

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to initiate rulemaking to amend Rules 25-24.630(1) and 25-24.516(1), F.A.C., by BellSouth Telecommunications, Inc. | DOCKET NO. 060476-TL  
ORDER NO. PSC-09-0688-NOR-TL  
ISSUED: October 15, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code, relating to pay telephone rate caps and rate and billing requirements.

The attached Notice of Rulemaking will appear in the October 23, 2009 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 13, 2009.

By ORDER of the Florida Public Service Commission this 15th day of October, 2009.

ANN COLE  
Commission Clerk

By: Dorothy E. Menasco  
Dorothy E. Menasco  
Chief Deputy Commission Clerk

(SEAL)

RCB

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-24.516: Pay Telephone Rate Caps

25-24.630: Rate and Billing Requirements

PURPOSE AND EFFECT: To amend the rules to implement changes made by the Legislature to Section 364.3376, Florida Statutes. Docket No. 060476-TL

SUMMARY: The amendments remove price caps for operator services and replace references to “tariffs” with “schedules.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The amendments would not impose costs or confer benefits on the Commission. Companies providing operator services would have more flexibility to price operator services, but customers could face higher costs for those services.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.01, 364.3376, 364.03, 364.3375(4)(5) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard C. Bellak, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6092, rbellak@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.516 Pay Telephone Operator Services 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:~~

~~(a) Local coin calls—the rate posted at the pay telephone station.~~

~~(b) Extended area service (EAS) coin calls—a rate equivalent to the local coin call rate.~~

~~(c) Extended calling scope (ECS) calls—the rate equivalent to the local coin rate.~~

~~(d) 0+ toll non person to person—a maximum rate of \$0.30 per minute, plus a \$1.75 charge.~~

~~(e) 0+ toll person to person—a maximum rate of \$.30 per minute, plus a \$3.25 charge.~~

~~(f) 0+ non person to person local—a rate equivalent to the local coin rate, plus a \$1.75 charge.~~

~~(g) 0+ person to person local—a rate equivalent to the local coin rate, plus a \$3.25 charge.~~

~~(2)~~ A pay telephone provider shall not obtain services from an interexchange carrier or an operator service provider unless such carrier or provider has registered with or has obtained a certificate of public convenience and necessity from the Commission.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS. History—New 9-5-95, Amended 2-1-99, 9-7-04.

25-24.630 Rate and Billing Requirements.

(1) Services charged and billed to any end user by an operator services provider for an intrastate 0+ or 0- call made from a pay telephone or in a call aggregator context shall not exceed the rates in the company's published schedules. ~~a rate of \$.30 per minute plus the applicable charges for the following types of telephone calls:~~

~~(a) A person to person call—a charge of \$3.25;~~

~~(b) A call that is not a person to person call—a charge of \$1.75.~~

(2) No change.

(3) An operator services provider shall require that its certificated or registered name appear on any telecommunications company's bill for regulated charges.

(4) – (5) No change.

(6) An operator services provider shall charge only for conversation time as rounded according to company published schedules tariffs.

(7) An operator services provider shall not:

(a) – (b) No change.

(c) Bill for calls in increments greater than one minute except for pay telephone coin calls that may be in increments no greater than three minutes.

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

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-6-93, Amended 2-1-99, 9-7-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6584

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006, Volume 32/32 and December 12, 2008, Volume 34/50