

**REGULATIONS
FOR
OPERATOR AND PAYPHONE SERVICES
8/19/98
DOCKET NO. U-21322**

PREAMBLE

The development of the payphone industry in Louisiana reflects the tension existing between relaxing regulation and ensuring basic consumer protections. While bringing greater accessibility and choice, some in the industry engaged in consumer price gouging and questionable business practices that have set back the transition from a fully regulated to a less regulated industry, and thus, has resulted in requiring continued regulation of the industry. Therefore, the Louisiana Public Service Commission hereby promulgates the following regulations (the "Regulations") to ensure greater consumer choice of payphone providers, services and products at just, reasonable and nondiscriminatory rates.

SECTION 101. Definitions. The following words and terms, when used in this document, shall have the following meanings:

1. **Aggregator** - An aggregator is any person or entity that in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for intrastate telephone calls using a provider of operator services.
2. **Call Splashing** - The transfer of a telephone call from one provider of operator services to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of the origin of the call and, because of such inability or unwillingness, is unable to bill from the point from which the call originated to the point the call is terminated.
3. **Commission** - the Louisiana Public Service Commission.
4. **End user** - One who uses and/or pays for the telephone service received and does not resell it to others.
5. **Local Exchange Company/Carrier (LEC)** - Telecommunications services provider offering and/or provisioning local telecommunications services.
6. **Operator Services** - Any intrastate telecommunications service that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than the following:
 - a. Automatic completion with billing to the telephone from which the call originated; or,
 - b. Completion through an access code used by the consumer, with billing to an account previously established with the carrier by the consumer.
7. **Operator Service Provider (OSP)** - Any person or entity offering and/or providing operator services.
8. **"0+" call** - A call made by the end user dialing the digit "0" followed by the terminating telephone number. On some automated call equipment, a digit or digits may be dialed between the "0" and the terminating telephone number.
9. **"0-" call** - A call made by the user dialing the digit "0" and no other digits. To ensure that emergency calls, where the caller simply dials "0" and nothing else, are delivered to a live, local operator, "0-" calls shall be initially routed to the LEC. The Commission is not mandating that the LEC ultimately carry non-emergency intraLATA

calls initiated by dialing "0" only.¹

¹See, FCC Report and Order, CC Docket No. 96-128, CC Docket No. 91-35, Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, at para. 261-262, released September 20, 1996; See also FCC Order on Reconsideration at para. 243.

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10. **Public Interest Payphone (PIP)**² - A payphone which (1) fulfills a public policy objective in health, safety or public welfare, (2) is not provided for a location provider with an existing contract for the provision of a payphone, and (3) would not otherwise exist as a result of the operation of the competitive marketplace.
11. **Payphone** - Any coin, coinless, credit card reader, or cordless instrument that is accessible by members of the public, or by business patrons, employees and/or visitors of a premise where payphone service is installed, for the purpose of making telephone calls, and including all such instruments provided for the exclusive use of inmates served within the confines of a penal, correctional or mental institution.
12. **Payphone Service** - The offering and/or providing of the use of a public or semi-public payphone for a fee on a per call basis to the public or to business patrons, employees and/or visitors of a premise where payphone service is installed, including the provision of inmate telephone service in penal, correctional or mental institutions, and any ancillary services, for making intrastate telephone calls.
13. **Payphone Services Provider (PSP)**- Any person or entity, including the owner of the payphone, that in the ordinary course of its operations, makes payphone service available to the public or to business patrons, employees and/or visitors of a premise where payphone service is installed, including inmates served within the confines of a penal, correctional or mental institution, for intrastate telephone calls.
14. **Rate** - the price of a service approved by the Commission.
15. **Telecommunications Service Providers (TSP)** - generic term used to refer to any person or entity providing Telecommunications Services for compensation or monetary gain.

All definitions of words and terms included in Section 101 of the Regulations for Competition in the Local Telecommunications Market, adopted by Commission General Order dated March 15, 1996, as amended, are hereby incorporated by reference.

SECTION 201. Public Interest

- A. Based on the complete record before the Commission in this docket, which includes the complete records, evidence, and pleadings of Commission Docket Numbers U-16462 and U-17597, and considering the present state of the payphone industry in Louisiana, the Louisiana Public Service Commission hereby finds, determines and declares that regulation of payphone and operator services is in the public interest.
- B. Because some members of the industry have engaged in consumer price gouging and questionable business tactics, the Commission likewise finds, determines and declares that providing an appropriate regulatory framework to protect consumers is additionally in the public interest.
- C. The Commission is also aware that payphones serve the public interest by providing access to basic telecommunications services. However, there is concern about the role of public interest payphones which provide access to emergency services in isolated locations and areas of low levels of telephone penetration. These types of payphones, which may not be considered economically self-supporting for a variety of reasons, will be addressed in the Commission's Docket regarding Universal Service, Docket Number U-20883 - Subdocket A.

²As defined by the FCC in its Report and Order, CC Docket No. 96-128, CC Docket No. 91-35, Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, released September 20, 1996.

