

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: PROPOSED AMENDMENTS ) DOCKET NO. 920326-TP  
RULES 25-4.076, 25-24.475, )  
AND 25-24.515, F.A.C, ) ORDER NO. PSC-92-1455-NOR-TP  
PERTAINING TO TOLL FRAUD )  
LIABILITY. ) ISSUED: 12/15/92

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NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-4.076, 25-24.475, and 25-24.515, F.A.C., relating to toll fraud liability.

The attached Notice of Rulemaking has appeared in the November 20, 1992 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Thursday, January 14, 1993  
Room 122, Fletcher Building  
101 East Gaines Street

Written requests for hearing and written comments or suggestions on the rules will be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399.

By ORDER of the Florida Public Service Commission this 15th day of December, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records & Reporting

( S E A L )

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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 or recognizable logo of the owner 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 "911" or emergency center where applicable.

(5) Each telephone station which provides access to any long distance company must provide access to all locally available long distance companies regardless of which form of access is available.

(6) Each telephone station must allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming local calls. Where incoming calls are not received, intercept shall be provided.

(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) 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 was 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 IXC 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 IXC 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;

(i) "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.

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

Law Implemented: 364.03, F.S.

History: New 12/1/68, Amended 3/31/76, formerly 25-4.76, Amended 1/5/87, 4/14/92, \_\_\_\_\_.

25-24.475 Company Operations; Rules Incorporated

(1) The following rules are incorporated herein by reference and apply to Interexchange Companies. In these rules, the word "local" should be omitted or interpreted as "toll", as they shall apply only to interexchange and not local service.

(a) The following rules apply to all Companies:

<u>Section</u>	<u>Title</u>	<u>Portions Not Applicable</u>
25-4.022	Complaint - Trouble Reports, etc.	None
25-4.036	Design and Construction of Plant	None
25-4.038	Safety	None
25-4.039	Traffic	None
25-4.071	Adequacy of Service	Subsections (1), (2), (3), (4), (5), (6)
<u>25-4.076</u>	<u>Pay Telephone Service Provided</u>	<u>All Subsections</u>

By Local Exchange Companies                      except (11)

25-4.077 Metering and Recording Equipment (5)

(b) The following rules apply to Major Interexchange Companies only.

<u>Section</u>	<u>Title</u>	<u>Portions Not Applicable</u>
25-4.023	Report of Interruptions	None
25-4.069	Maintenance of Plant and Equipment	Subsection (3)
25-4.070	Customer Trouble Reports	Subsections (1), (3), (5), (6), (7)
25-4.071	Adequacy of Service	Subsection (3), (4), (5), (6)
25-4.072	Transmission Requirements	Subsection (2), (3)
25-4.073	Answering Time	None
25-4.077	Metering and Recording Equipment	None
25-4.078	Emergency Operation	Subsection (2)

(2) A company may act as an agent of the customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service rendered.

(3) A company shall not lease intrastate-tariffed private line, or foreign exchange (FX) services or facilities of local exchange companies for the purpose of routing its customers'

traffic, except as indicated in subsection (4).

(4) Foreign exchange (FX) service provided by local exchange companies may be used by an interexchange company to originate calls for subsequent routing over the company's facilities. An Interexchange Company may not use FX service to terminate traffic.

(5) Each interexchange company shall order sufficient access facilities between the local exchange carrier's end office or tandem serving the interexchange company and the interexchange company's point of presence to meet the following service standard during the average business day busy hour during the busy season: At least 99% percent of all calls entering or exiting the local exchange carrier's local network at the interexchange company's point of interface on a Feature Group A or B basis will not encounter an all-trunk busy condition. Each interexchange company will maintain the required Busy Hour Minutes of Capacity to attain the 1% blockage requirement. For end-to-end Feature Group C & D service, the call completion rate shall not be less than the company's tariff standard, which in no case shall be less than 90 percent.

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

Law Implemented: 364.03, 364.035, 364.17, 364.14, 364.15, 364.16, 364.18, 364.185, 364.30, 364.337, 364.345, F.S.

History: New 2/23/87, Amended 6/25/90, \_\_\_\_\_.

25-24.515 Pay Telephone Service.

(1) 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 permit access to the universal telephone number "911" where operable, without requiring the use of a coin, paper money or a credit card. Where such number is not operable, the station shall permit access to a local exchange company toll operator under the same conditions.

(4) Each telephone station shall, without charge, permit access to local directory assistance and the telephone number of any person responsible for repairs or refunds but may provide access by coin return. Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.

(5) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: telephone number and location address of such station, name or recognizable logo of the owner and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll

services), and, where applicable, a statement that the phone is not maintained by the local exchange company.

(6) Each telephone station which provides access to any interexchange company must provide access locally available interexchange companies.

(7) Each telephone station must allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. Where incoming calls are not received, intercept shall be provided. There shall be no charge for receiving incoming local calls.

(8) Each telephone station must be connected as provided in the pay telephone access tariff offered by the local exchange company.

(9) The charge for calls may not exceed the rates shown in the local exchange company Pay Telephone Access Tariff.

(10) (a) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted).

(b) Each telephone utility shall conduct its operations in such manner to ensure that, in each exchange, ninety-five (95%) percent

of all interruptions in telephone service occurring in any calendar month shall be cleared and service restored within twenty-four (24) hours (Sundays and holidays excepted) after the trouble is reported to the company, except where such interruptions are caused by emergency situations, unavoidable casualties and acts of God affecting large groups of subscribers.

(11) 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.

(12) 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.

(13) Except as provided in subsections (13)(a), (13)(b), and 13(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),

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