



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 17, 2000

TO: DIVISION OF RECORDS AND REPORTING

FROM: MARY ANNE HELTON, DIVISION OF APPEALS *naht*

RE: DOCKET NO. 991930-TX

Attached is the first draft of the suggested rule changes recommended by AT&T, BellSouth, GTE, and the pay phone industry. Please place these comments in the file for the above docket number.

cc: Ray Kennedy
Craig Hewitt
Rick Moses
Hurd Reeves

CHG630.MAH

- AFA _____
- APP _____
- CAF _____
- CMW _____
- QTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC _____
- WAW _____
- OTH _____

DOCUMENT NUMBER-DATE

03472 MAR 17 8

FPSC-RECORDS/REPORTING

Rule 25-24.630, Rate and Billing Requirements.

(1) In order to ensure that members of the public pay no more than a market-based rate, The Commission shall establish market-based maximum prices to be charged by operator services providers for intrastate 0+ or 0- calls made from a pay telephone or in a call aggregator context.

(a) Within 60 days of the effective date of this paragraph and annually thereafter, the Commission will review the tariffed rates charged in connection with interstate collect and person-to-person calls offered via 1-800 access by the three certificated IXCs with the highest intrastate revenues, as shown on line number 1 of the most recently filed Form PSC/CMU 153, entitled "Interexchange Company Regulatory Assessment Fee Return". The Commission shall set the maximum per-minute rate and maximum surcharge for 0+ and 0- automated collect and person-to-person calls made from a payphone or in a call aggregator context at the average of the rates and surcharges charged by such competitive providers for such calls during the previous six months for interstate collect and person-to-person calls, respectively. Using the same methodology, the Commission will set a maximum surcharge for calls assisted by a live operator at the customer's request, which may be applied in addition to the above rates. The maximum rates shall be inclusive of all charges and fees.

(b) The Commission shall issue a proposed agency action order establishing the maximum rates for the year as follows:

1. 0+ and 0- toll non-person-to-person: a maximum rate per minute plus a maximum per-call surcharge;
2. 0+ and 0- toll person-to-person: a maximum rate per minute plus a maximum per-call surcharge;
3. 0+ and 0- local non-person-to-person: a rate equivalent to the posted pay telephone local coin rate or posted call aggregator flat rate, as applicable, plus a maximum per-call surcharge;
4. 0+ and 0- local person-to-person: a rate equivalent to the posted pay telephone local coin rate or posted call aggregator flat rate, as applicable, plus a maximum per-call surcharge;
5. Calls assisted by a live operator at the customer's request: a maximum per-call surcharge, which may be applied in addition to the above rates.

The Division of Records and Reporting shall mail each certificated telecommunications company a copy of the proposed agency action order.

- (c) The maximum rates shall become effective when the proposed agency action order becomes final.

(2) The rate caps in subsection (1) do not apply in the following situations:

- (a) The end user dials 0- and requests transfer to an operator services provider of choice;
- (b) The operator service provider has an intrastate tariff specifying a different rate;

(c) The operator service provider notifies customers that a free rate quote is available in conformance with the procedures currently required by the FCC in Order No. 98-9, issued in Docket No. 92-77.

(d) The operator service provider has posted the maximum rate or a method for obtaining a free quote for such calls at the payphone or call aggregator location.

Rule 25-24.516, Pay Telephone Rate Caps.

(1) Rates charged any end user by a pay telephone provider, providing operator service within the pay telephone premises' equipment, shall not exceed the following:

* * *

(d) 0+ toll non-person-to-person - the rate set annually for such calls pursuant to Rule 25-24.630(1).

(e) 0+ toll person-to-person - the rate set annually for such calls pursuant to Rule 25-24.630(1).

(f) 0+ non-person-to-person local - a rate equivalent to the local coin call rate, plus the rate set annually for such calls pursuant to Rule 25-24.630(1).

(g) 0+ local person-to-person - a rate equivalent to the local coin call rate, plus the rate set annually for such calls pursuant to Rule 25-24.630(1).

(h) Calls assisted by a live operator at the customer's request: a maximum per-call surcharge, which may be applied in addition to the above rates.

(2) The rate caps in subsection (1) do not apply in the following situations:

- (a) The end user dials 0- and requests transfer to an operator services provider of choice;
- (b) The operator service provider has an intrastate tariff specifying a different rate;
- (c) The operator service provider notifies customers that a free rate quote is available in conformance with the procedures currently required by the FCC in Order No. 98-9, issued in Docket No. 92-77.
- (d) The operator service provider has posted a rate quote for such calls at the payphone or call aggregator location.