SECTION 301. Certification

- A. Payphone Service Providers (“PSPs”) and Operator Service Providers (“OSPs”) must register with the Louisiana Public Service Commission prior to provisioning payphone services and/or operator services within the State. No exemptions to this registration requirement will be allowed.
- B. Each applicant hereunder shall submit to the Secretary of the Commission an original and five (5) copies of its application along with an application fee of \$250.00 to cover the administrative costs of processing the application. Upon request by the Secretary, and when reasonably feasible, an applicant shall also submit in addition to the original and five copies, a copy of its application on computer disk in a format specified by the Secretary. All applications shall include the following:
1. Legal name, and name under which the applicant intends to do business, mailing and physical addresses of the applicant, and telephone number where the applicant can be reached by the Commission, telephone number and title of the individual who is to serve as liaison with the Commission in regard to the application, the ongoing operation of the company, and complaints.
 2. The names and addresses of the applicant’s principal corporate officers.
 3. If different from (2) above, the names and addresses of all officers and corporate officers in Louisiana, and the names and addresses of employees responsible for Louisiana operations.
 4. Information about the structure of the business organization, and, where applicable, a copy of any articles of incorporation, partnership agreement or by-laws of the applicant. An applicant shall also disclose all affiliate entities offering and/or providing telecommunications services in Louisiana.
 5. A copy of the applicant’s authorization to do business in Louisiana issued by the Secretary of State.
 6. The name, address and telephone number of the applicant’s Louisiana agent for service of process.
 7. Documentation demonstrating managerial, financial and technical abilities, including but not limited to, the following:
 1. To demonstrate financial ability, each applicant shall provide a copy of its most recent stockholders annual report and its most recent SEC 10K, or, if the applicant is not publicly traded, its most recent financial statements. If the applicant does not have separate financial reports, it may submit applicable financial statements of an affiliate with explanation to demonstrate the financial ability of the applicant.
 - b. To demonstrate managerial ability, each applicant shall attach a brief description of its history of providing telecommunications services and shall list the geographic areas in which it has been and is currently providing telecommunications services. Newly created applicants shall list the experience of each principal officer in order to show its ability to provide service.
 - c. Technical ability shall be indicated by a description of the applicant's experience in providing telecommunications services, or in the case of newly created companies, the applicant may provide other documentation which supports its technical ability.

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8. Repair and maintenance information, including the name, address and telephone number of a Louisiana contact person responsible for and knowledgeable of the applicant's operations.
9. A list of other states where the applicant has applied to operate as a payphone services provider and/or operator services provider, and/or has applied to offer public payphone services and/or operator services, and a list of other states where the applicant is authorized to operate as a PSP or OSP, and a list of those states which have denied any such requested authority.
10. Tariffs in compliance with the requirements set forth in Section 401 below.
11. Such other information as the Commission, or its Staff may specifically request of any applicant.³

C. Issuance of Certificate of Authority: Upon satisfactory compliance with the aforementioned requirements a Certificate of Authority to operate may be issued by the Commission Staff. Each certificate shall contain the following:

1. Name of state issuing authority [Louisiana];
2. Name of issuing authority [Louisiana Public Service Commission];
3. Permission to Operate Statement;
4. Name of the Payphone Service Provider or Operator Service Provider seeking certification;
5. Certificate and/or Commission Order; and the
6. Signature and Seal of the Secretary of the Louisiana Public Service Commission.

D. Denial of Authorization: Authorization may be denied to those applicants failing to fully comply with the applicable filing requirements or to pay the required fees and/or previously assessed fines as provided by Commission orders. Additionally, authorization may be denied for any of the reasons set forth in subsection "E" below.

E. Cancellation of a Certificate: The Commission may cancel a Payphone Service Provider's or an Operator Service Provider's certificate for any of the reasons listed below, and as detailed in Section 801 of these Regulations.

1. Violation of the terms and conditions under which the authority was originally granted, including any provision of the PSP's and/or OSP's approved tariff;
2. Violation of any Commission order, regulation (including these Regulations), rule or guideline;
3. Failure to provide service for a period of six (6) months;
4. Failure to pay any assessed fine and/or penalties;
5. Any request for cancellation of a previously issued certificate shall be submitted to the Commission in writing and shall provide the following:
 - a. Sworn Notarized Affidavit of Intent to Cancel by Owner, and
 - b. Statement of why the certificate is proposed to be canceled.

³ See Attachment A hereto, which is a sample form of an application to operate as payphone service provider in the State.

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- F. Transference of Certificate of Authority. The transference of certificates authorizing a provider to operate in the State of Louisiana shall comply with the Commission General Order dated March 18, 1994.⁴
- G. Duty to Inform. The Commission imposes a duty on those jurisdictional utilities/carriers that sell or market payphone equipment, and/or provision telecommunications services in Louisiana to inform the purchaser of such equipment and/or services that registration with the Louisiana Public Service Commission is required prior to offering and/or provisioning payphone and operator services in the State.
- H. Prohibition Against Providing Services to an Unregistered PSP or OSP. A TSP providing service to a payphone services provider and/or operator services provider in the State shall be prohibited from providing such services to any entity not registered with the Commission, unless the PSP or OSP is exempted by federal or state law, or by explicit Commission order.
- I. A showing of public convenience and necessity shall not be required of an applicant hereunder.

SECTION 302. Reporting Requirements

- A. Each PSP and OSP shall file with the Commission updated information within 10 days after a change occurs with regard to:
 - 1. A change in either or both the PSP's or OSP's physical address and/or street address.
 - 2. Name, title and phone number of the person responsible for contact with the Commission.
- B. Each PSP and OSP shall be required by May 30 of each year to provide a report to the Commission that includes a listing of all of its payphone stations located in Louisiana by number and location address, and all annual financial reports, including income statements and balance sheets.

SECTION 401. Tariffs

- A. All OSPs and PSPs shall file a detailed tariff with the Commission providing an explanation of the services and rates the applicant will initially provide to its customers.⁵ All such tariff filings

⁴ In re: Commission Approval Required of Sales, Leases, Mergers, Consolidations, Stock Transfers, and All Other Changes of Ownership or Control of Public Utilities Subject to Commission Jurisdiction, dated March 18, 1994.

⁵ The Louisiana Payphone Service Provider Registration Statement and Certificate of Compliance can be filed in lieu of a detailed tariff for PSPs owning (5) five or less public payphones. (*See Attachment B*).

shall be filed in compliance with the rules set forth below. Upon request by the Commission or Staff, a computer disk of the tariff shall be provided to the Commission in a format specified by the Commission or Staff.

