

MEMORANDUM

March 9, 1998

RECEIVED

MAR 09 1998

8:45

FPSC - Records/Reporting

TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. 960254-TI - PROPOSED PART VXI - RULES GOVERNING PREPAID CALLING SERVICES; RULES 25-24.900, F.A.C., SCOPE AND WAIVER; 25-24.905, F.A.C., TERMS AND DEFINITIONS; 25-24.910, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED; 25-24.915, F.A.C., TARIFFS OR PRICE LISTS; 25-24.920, F.A.C., STANDARDS FOR PREPAID CALLING SERVICES AND CONSUMER DISCLOSURE; 25-24.925, F.A.C., REFUNDS; 25-24.930, F.A.C., ADEQUACY OF SERVICE; 25-24.935, F.A.C., DISCONTINUANCE OF SERVICE; 25-24.940, F.A.C., PENALTIES

10 Pgs

98-0373-FOF-TI

Attached please find a Notice of Adoption for distribution by your office.

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
- Telephone (TL)
- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

This docket will be closed upon issuance of the Notice.

NOA900.MRD

Attachment

cc: File

Sandy Simmons (w/o attach.)

W. Terrell

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Part VXI - Rules Governing Prepaid Calling Services; Rules 25-24.900, F.A.C., Scope and Waiver; 25-24.905, F.A.C., Terms and Definitions; 25-24.910, F.A.C., Certificate of Public Convenience and Necessity Required; 25-24.915, F.A.C., Tariffs or Price Lists; 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure; 25-24.925, F.A.C., Refunds; 25-24.930, F.A.C., Adequacy of Service; 25-24.935, F.A.C., Discontinuance of Service; and 25-24.940, F.A.C., Penalties.

DOCKET NO. 960254-TI  
ORDER NO. PSC-98-0373-FOF-TI  
ISSUED: March 9, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rules 25-24.900, 25-24.905, 25-24.910, 25-24.915, 25-24.920, 25-24.925, 25-24.930, 25-24.935 and 25-24.940, Florida Administrative Code, relating to prepaid calling services with changes.

The rules were filed with the Department of State on March 6, 1998 and will be effective on March 26, 1998. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

DOCUMENT NUMBER-DATE

02968 MAR-98

FPSC RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 9th  
day of March, 1998.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION

RULES GOVERNING PREPAID CALLING SERVICES

Part XVI

- 25-24.900     Scope
- 25-24.905     Terms and Definitions
- 25-24.910     Certificate of Public Convenience and Necessity  
Required
- 25-24.915     Tariffs or Price Lists
- 25-24.920     Standards for Prepaid Calling Services and Consumer  
Disclosure
- 25-24.925     Refunds
- 25-24.930     Adequacy of Service
- 25-24.935     Discontinuance of Service
- 25-24.940     Penalties

RULES GOVERNING PREPAID CALLING SERVICES

25-24.900   Scope.

(1) This part applies to companies that provide prepaid calling services (PPCS) to the public using its own or resold telecommunications networks.

(2) Prepaid calling services provided without compensation are exempt from Part XVI.

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

Law Implemented: 364.01, 364.19, 364.337(4), F.S.

History: New 03/26/98.

25-24.905 Terms and Definitions.

For purposes of this part, the definitions to the following terms apply:

(1) "Company" means any entity providing prepaid calling services to the public using its own or resold telecommunications network.

(2) "Conversation time" is the time when two-way telecommunications is possible.

(3) "Prepaid Calling Services (PPCS)" means any prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.

(4) "Prepaid Calling Card" or "Card" means any object containing an access number and authorization code that enables an end user to use PPCS.

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

Law Implemented: 364.01, 364.03, 364.051, 364.335, 364.337(4) F.S.

History: New 03/26/98.

25-24.910 Certificate of Public Convenience and Necessity Required.

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A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, alternative local exchange company, or interexchange company. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued. A "doing business as" name may be used in lieu of the certificated name if it is registered as a fictitious name with the Florida Division of Corporations and reflected on the certificate before the name is used on the card.

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

Law Implemented: 364.33, 364.335, 364.337(4) F.S.

History: New 03/26/98.

**25-24.915 Tariffs and Prices Lists.**

(1) This section applies to all companies as defined in 25-24.905(1), regardless of certificate type or other tariff or price list requirements.

