defined in Section 364.3375, Florida Statutes.

(38) "Primary Interexchange Company." The pre-subscribed toll service provider for a subscriber.

(39) "Service Objective." A quality of service which is desirable to be achieved under normal conditions.

(40) "Service Standard." A level of service which a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(41) "Small LEC." A local exchange telecommunications company certificated by the Commission prior to July 1, 1995, which had fewer than 100,000 access lines in service on July 1, 1995.

(42) "Station." A telephone instrument consisting of a

transmitter, receiver, and associated apparatus so connected as to permit sending or receiving telephone messages.

(43) "Subscriber" or "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telecommunications company.

(44) "Subscriber Line." See "Access Line."

(45) "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

(46) "Toll Connecting Trunk." A trunk which connects a local central office with its toll operating office.

(47) "Toll Message." A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(48) "Traffic Study." The process of recording usage measurements which can be translated into required quantities of equipment.

(49) "Trouble Report." Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(50) "Trunk." A communication channel between central office units or entities, or private branch exchanges.

(51) "Valid Number." A number for a specific telephone terminal in an assigned area code and working central office which is equipped to ring and connect a calling party to such terminal number.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337 FS.

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96.

25-4.0345 Customer Premises Equipment and Inside Wire.

(1) Definitions: For purposes of this chapter, the definition to the following terms definitions apply:

(a) "Customer Premises Equipment (CPE)" includes terminal equipment intended for use on the customer's premises such as pay telephones, telephone sets, teletypewriters, data terminal equipment, mobile telephone terminal equipment, private branch exchange equipment, key system equipment, dialers and other supplemental equipment. CPE does not include "911" public safety answering point equipment (ALI, ANI, ACD equipment), ~~local exchange company pay telephone stations~~, or telecommunications devices required by hearing or speech impaired subscribers.

(b) "Demarcation Point" ~~The is the~~ point of physical interconnection (connecting block, terminal strip, jack, protector, optical network interface, or remote isolation device) between the telephone network and the customer's premises wiring. Unless otherwise ordered by the Commission for good cause shown, the location of this point is:

1. Single Line/Single Customer Building -- Either at the point

of physical entry to the building or a junction point as close as practicable to the point of entry.

2. Single Line/Multi Customer Building -- Within the customer's premises at a point easily accessed by the customer.

3. Multi Line Systems/Single or Multi Customer Building -- At a point within the same room and within 25 feet of the FCC registered terminal equipment or cross connect field.

4. Temporary Accommodations Subscriber Premises with Inadequate Grounding (e.g., some mobile homes, trailers, houseboats, construction modules) -- On a permanent stake, pole, or structure with a suitable safety ground.

(c) "Complex Equipment ~~Wire~~" ~~The is-the~~ premises wiring owned by the local exchange company which may be used as station wiring and to connect off-premises extensions and is beyond the normal demarcation points.

(d) "Inside ~~Wire~~" ~~All is-all~~ wire or cable other than complex equipment wire located on the customer's side of the demarcation point.

(e) "Customer Premises" ~~The is-the~~ discrete real property owned, leased, or controlled by a customer for the customer's own business or residential purposes.

(2) The provision and maintenance of CPE ~~Customer-Premises Equipment-(CPE)~~ and inside wire, but not complex equipment wire, is deregulated for intrastate purposes.

(3) Network facilities up to and including the demarcation point are part of the telephone network, provided and maintained by the telecommunications company under tariff.

(4) CPE Network Responsibility. No CPE may harm the network by introducing signals that interfere or affect other subscribers or network operations.

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

History--New 12-13-82, Amended 9-30-85, Formerly 25-4.345, Amended 4-16-90, 3-10-96.

25-4.076 Pay Telephone Service Provided By Local Exchange Companies.