B. General Requirements

1. Each PSP and OSP shall maintain on file with the Commission tariffs which set forth all of the rates and charges for customer services, the different services available to consumers, and the conditions and circumstances under which service will be furnished. When the Commission has authorized contract rates, the conditions under which such contracts may be offered shall be clearly stated in the provider's tariff but the contracts themselves need not be part of the tariff. Upon request by the Commission, the contracts are to be made available to the Commission for its review. The tariff shall not include charges for detariffed equipment and services.
2. Each tariff shall be Louisiana-specific and all rates, charges, and service descriptions shall be for intrastate usage, unless interstate rates are necessary to compute the intrastate portion of a customer's monthly bill; then, the interstate rates, charges and service description shall also be quoted in the tariff or referenced and readily available to the extent necessary to compute the intrastate portion of a customer's bill.
3. Each tariff must be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms so that the customer will understand that for which he is contracting or obligated to pay.
4. Each tariff shall be written in a manner such that service will be provided on a non-discriminatory basis. No public statement of service quality, rates, or service offerings or billings should be misleading or differ from those stated in the tariff.
5. A printed notice shall be kept posted by each company in a public and conspicuous place in each office, if any, where application for service may be made stating that its tariff and standard contract and agreement forms, are on file at that office and are open to examination by any person. In the case of PSPs and OSPs without an office in Louisiana the notice and tariffs will be maintained at the office of local counsel or the agent for service of process. The holder of this information shall be disclosed to the Commission.
6. All proposed changes to an existing, filed tariff shall be directed to the Secretary of the Louisiana Public Service Commission, Post Office Box 91154, Baton Rouge, Louisiana 70821-9154. A filing must be received by the Commission before 4:30 P.M. of a normal Commission workday in order for it to be "filed" on that day.
7. All tariff changes shall be submitted to the Commission in quadruplicate in substantially the same form described herein. The letter of transmittal shall be sent in duplicate with the request that the duplicate be returned. If requested, the duplicate copy stamped "Received" will be returned to the company, which shall be the notice to the company that the proposed tariff has been received. Once the tariff has been accepted by the Commission, the PSP or OSP will be notified either by notation on the tariff transmittal letter submitted by the provider, or by separate letter from the Commission.
8. PSPs and OSPs shall charge only the rates contained or allowed in their tariffs. PSPs and OSPs electing to enter special marketing promotions where they desire to temporarily lower rates or suspend specific charges and later return to existing tariff rates, may notify the Commission by letter stating the specific tariff charges, a description of the customers who would be eligible for the decrease, the conditions under which customers would be eligible

for the decrease, the conditions under which customers would receive a decrease, and the beginning and ending dates of the reduction.

C. Format

1. All tariffs filed shall be submitted in loose leaf form on 8-1/2" x 11" sheets, typewritten on a good grade of white three hole paper of durable quality, using one side of the paper only. All copies must be clear and legible. Sufficient margin shall be allowed on each sheet for a left-hand binding edge so that when the tariff book is open all printed matter will be in view.
2. Every page in the tariff shall be numbered in the upper right hand corner of the page.
3. Each page shall bear the name of the filing company in the upper left-hand corner of the page.
4. Each initially approved page in the tariff shall be marked "Original Page" in the upper right-hand corner of the page. As an example: Original Page No. 1, or Original Page No. 5.2.
5. Revised pages in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the page(s) it replaces. As an example:
First Revised Page No. 1
Cancels Original Page No. 1
or
Fourth Revised Page No. 5.2
Cancels Third Revised Page Nos. 5.2, 5.3
and Second Revised Page 5.4
6. On each page shall appear the Issued Date in the upper left-hand corner of the page. The Issued Date will be the date shown on the provider's transmittal letter to the Commission referencing the tariff filing.
7. On each page shall appear the Effective Date in the upper right-hand corner of the page. The Effective Date will be the date shown on the provider's transmittal letter to the Commission referencing the tariff filing.
8. On each page shall appear the name and/or title of the issuing officer of the filing company in the upper left hand corner of the page under the Issued Date.
9. The filed tariffs shall contain the following in the order listed:
 - a. Title Page. The title page shall adequately identify the tariff, filed by the particular company with the Commission and will include the name, address and telephone number of the company representative responsible for providing information with respect to the company's tariff filings.
 - b. Table of Contents. All tariffs shall have a Table of Contents identifying the page location of each section in the tariff. In tariffs of less than 30 sheets, the table of contents may serve as subject index for the entire volume.
 - c. Symbols Used in Tariff Filings. The following symbols will be used in any proposed change to the existing tariff in the manner described herein. The symbols will appear in the right margin of each sheet to denote the line(s) to which any change has been made. In the event more than one type of change occurs on the

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same line, two or more types of symbols denoting the changes shall be placed next to each other on the affected line. The following are the only letters allowed to denote the following types of change:

- C - To signify Changed Regulation
- D - Delete or Discontinue
- I - Change Resulting in an Increase to a rate
- M - Moved from Another Tariff Location
- N - New
- R - Change Resulting in a Reduction to a rate
- S - Matter Appearing Elsewhere or Repeated for Clarification
- T - Change in Text But No Change to Rate or Charge
- V - Signifies Vintage Tariff
- Z - Correction

10. Technical Terms and Abbreviation. This section shall contain full and concise information as to the meaning of all technical and special terms and abbreviations used in the tariff.

11. Rules and Regulations. This section shall include all rules, regulations, practices, exceptions and conditions made or observed relative to the services provided by the company which are general and apply to allow many of the services offered. It shall contain the PSP's and OSP's deposit requirements. If a general regulation does not apply to particular service, that fact should be clearly stated within the regulation or as part of the specific regulations of a particular service.

12. Description of Service Offered.

1. This section shall contain a description of how a billable call is timed, when timing begins and ends, and the method used to make this determination.
2. This section shall also contain a description of how distance is measured for toll rating purposes and the formula used to compute it, as well as what points are used for origination and termination with respect to calculation of the distance between them.
- c. This section shall detail all relevant information which pertains to a particular type of service, and will be subdivided into subsections for each type of service offered.

13. Rates. All standard rate schedules, rates and charges for all services, and other data necessary to compute a consumer's bill for intrastate service shall be placed in this section. If more than one type of service is offered, all information pertaining to an individual service shall be grouped together or clearly cross-referenced.