(2) Each company shall file a tariff or price list for PPCS.

(3) Each company shall include in its tariff or price list the following information:

(a) Maximum amount a person will be charged per minute for PPCS, and

(b) Applicable surcharges.

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

Law Implemented: 364.04, 364.051, 364.057, 364.08, 364.09,  
364.10, 364.19, 364.27, 364.337, F.S.

History: New 03/26/98.

25-24.920 Standards For Prepaid Calling Services and Consumer  
Disclosure.

(1) The following information shall be legibly printed on the  
card:

(a) The Florida certificated name, or "doing business as"  
name as provided for by Rule 25-24.910, clearly identified as the  
provider of the PPCS;

(b) Toll-free customer service number;

(c) Toll-free network access number; and

(d) Authorization code, if required to access service.

(2) Each company shall provide the following information  
legibly printed either on the card, packaging, or display visible  
in a prominent area at the point of sale of the PPCS in such a  
manner that the consumer may make an informed decision prior to  
purchase:

(a) Maximum charge per minute for PPCS;

(b) Applicable surcharges; and

(c) Expiration policy, if applicable.

The company must insure by contract with its retailers or distributors that the information is provided to the consumer.

(3) Each company shall provide through its customer service number the following information:

- (a) Certificate number;
- (b) Rates and surcharges;
- (c) Balance of use in account; and
- (d) Expiration date or period, if any.

(4) Each company shall provide a live operator to answer incoming calls 24 hours a day, 7 days a week or shall electronically voice record end user complaints. A combination of live operators or recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of the recording.

(5) The rates displayed in accord with paragraph (2) above shall be no more than those reflected in the tariff or price list for PPCS.

(6) A company shall not reduce the value of a card by more than the charges printed on the card, packaging, or visible display at the point of sale. The service may, however, be recharged by the consumer at a rate higher than the rate at initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff or

price list and the consumer shall be informed of the higher charges at the time of recharge.

(7) The billing increment shall not exceed one minute.

(8) Each company shall only charge for conversation time plus applicable surcharges.

(9) Conversation time of less than a full minute shall not be rounded up beyond the next full minute.

(10) Cards without a specific expiration period printed on the card, and with a balance of service remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged, from the date of the last recharge.

(11) If PPCS are sold without a card or printed material, tariffed charges and surcharges shall be disclosed at the point of sale.

(12) All cards sold by the company after July 1, 1998, must comply with this rule.

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

Law Implemented: 364.01, 364.03, 364.19 F.S.

History: New 03/26/98.

25-24.925 Refunds.

(1) Each company shall have a refund policy that meets the following minimum requirements:

(a) For PPCS that are rendered unusable for reasons beyond the consumer's control, and have not exceeded the expiration period, each company shall provide a refund equal to the value remaining in the account.

(b) Refunds may be cash or replacement service, at the company's option, but must be made to the end user within 60 days of notification by the end user.

(2) Each company may, but shall not be required to, provide a refund when a card has been lost or stolen.

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

Law Implemented: 364.01, 364.19, F.S.

History: New 03/26/98.

**25-24.930 Adequacy of Service.**

Each company shall ensure that:

(1) A minimum of 95 percent of all call attempts shall be completed to the called party. Station busies will be counted as completed calls.

(2) A minimum of 95 percent of all call attempts shall be completed to a company's toll-free customer service number. Station busies will not be counted as completed calls.

(3) A minimum of 97 percent (allowing for a one-second variation) timing accuracy of conversation time shall be achieved.

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

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Law Implemented: 364.01, 364.19, F.S.

History: New 03/26/98.

**25-24.935 Discontinuance of Service.**

A company shall be responsible for ensuring, either through its contracts with its network provider, distributors, or marketing agents, or other means, that end user purchased cards remain usable in accord with Rule 25-24.920(10).

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

Law Implemented: 364.01, 364.19, F.S.

History: New 03/26/98.

**25-24.940 Penalties.**

Where a penalty is imposed for a finding that an uncertificated company has provided PPCS within the state of Florida, the penalty shall be no less than \$1,000.

Specific Authority: 350.127 (2) F.S.

Law Implemented: 364.285 F.S.

History: New 03/26/98.