~~(1) Each local exchange company shall, where practical, supply at least one coin telephone in each exchange that will be available to the public on a twenty-four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange. Except as provided herein, a telephone company may not be required to provide pay telephone service at locations where the revenues derived therefrom are insufficient to support the required investment unless reasonable public requirements will be served. Pay stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

~~(2) Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.~~

~~(3) Each telephone station shall have the capability of coin free access to a local exchange company toll operator and the universal emergency telephone number "911" where operable, and coin free or coin return access to local directory assistance,~~

~~intercept, repair service and calls to the business office of the company.~~

~~(4) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: the telephone number and location address of such station, the name of the certificate holder and the party responsible for repairs or refunds, free telephone number of responsible party and clear dialing instructions (including notice of the lack of availability of local or toll service). The identification of the location address for local exchange and pay telephone companies shall be coordinated with the appropriate ADII or emergency center where applicable. For those pay stations that will terminate conversation after fifteen (15) minutes, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.~~

~~(5) Each telephone station which provides access to any long distance carrier shall provide coin free access, except for feature group A access, to all locally available interexchange companies. For pay stations in equal access areas, such access shall be provided through the form of access purchased by locally available long distance carriers and shall include 10XXX + 0, 950 and 800 access. For those pay stations located in non equal access areas, 00 shall directly access the AT&T operator. Where 00 is not available, 0 to the LEC operator shall be transferred upon request to an AT&T operator, and the instruction card shall so indicate. No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the~~

~~interexchange carrier.~~

~~(6) Each telephone station shall allow incoming calls to be received, with the exception of those located at confinement facilities, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls. Requests for an exemption from the requirement that each telephone station allow incoming calls shall be accompanied by a completed FORM PGC/OMU 2 (12/94), which is incorporated into this rule by reference. FORM PGC/OMU 2 (12/94), entitled Request to Block Incoming Calls, may be obtained from the Commission's Division of Communications. 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 being sought in order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is being sought. 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."~~

~~(7) Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However,~~

~~where telephone stations are fully enclosed, a directory shall be maintained at each station.~~

~~(8) Normal maintenance and coin collection activity shall include a review of the cleanliness of each station and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.~~

~~(9) Except as provided in paragraphs (9)(a), (9)(b), and (9)(c) below, each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2, 4.29.4 and 4.29.7, 4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1-1986), which is incorporated by reference into this rule. Each telephone station installed prior to January 5, 1987 shall conform to the above standards by January 1, 1995.~~

~~(a) Effective June 1, 1992, where there are two or more telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the above mentioned standards. The conforming station must be physically located in the group of telephone stations or within a clear line of sight within fifteen (15) feet of the group and free from wheelchair barriers.~~

~~(b) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be placed in areas accessible to the physically handicapped.~~

~~(c) Stations located in buildings which are not accessible to~~

~~physically handicapped persons must comply with the above mentioned standards upon modification of the building to make it handicap accessible, according to the Americans with Disabilities Act.~~

~~(10) Effective September 1, 1992, each telephone shall permit end users to input the additional digits necessary to complete calling card calls, using any locally available carrier, without operator intervention, and to utilize features such as voice mail box and menu driven answering devices. This requirement shall not be applicable to pay telephones located in confinement facilities.~~

~~(11) Pay stations located in confinement facilities shall be exempt from the requirements of above subsections (1), (3), (5), and (7). Such pay stations shall also be exempt from the requirements of subsection (4), except for the audible and written 15 minute disconnect notification.~~

~~(12) Toll Fraud Liability.~~

~~(a) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges billed to a line for calls which originated from that line through the use of 10XXX + 0, 10XXX + 01, 950 1/0XXX + 0, or 1 800 access code, 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 services shall not collect from a pay~~

~~telephone provider for charges 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 is placed after the effective date of the incoming call screening order.~~

~~(c) Any calls billed through the local exchange company or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (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. Such notice shall be provided to the LEC and INC in writing no later than the due date of the bill.~~

~~(d) The LEC is responsible for charges described in paragraph (c) that are associated with the failure of the LEC's screening services.~~

~~(e) The INC is responsible for charges described in paragraph (c) that are associated with its failure to properly validate calls via the appropriate local exchange company data base.~~

~~(f) Definitions. For purposes of this rule the term:~~

~~1. 'Effective Date' shall mean the date after the call screening order was placed and associated charges apply.~~

~~(g) Any charges accrued to a subscriber's line when the subscriber has paid the local exchange company to screen calls described in paragraphs (a) and (b) above shall not be the basis for discontinuance of local or intrastate service.~~

~~(h) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement~~

facility-

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

History--New 12-1-68, Amended 3-31-76, 3-6-78, Formerly 25-4.76,

Amended 1-5-87, 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94.