

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960312-TP

RULE TITLE:

RULE NO.:

Application and Scope

25-4.002

PURPOSE AND EFFECT: The purpose of the proposed amendments provide rate caps as required by statute and consolidate the rules. The effect is to regulate all providers of operator services under the same set of rules and rate caps

SUMMARY: 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 STATEMENT OF ESTIMATED REGULATORY COST: Costs are associated with rulemaking necessary to change the rate caps.

One company identified profit losses associated with the rate cap based upon its current tariffs.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

- ACK _____ Any person who wishes to provide information regarding the
- AFA _____
- APP _____ statement of estimated regulatory costs, or to provide a proposal
- CAF _____ for a lower cost regulatory alternative must do so in writing
- CMU _____
- CTR _____ within 21 days of this notice.

- EAG _____ SPECIFIC AUTHORITY: 350.127, FS.
- LEG _____
- LIN _____ LAW IMPLEMENTED: 364.01, 364.337, FS.

- QPC _____
- RCH _____
- SEC 1
- WAS _____
- DTH _____

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WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 A.M., September 17, 1998

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

(1) These rules and regulations are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I--~~XIX~~ of this Chapter apply to any local exchange companies ~~Company as defined in Section 25-4.003(26)~~. The rules contained in Part X of Chapter 25-24 apply to any Interexchange Company ~~as defined in Section 25-4.003(18)~~. The rules in Part XI of Chapter 25-24 apply to any pay telephone service company ~~as defined in Section 25-4.003(36)~~. The rules in Part XII of Chapter 25-24 apply to all

Shared Tenant Service Companies ~~as defined in Section 25-24.560(10)~~. The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies and call aggregators as defined in Section 25-24.610(1)(f). The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers ~~as defined in Section 25-24.710(2)~~. The rules contained in Part XV apply to all alternative local exchange telecommunications companies.

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

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, written application may be made to the Commission for modification of the rule or for temporary exemption from its requirements.~~

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

~~(4) Except as provided in Parts X and XI of Chapter 25-24, the adoption of these rules shall not in any way relieve any utility from any of its duties under the laws of this State.~~

Specific Authority: 350.127, F.S.

Law Implemented: 364.01, 364.337, F.S.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: June 30, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 23, Number 39, September 26, 1997

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing 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. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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 companies Company as
8 ~~defined in Section 25-4.003(26)~~. 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 ~~(3) In any case where compliance with any of these rules~~

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

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 ~~from 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 25 24,~~
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 Specific Authority: 350.127, F.S.

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

18 History: Revised 12-1-68, formerly 25-4.02, Amended 2-23-87, 1-8-
19 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 exemption
13 from applicable portions of Chapter 364, Florida Statutes, or for
14 application of different requirements than those prescribed for
15 telecommunications companies in Chapter 364, Florida Statutes,
16 under the authority of Section 364.337, Florida Statutes (1995).

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

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

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

20
21 25-24.610 Terms and Definitions; Rules Incorporated.

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

23 (a) "Call aggregator" is any person or entity ~~other than a~~
24 ~~certificated telecommunications company~~ that provides
25 telecommunications service to the transient public, ~~in the ordinary~~

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1 ~~course of its operations, provides telecommunications service to~~
2 ~~any end user.~~ Subject to the definition above, "call aggregator"
3 includes but is not limited to the following:

4 1. Hotel as defined in Section 509.242 (1)(a), Florida Statutes
5 (1995),

6 2. Motel as defined in Section 509.242 (1)(b), Florida Statutes
7 (1995),

8 3. Resort condominium as defined in Section 509.242 (1)(c),
9 Florida Statutes (1995),

10 4. Transient apartment as defined in Section 509.242 (1)(e),
11 Florida Statutes (1995),

12 5. Roominghouse as defined in Section 509.242 (1)(f), Florida
13 Statutes (1995),

14 6. Resort dwelling as defined in Section 509.242 (1)(g),
15 Florida Statutes (1995),

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

19 8. Nursing home licensed under Section 400.062, Florida
20 Statutes (1995),

21 9. Assisted living facility licensed under Section 400.407,
22 Florida Statutes (1995),

23 10. Hospital licensed under Section 395.003, Florida Statutes
24 (1995),

25 11. Timeshare plan as defined in Section 721.05(31), Florida

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1 Statutes (1995),

2 12. Continuing care facility certificated under Section 651.023,
3 Florida Statutes (1995), and

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

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

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

12 (d) "Person-to-person" is a service whereby the person
13 originating the call specifies to the operator service providers
14 operator a particular person to be reached.