14. Index. To facilitate reference by subject matter, tariffs of 30 sheets or more are to include an alphabetical listing of services and the page number on which they may be found.

D. Information to Accompany All Tariff Filings

1. The original and one copy of a letter of transmittal to the Commission shall accompany each tariff filing, which lists the sheets (by section, page number, and revision level) being transmitted and gives a brief description of all changes included therein and the reasons for the change(s). The Commission reserves the right to request additional data, including cost of service data.
2. With each tariff filing the provider shall include four (4) copies of the tariff pages which contain proposed changes as they appear in the filed tariff.

E. Log-In Book and Bin

1. The Commission's Staff shall maintain a log-in book for each tariff filing. The notation for each tariff shall consist of (i) the name of the entity filing the tariff, (ii) date filed, and (iii) a general, brief

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description of the filing. The log-in book shall be available to the public for inspection.

2. The Commission's Staff also shall maintain a tariff bin for copies of all filed tariffs. Copies of filed tariffs shall remain in the tariff bin until the tariff is accepted, rejected, or published, whichever occurs first. The tariff bin shall be available to the public for inspection.

F. General Tariff Provisions

1. All tariffs (including revised tariffs) filed with the Commission must be accepted by the Commission through its Secretary prior to implementation. Except as provided in 2.d below, a tariff is accepted once signed by the Secretary.
2. Accepted tariffs will become effective as follows:
 1. All tariffs are effective upon acceptance or later if a later date is specified in the tariff.
 - b. A PSP or OSP may request expedited acceptance. However, the disposition of such request shall be subject to the ability of the Commission and its Staff to accommodate such request.
 3. The Commission through its Secretary must accept, reject, or elect to follow the procedure set forth in 3 below within ten (10) working days after the filing of a tariff. If no action is taken within the ten (10) day period the tariff is deemed accepted.
 - d. Tariff filings made pursuant to an order of the Commission shall be effective on the date specified by the Commission.
3. The Commission through its Secretary shall have the right to publish notice of a filed tariff in the Commission's Official Bulletin and either delay acceptance of any particular tariff filing or accept the tariff filing and publish notice of the accepted tariff.
4. Inherent within the Commission's plenary power is the Commission's authority to delay the acceptance of a tariff and consider the tariff at the Commission's Open Session. Additionally, the Commission may suspend for reasonable cause after notice and hearing any tariff previously accepted.

SECTION 501. Rates and Charges

- A. Every OSP or its carrier shall pay intrastate access charges for toll calls which originate and terminate within Louisiana. OSPs shall provide their percent intrastate usage reports to the appropriate local exchange carrier.
- B. Every OSP shall pay intrastate billing and collection charges on all calls which originate and terminate in Louisiana, and which are billed in Louisiana by Louisiana LECs. LECs shall not discriminate on the basis of price or service in the provision of billing and collection service including but not limited to calling card or customer identification and information verification to OSPs.
- C. OSPs shall be permitted to provide operator services on a state wide basis (intra and inter-LATA). Such authority includes competition for basic local service to the extent authorized pursuant to Commission General Order dated March 15, 1996, and the regulations adopted thereunder, as amended.⁶ OSPs are permitted to compete within the LATA to the same degree competition was permitted within the LATA for interexchange carriers in Commission General Order dated April 25, 1996, and the regulations adopted thereunder, as amended.⁷ PSPs have the right to negotiate with interLATA and intraLATA carriers for their payphones.⁸ To ensure that emergency calls, where the caller simply dials "0" and

⁶ General Order, In re: Regulations for Competition in the Local Telecommunications Market, dated March 15, 1996, as amended.

⁷ General Order, In re: Regulations for 1+/0+ IntraLATA Equal Access Presubscription, dated April 25, 1996, as amended.

⁸ FCC Report and Order, In the Matter of Implementation of the Pay Telephone Reclassification

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nothing else, are delivered to a live, local operator, "0-" calls shall be initially routed to the LEC. The Commission is not mandating that the LEC ultimately carry non-emergency intraLATA calls initiated by dialing "0" only.⁹

D. Charges and Rates

1. Basic service to the PSPs shall be provided by the LEC on a nondiscriminatory basis which enables the PSPs to offer payphone services using either "dumb" payphones with central office functionalities or "smart" payphones with smart set capabilities. The LEC tariff for basic payphone services provided to PSPs, and any unbundled features that the LEC provides to PSPs shall be cost based, nondiscriminatory and consistent with the requirements of Section 276 of the Telecommunications Act of 1996, and the FCC regulations adopted thereunder.
2. The Commission shall establish, from time to time as it deems appropriate and in the public interest, rate caps for operator services, local calls made from a PSP pay station and local directory assistance. The initial rate caps for operator services under these Regulations shall be the rate caps currently in effect pursuant to Order No. U-17957-C, and as included in Appendix I attached hereto.
3. The Commission shall publish notice of the revised rate caps in its Official Bulletin no later than 30 days prior to the effective date of said caps. PSPs and OSPs shall be responsible for compliance with the rate caps from the effective date.
4. The Commission retains the right to review the rate caps and the rates charged by OSPs and PSPs anytime and retains the right to change the rate caps at any time should it find that it would be in furtherance of the public interest.
5. PSPs and OSPs may petition the Commission seeking rates higher than the cap if they are able to demonstrate to the Commission why setting rates higher than the rate caps would promote the public interest, such as higher costs of providing services, enhanced value of services or other such factors.
6. No OSP shall charge for a noncompleted call. A positive response from the end user is required prior to the initiation of charges for a collect call.
7. Surcharges in addition to those contained in the Commission's rate caps are prohibited.
8. The maximum rate charged an end user for all local calls made from a PSP pay station shall be determined by the Commission as set forth from time to time on the rate cap sheet.

and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, CC Docket No. 91-35, at paragraphs 261-262 (September 20, 1996).

⁹ See footnote 8 above.