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

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

Section	Title	Portions Applicable
24 25-4.003	Definitions	All
25 25-4.019	Records and Reports	All

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1 in General
2 25-4.020 Location and Preservation (2) and (3)
3 of Records

4 Specific Authority: 350.127(2), 364.3376(8), P.S.

5 Law Implemented: 364.01, 364.016, 364.3376, P.S.

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

7
8 25-24.620 Service Requirements for Companies Providing
9 Operator Services.

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

13 (2) In its tariffs for and contracts with billing and
14 collection agents and other companies providing operator services,
15 every company providing operator services shall require the other
16 party to:

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

23 (b) Allow end users to access the universal telephone number
24 "911", where operable, at no charge to the end user, and where not
25 operable, to allow end users to access the operator of the provider

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1 of local exchange telecommunications services at no charge;

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

6 (d) Route all end user dialed 1 + and 0+ toll calls to the
7 preselected carrier unless the end user dials the appropriate
8 access code for his carrier of choice, such as 950, 800, 877, 888,
9 10XXXX, 101XXX, or 10XXX; and

10 (e) Route all end user dialed 0- calls to the operator of the
11 provider of local exchange telecommunications services at no charge
12 to the end user when no additional digits are dialed after five
13 seconds.

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

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

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

19 History: New 9/6/93, Amended 1/16/96, 9/10/97, _____.

20
21 25-24.630 Rate and Billing Requirements.

22 1) Services charged and billed to any end user by an An
23 operator services provider for an intrastate call shall not exceed
24 a rate of \$.30 per minute plus the applicable charges for the
25 following types of telephone calls:

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

4 (b) A call that is not a person-to-person call -- a charge of
5 \$1.75.

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

10 (3) An operator services provider shall have current rate
11 information readily available and provide this information orally
12 to ~~end users end-users~~ upon request prior to connection.†

13 (4)† An operator services provider shall require that its
14 certificated name ~~or the name of its certificated billing agent~~
15 appear on any telecommunications company's bill for regulated
16 charges.†

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

23 (6)† An operator services provider shall provide a toll-free
24 number for customer inquiries on the bill and maintain procedures
25 adequate to allow the company to promptly receive and respond to

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1 such inquiries, ~~and~~

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

4 ~~(8)(2)~~ An operator services provider shall not:

5 (a) ~~B~~bill or charge for uncompleted calls in areas where
6 answer supervision is available or knowingly bill or charge for
7 uncompleted calls in areas where answer supervision is not
8 available, ~~and~~

9 (b) ~~B~~bill for any collect call that has not been affirmatively
10 accepted by a person receiving the call regardless of whether the
11 call was processed by a live or automated operator, ~~and~~

12 (c) ~~B~~bill for calls in increments greater than one minute
13 except for coin calls that may be in increments no greater than
14 three minutes, and

15 (d) ~~B~~bill or collect a surcharge levied by any entity, either
16 directly or through its billing agent, except Commission-approved
17 charges for pay telephone providers.

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

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

20 History: New 9/6/93, _____.

21
22 **25-24.800 Scope**

23 (1) This part applies only to Alternative Local Exchange
24 Companies. The provisions of Chapters 25-4, 25-9 or 25-14 shall
25 not apply to Alternative Local Exchange Companies, unless

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1 | specifically provided by this part.

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

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

7 | Law Implemented: 364.01, 364.337, F.S.

8 | History: New 12/27/95, _____.

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