E. Correctional, Penal and Mental Institutions

1. PSPs and OSPs providing services to correctional, penal or mental institutions for the use of inmates shall abide by these Regulations, including the rate caps, except where specifically exempted.
2. Payphones located in correctional, penal or mental institutions, which are not accessible by the inmates of such institutions are subject to all provisions of these Regulations, including the rate caps.
3. PSPs and OSPs providing services to correctional, penal or mental institutions shall not be required to subscribe to separate payphone access lines from a LEC central office. Such PSPs and OSPs may provision such services through the use of central office trunks, dedicated T-1s, or other methods, provided that the facilities shall be engineered to provide a grade of service equal to no more than one blocked call per 100 call attempts.
4. PSPs and OSPs that subscribe to the payphone access line service of the LEC to provide services to correctional, penal or mental institutions may provision such services through the concentration of payphone access lines subscribed from a LEC central office, provided that the number of payphone access lines shall be engineered to provide a grade of service equal to no more than one blocked call per 100 call attempts.
5. The Commission may require the PSPs and OSPs providing service to correctional, penal or mental institutions to provide usage studies upon request sufficient to ensure the grade and quality of service as described in paragraphs three and four above. The cost of the study will be the responsibility of the PSP or OSP providing service.

F. Interconnection: PSPs and OSPs shall have procedures for transferring callers on request to other telecommunications services providers free of charge to the end user, or instructing such callers to follow the instructions provided by their carrier to reach that carrier. PSPs and OSPs providing service in correctional, penal and mental institutions are exempt from this provision for the services provided thereat.

G. Emergency Services

1. OSPs are granted authority to handle emergency calls dialed by an end user on other than a 0- basis subject to the following guidelines. Emergency calls will be diverted to the local exchange company unless the OSP can demonstrate its ability to adequately handle such calls. In order to demonstrate this, each OSP shall be required to:
 - (a) Establish a database of customers, OSP locations, and emergency service agencies to be updated as frequently as necessary. The LEC shall make such data available to OSPs at a reasonable charge so that the OSP can compile the database; such data will be provided by the LEC for its own service areas, as well as service areas of other LECs that have given permission for release of that data.
 - (b) Agree to switch emergency calls to the appropriate emergency agency and wait on line until the call has been accepted; and
 - (c) Attest that emergency calls can be shifted in an expeditious manner. In the event that these requirements are not, or cannot be met by the OSP, all emergency calls must be switched to the LEC.
2. No charge shall be imposed on the end user from the payphone, or on the OSP for

emergency calls.

3. Failure of an OSP to complete emergency calls or route these calls to the LEC may subject it to fines, penalties or other appropriate sanctions by the Commission, including revocation of authorization or loss of certification. PSPs and OSPs providing service to correctional, penal or mental facilities are exempt from this provision for the services provided thereat.

SECTION 502. Technical Requirements

A. Access Requirements

1. OSPs and PSPs shall not charge an end user, nor shall IXC, LECs or CLECs charge a PSP for the following dialed call types originating from a PSP payphone location:
 - a. Emergency and 911 calls;
 - b. Operator emergency [0(-)] calls, which shall default to the LEC that provides the payphone access line;
 - c. Operator [00(-)] calls, which shall be defaulted to the long distance carrier of choice;
 - d. Toll free numbers, or the telephone number of the PSP responsible for repairs and refunds;
 - e. 800/888 number (toll free) calls;
 - f. 800/888 number (access) calls;
 - g. 0(+) calls billed to calling/credit cards (non-sent paid);
 - h. 00(+) calls billed to calling/credit cards (non-sent paid);
 - i. Feature Group B access (950-XXXX) calls;
 - j. Feature Group D access (10XXX) calls; and
 - k. Calls to the Telecommunications Relay Service Center (Hearing Impaired).
2. Call blocking that prevents completion of calls to a telecommunications services provider different than that which is presubscribed to the payphone is prohibited.
 - a. The following numbers may be blocked at the PSP's or OSP's option:
 - (1.) 976 numbers;
 - (2.) 1-900 numbers;
 - (3.) N11 numbers (except 411, 711 and 911); and
 - (4.) International calls.
 - b. Payphones located in correctional, penal and mental institutions and accessible by inmates, in addition to the blocking of the above listed numbers, may be programmed to block or restrict calls as found necessary by the administrator of such facility for security reasons.
 - c. Blocking policies on pay phones located in correctional, penal and mental institutions that restrict access to the public switched network based on monetary limitations on calls originated by an individual inmate shall be filed with the Commission.
3. To the extent that a state college or university is operating under a contract with an OSP under the provisions established in Order U-17957-C, dated September 23, 1993, it shall be permitted to continue with the current contractual arrangement until that contract expires. Upon expiration of the contract, the college or university shall adhere Section 502.A.2 of these Regulations. All other aggregators shall be subject to the terms and conditions as specified in Section 502.A.2 herein.

B. Directory Assistance

1. Local Directory Assistance (411): The LEC may charge the PSP for local directory assistance at a rate of twenty-five cents per call. The PSP shall be allowed to flow through to the end user the actual rate of twenty-five cents per local directory assistance call.
2. Long Distance Directory Assistance (555-1212): The PSP shall be allowed to flow through to the end user reasonable charges at the actual rate of the TSP providing directory assistance for long distance directory assistance.
3. PSPs and OSPs providing service to correctional, penal or mental institutions are exempt from providing directory assistance for the services provided thereat.

C. Operational Requirements

1. End user billing: PSPs and OSPs must submit billings to end users for calls placed from their payphones within 90 days from the date a call was initiated.
2. Directory Listing: It shall be at the discretion of the PSP whether to list its numbers in the local directory listing.
3. Directories Required: Local telephone directories shall be provided by the payphone owner at each payphone location. PSPs and OSPs providing service in correctional, penal or mental institutions are exempt from providing directories for the pay phones located at such institutions.
4. Handicapped Access: The PSP must comply with the federal guidelines found in the Americans with Disabilities Act pertaining to use of its payphones.
5. Payphone instruments must be able to receive incoming calls unless they are prominently marked with either the words "OUTGOING CALLS ONLY", "NO INCOMING CALLS", in letter sizes of at least one (1) inch, advising the end user that no incoming service is available. PSPs and OSPs providing service at correctional, penal or mental institutions are exempt from this provision.
6. Payphone instruments shall not be programed to restrict the dialing of digits after the initial seven or ten digits dialed by the end user.
7. Interruption of Services: Each PSP 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.
8. Incomplete Calls: Each payphone shall return all deposited amounts if a call is not completed.
9. Coin Deposits: Payphones shall not require a deposit of coins that result in the end user paying a higher rate for a call than is approved by the Commission.
10. Time Limits: For those payphones that will terminate conversation after a certain amount of time, notice shall be conspicuously displayed on or in the immediate vicinity of the payphone. Additionally, there shall be an audible announcement thirty (30) seconds prior to termination of a phone call.
11. Except as provided in Section 501.E.3 and 4 above, PSPs shall subscribe to a separate payphone access line from the LEC central office for each of the PSP's payphone stations. A PSP may petition the Commission for a waiver of this requirement. The Commission shall determine such requests considering factors such as the PSP's ability to demonstrate to the Commission that granting the waiver would not result in end users experiencing significant problems obtaining dial tone or being blocked, and showing that 911 and/or E911 calls would not be correctly identified and restricted, and other factors deemed relevant by the PSP and the Commission.

12. Dedicated T-1 facilities or equivalent may be used by the PSP for the completion of long distance traffic in addition to the use of the payphone access lines.
13. To ensure that emergency calls, where the caller simply dials "0" and nothing else, are delivered to a live, local operator, "0-" calls shall be initially routed to the LEC. The Commission is not mandating that the LEC ultimately carry non-emergency intraLATA calls initiated by dialing "0" only. Thus, the LEC shall be required to transfer a nonemergency "0-" call to the end user's preferred OSP provided that such OSP has made provisions for operator transfer service.¹⁰
14. All PSP payphone instruments shall be registered under Part 68 of the FCC registration program to be connected to the public switched network, and the payphone instruments shall be installed in compliance with the National Electrical Safety Code.

D. Toll Fraud Liability

1. A telecommunications services provider shall not bill and collect from a PSP for charges billed to a line for calls which originated from that line through the use of 10XXX + 0, 10XXX + 00, 950-XXXX+0, or 1-800/1-888 access code as dialed by the end user.
2. A telecommunications services provider shall not bill and collect from a PSP or an end user for charges of collect or third number billed calls if the PSP or end user line to which the call was billed had subscribed to billed number screening, and the call was placed after the effective date of the incoming call screening order.
3. Any calls billed through the LEC, or by any OSP directly or through a billing agent, which have been identified as not collectible as described in paragraphs (1) or (2) above, must be removed from the bill after the billed party gives notice of the prohibited charges to the billing party. Such notice shall be provided to the billing party in writing no later than the due date of the bill.
4. The OSP is responsible for charges that are associated with the failure to properly validate calls via the appropriate ILEC or CLEC database.

E. Location Requirements

1. Lighting Requirements: Payphone stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the payphone.
2. Maintenance and Coin Collection: Normal maintenance and coin collection activity shall include a review of the cleanliness of each payphone station and reasonable efforts shall be made to ensure that all payphone stations are clean and free of obstructions.
3. PSPs shall not engage in anti-competitive practices, including but not limited to, obstruction of access to a competitor's payphone stations.

F. Posting Requirements: Each payphone station shall be equipped with a legible sign, card or

¹⁰ FCC Report and Order, In the Matter of Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, CC Docket No. 91-35, at paragraphs 261-262 (September 20, 1996); and FCC 96-439 Order on Reconsideration, at paragraph 243.

plate of reasonable permanence which shall identify the following:

1. Payphones not located in correctional, penal or mental institutions:

- a. Telephone number and location address of such payphone station;
- b. Name, address and certificate number of the certificate holder;¹¹
- c. Name and toll free number of party responsible for repairs and refunds;
- d. Name, and toll free telephone number of the carrier billing and providing interexchange telecommunications services;
- e. For those payphone stations that will terminate conversation after a certain amount of usage time, notice shall be conspicuously displayed as set forth above;
- f. Clear dialing instructions for local and toll calls;
- g. Payphone instruments that are not equipped to receive incoming calls must be prominently marked with either the words "OUTGOING CALLS ONLY", "NO INCOMING CALLS", or other language deemed acceptable by the Commission which will reasonably advise the user that no incoming service is available;
- h. Dialing instructions for operator assistance and Emergency Services (911);
- i. Notice posted stating international calls are blocked if applicable.

2. Payphones located in correctional, penal or mental institutions:

- a. Name, address and certificate number of the certificate holder;¹²
- b. Notice posted stating "collect calls only" if applicable;
- c. Instructions to report service problems;
- d. Notice stating the cost of a local collect call and operator service charges for long distance calls.

SECTION 601. Document Retention

A. Scope of this Part. The regulations in this section apply to all books of account and other records prepared by or on behalf of a PSP or OSP.

B. The regulations in this section shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

C. All PSPs and OSPs are required to maintain records of any billing and collection activities for a period of three (3) years, unless otherwise directed by the Commission.

¹¹ The requirements to post the certificate number must be complied with during the first ninety (90) days after the effective date of these Regulations for PSPs currently holding a certificate. New applicants are required to immediately comply with the posting requirements above.

¹² The requirements to post the certificate number must be complied with during the first ninety (90) days after the effective date of these Regulations for PSPs currently holding a certificate. New applicants are required to immediately comply with the posting requirements above.

- D. Unless otherwise specified, duplicate copies of records may be destroyed at anytime; provided, however, that such duplicate copies contain no significant information not shown on the originals.
- E. Records other than those listed in the Record Media Storage Schedule attached hereto as Attachment D, may be destroyed at the option of the PSP or OSP; provided, however, that records which are used in lieu of those listed on the Schedule shall be preserved for the periods prescribed on the Schedule for the records used for substantially similar purposes. Retention of records pertaining to added services and functions, the establishment of which cannot be presently foreseen, shall conform to the principles embodied herein.
- F. Notwithstanding the provisions of the Record Media Storage Schedule, the Commission may, upon the request of a PSP or OSP, authorize a shorter period of retention for any record listed therein upon a showing by the Company that preservation of such records for a longer period is not necessary or appropriate, in the public interest or for the protection of consumers.
- G. Each PSP and OSP shall designate one or more persons with official responsibility to supervise its program for preservation and the authorized destruction of records.
- H. Each PSP and OSP shall provide reasonable protection for records subject to the regulations in this section from damage by fire, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness or lack of proper ventilation.
- I. Definition of record media.
1. For the purpose of these regulations, the data constituting the records listed in the Record Media Storage Schedule may be retained in any of the following media forms: Paper and card stock (hard copy); tape/magnetic; microforms; up datable type; and metallic recording data strips.
 2. If the media form of the record retained is other than a readable paper copy, then reader and/or printer equipment and related printout programs, if required, shall be provided by the PSP or OSP for data reference.
 3. The media form initially selected for the record becomes the "original" for that particular record. If subsequent conditions (e.g., improved media life expectancy, increased utility resources, environmental factors) require a change in the media for the remaining retention period, each record shall include, as an integral part, a certificate(s) stating that the new media forms are direct and facsimile reproductions of the original records, and that they have been made in accordance with prescribed instructions. Such certificate(s) shall be executed by a person(s) having personal knowledge of the facts covered thereby.
- J. Change of media for existing records. Those records prepared and maintained under previous regulations in a paper media and whose remaining retention period falls within the life expectancy range of any of the media detailed in the Record Media Storage Schedule, may be converted to that media at the provider's option, provided applicable processes described above are observed and an audit referencing capability maintained.
- K. Media. All records created or maintained in a media and format other than readable entries on paper shall:
1. Be prepared, arranged, classified, identified, and indexed as to permit the subsequent location, examination, and reproduction of the record to a readable media,
 2. Be stored in such a manner as to provide reasonable protection from hazards such as fire,

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flood, theft, etc.; and be maintained in a controlled environment,

3. Be regenerated, including proper certification, when damaged; and
4. The PSP or OSP shall be prepared to furnish, at its own expense, standard facilities for reading media and shall additionally provide, if the Commission so directs, copies of records in a readable form.

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- L. Destruction of records. The destruction of records permitted to be destroyed under the provisions of the regulations in this section may be performed in any manner elected by the PSP or OSP concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.
- M. Premature destruction of records. When records are destroyed or lost before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction or loss shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction.
- N. Index of records. At each office of a PSP and OSP where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed and currently indexed that they may be readily identified and made available to representatives of the Commission.

SECTION 701. Consumer Protection

A. Dispute Resolution Procedures / Disconnection of Basic Local Service.

1. Disconnection of local exchange service will be permitted, as a last resort, only for nonpayment of undisputed operator service charges. Such disconnection will only be permitted after all dispute resolution mechanisms have been exhausted.
2. Interim dispute resolution procedures, including interrupt and disconnect of services procedures, detailing how a customer can dispute a charge, lodge a complaint, and/or appeal to the Commission must be filed with the Commission and supplied to the customer upon request. The Commission will remain accessible to hear customer complaints as well as to resolve disputes among carriers regarding a customer complaint or problem. Final dispute resolution procedures are currently being considered by the Commission. When developed and approved, TSPs must comply with these procedures.

B. Splashing. OSPs are prohibited from engaging in call splashing.

C. Notice: OSPs shall provide verbal notice to end users (callers) of the identity of the entity providing operator service. Identification methods utilized must be reasonably calculated to ensure that the end user (caller) and billed party know who is providing operator services. This notification requirement shall include:

1. Provision by the operator service provider of identification materials to the PSP. These materials shall include, but are not limited to, tent cards, stickers, or other devices to be placed on or near pay phones. These identification devices shall identify a toll free number of a company representative for the provider who will be available during normal business hours. Contractual agreements between operator service providers and PSPs shall include a clause requiring that the PSP make reasonable efforts to affix and maintain such identification materials. These materials shall also clearly disclose that the caller has the right to access the operator service provider and TSP of choice.
2. "Branding" by the operator on each call shall be required with a statement identifying the company providing the service before charges are incurred.
3. Disclosure, upon request, and at no charge to the end user, of rate quotations, methods of billing and methods of complaint resolution shall be provided to the end user upon request.
4. If the PSP uses automated call completion technology to complete operator service calls, the provider must:
 - a. audibly and distinctly identify itself to the caller (end user) and to billed party;

- b. receive a positive response from the called party before the call can be completed;
- c. provide a mechanism for the caller and end user to obtain rate information, without charge 24 hours a day, seven days a week; and
- d. permit the caller or end user to terminate the call at no charge prior to completion of the call.

D. Billing Inquiry Capability

1. Every OSP shall maintain an ability to answer billing inquiries from Louisiana residents. Every provider shall have a toll-free number at which it may be reached during normal business hours. The staff of such provider shall have access to billing information and have the ability to authorize credits and adjustments. For those OSPs which utilize a LEC for billing purposes, the LEC shall provide the toll-free number of the OSP upon request of end users.
 2. Billing inquiries received by the Commission shall be forwarded to the contact person named in the OSP's registration statement. Within ten (10) working days of receipt of such inquiry, the provider shall respond to the person making the inquiry, with a copy of such response sent to the Commission.
- E. Each PSP and OSP shall ensure that each of its payphones pre-subscribed to a provider of operator services permits the end user to use access code numbers to obtain access to the provider of operator services desired by the end user. PSPs and OSPs providing service to correctional, penal or mental facilities are exempt from this provision for the services provided thereat.
- F. Self Policing Provision: Upon discovery or reasonable belief that end users are being charged more than the capped rates, the Commission shall immediately notify the OSP of the violation in writing. The OSP shall promptly investigate and take all action necessary to ensure that end users are not charged any amount in excess of the rate caps, including withholding of payment and/or commissions.

SECTION 801. Fines and/ or Penalties

- A. Failure to obtain a Certificate of Authority to Operate shall result, after 10 days notice to the violator, and after hearing if requested by the violator, in the Commission through its Secretary, ordering the disconnection of access to the public switched network by the violator and the assessment of any other penalty or penalties, including fines the Commission deems appropriate. Reconnection of access to the public switched network will not be authorized until all fines/penalties have been paid and a Certificate of Authority to Operate has been issued by the Commission. All applicable charges for reconnecting access to the public switched network shall apply.
- B. PSPs and OSPs shall pay a fine according to the Attachment C per operable payphone station for failure to obtain a Certificate of Authority to Operate. If the provider is of the opinion that this fine is excessive, the provider may request a hearing to present evidence of extenuating and mitigating factors.
- C. Other violations shall be fined according to the Fine Schedule attached hereto as Attachment C. Violations not listed on the fine schedule, but expressed elsewhere in these regulations shall be subject to a fine not exceeding \$10,000 per violation.

D. Enforcement

1. Any PSP or OSP that violates any provision contained in these Regulations is subject to disconnection from the public switched network, revocation of its authority to operate and/or penalties imposed pursuant to the above paragraph. Violations of any provision of these Regulations by any person or entity affiliated with, and acting on behalf of a PSP or OSP may result in the PSP or OSP being disconnected from the public switched network after notice and opportunity for hearing.
2. Every telecommunications services provider providing a PSP or OSP access to the public switched network shall adopt as part of its schedule of rates and charges a provision stating that service to a PSP or OSP may be terminated for violation of the provisions set forth in these Regulations and disconnect service to the PSP or OSP upon order of the Commission or direction of the Commission Staff.
3. The Commission Staff is authorized to conduct any investigation necessary to ensure compliance with these Regulations. Upon finding of a violation, the Commission Staff shall serve a written citation on the PSP or OSP by certified mail, return receipt requested, or by hand delivery stating the penalty and the violation. Within 10 days of the date of service of the citation, the provider shall pay any fine assessed, correct the violation, and notify the Commission in writing of such correction, or notify the Commission in writing that the citation will be contested. Notification of contest shall include a statement of the grounds upon which the citation is being contested. Any citation that is contested shall be subject to an investigation, hearing and determination by the Commission.
4. The Commission, through its Secretary, shall direct the appropriate telecommunications services provider to disconnect the PSP or OSP from the public switched network if:
 - a. the provider has not notified the Commission Staff, in writing, within 10 days of the date of service of the citation, that the violation has been corrected and the appropriate fine paid, or
 - b. the citation has not been contested in writing within 10 days of its date of service.
5. Where a PSP or OSP has been disconnected from the public switched network pursuant to the provisions of this section, an application for restoration of service may be made to the Commission demonstrating that the conditions which prompted the disconnection of service have been corrected and the appropriate fine paid. Within 10 days of the receipt of such application, Commission Staff shall reinspect and either deny the application, if all such conditions have not been corrected or direct the appropriate telecommunications services provider to restore service if such conditions have all been corrected. If such an application is denied due to failure to correct the conditions prompting the disconnection, the applicant may, within 10 days contest the denial, in which case there will be an investigation, hearing and determination by the Commission.
6. Disconnection of a PSP or OSP from the public switched network pursuant to the provisions of this section shall not affect the right of another registered and certified PSP or OSP, which is unaffiliated with the disconnected PSP or OSP, to apply directly to the appropriate telecommunications services provider for payphone service at the locations disconnected.
7. Local exchange companies shall maintain functional test numbers in each local calling area for use when inspections are performed on the payphone station to determine the length of time provided for local calls, and shall provide those numbers to the Commission Staff upon request. Notwithstanding the immediately preceding sentence, local exchange companies shall not be required to install test numbers in central offices which do not connect public pay phones to the public switched network.
8. For OSPs and PSPs operating in the State without authority of the Commission, or for other violations of Commission orders, regulations, rules and guidelines, the Commission may, after notice, instruct any IXC or LEC performing billing and collection services on behalf of those OSPs & PSPs to cease performing those functions.
9. Fine amounts for certain violations shall be assessed according to the Fine Schedule

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attached hereto as Attachment C.

SECTION 901. Miscellaneous Provision

- A. Except as provided in subsection "D" below, nothing in these Regulations shall be construed to limit or repeal the application of any state or federal law or regulation regarding Operator Services Providers or Payphone Services Providers.
- B. Application. It is the intent of the Commission that these Regulations shall apply to all Operator Services Providers and Payphone Services Providers over which the Commission has regulatory authority. To the extent the Commission's regulatory authority over any particular OSP or PSP, or over certain conduct of services offered or provided by any particular OSP or PSP is expressively preempted, then these Regulations shall be interpreted in a manner which recognizes all such preemptions so long as such preemption remains in effect.
- C. Severability. If a court of competent jurisdiction finds any provision of these Regulations to be invalid or unenforceable as to any OSP, PSP, or circumstance, such findings shall not render that provision invalid or unenforceable as to any other OSP, PSP or circumstances. If feasible, any such offering provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of these regulations in all other respects shall remain valid and enforceable. In addition, in the event any provision of these regulations is stayed in connection with a judicial review of these regulations, the remaining provisions of these regulations shall remain valid and enforceable.
- D. These Regulations shall preempt and supersede any conflicting provision contained in any of Commission Order Numbers: U-17957, U-17957-A, U-17957-B, U-17957-C, U-16462, U-16462-A, U-16462-B, U-16462-C, U-16462-D, U-16462-E. Provisions in the cited Orders that do not conflict with these Regulations shall remain in effect.