

CHAPTER 13.

PROVISION OF TELEPHONE SERVICE BY MEANS OF CUSTOMER-OWNED PAY TELEPHONE INSTRUMENTS.

- Rule R13-1. Definitions.
- Rule R13-2. PSP access line or trunk.
- Rule R13-3. Certificate.
- Rule R13-4. Required notice.
- Rule R13-5. General requirements — Service and equipment.
- Rule R13-6. Special rules for service within confinement facilities.
- Rule R13-7. Automated collect capability.
- Rule R13-8. Facsimile service.
- Rule R13-9. Charges.
- Rule R13-10. Semipublic service.

CHAPTER 13.

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Rule R13-1. DEFINITIONS.

- (a) *Access Line Provider (ALP)*. The provider of PSP access lines or PSP trunks for PSP instruments as authorized by G.S. 62-110(c) or as otherwise provided by Commission rule or the North Carolina General Statutes.
- (b) *Automated Collect Call*. A call placed and billed to the called telephone number without the assistance or intervention of a human operator.
- (c) *Confinement Facility*. Any local, state, or federal facility, including juvenile facilities, for the confinement of criminals and persons accused or convicted of crimes.
- (d) *Cut-Off Switch or Key*. An item of terminal equipment which enables a PSP instrument to be easily connected or disconnected from the exchange network. A cut-off switch or key does not have the capability of switching a given PSP instrument from one PSP access line or PSP trunk to another. Cut-off switches or keys may be used only in confinement facilities and only at the request of the administration of the confinement facility.
- (e) *End User*. The person initiating a call from a pay telephone instrument.
- (f) *Facsimile*. The device or process by which information on documents is converted to an electronic format, conveyed over the telephone network, and reconverted into documentary form. A facsimile device which does not incorporate a telephone is a "voiceless-facsimile device."
- (g) *Line Concentrator*. An item of registered terminal equipment which enables two or more PSP instruments to obtain access, through manual or automatic switching, to the same PSP trunk but denies connection to the same trunk at the same time. Such equipment may be used only in confinement facilities and only with the express written consent of the administration of the confinement facility.
- (h) *Pay Telephone Service*. The provision of coin, coinless, or key-operated telephone service utilizing a PSP instrument.
- (i) *Payphone Service Provider (PSP)*. The subscriber to a PSP access line or PSP trunk who offers telephone service to the public by means of a coin, coinless, or key-operated PSP instrument.
- (j) *PSP Instrument*. A coin, coinless, or key-operated telephone or facsimile device, other than a voiceless-facsimile device, capable of originating and receiving voice telephone calls.
- (k) *PSP Access Line*. The exchange access facility furnished by the access line provider which is used to connect PSP instruments to the network when a line concentrator is not utilized.

(l) *PSP Trunk.* The exchange access facility furnished by the access line provider which is required in lieu of a PSP access line when the PSP utilizes a line concentrator between the PSP instrument and the exchange network as allowed by Rule R13-6.

(m) *Sent-Paid Call.* A call paid for at the time and place of origination with cash.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 6/9/93; NCUC Docket No. P-100, Sub 84a, 10/7/97.)

Rule R13-2. PSP ACCESS LINE OR TRUNK.

(a) All PSP instruments and all voiceless facsimile devices operated for compensation, other than those located in detention areas of confinement facilities and connected through line concentrators as specified in Rule R13-6 following, must be connected to the telephone network through PSP access lines furnished by the access line provider. Except as specified in Rule R13-6, connection through other facilities or systems is prohibited.

(b) All PSP instruments and all voiceless facsimile devices connected to the network through line concentrators as specified in Rule R13-6 require the use of PSP trunks furnished by the access line provider for connection of the line concentrator to the network.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 6/9/93; NCUC Docket No. P-100, Sub 84a, 10/7/97.)

Rule R13-3. CERTIFICATE.

- (a) Every PSP, before offering any telephone service other than voiceless-facsimile service, shall obtain a certificate (COCOT or PSP certificate) from the Commission. A certificate is not required for provision of voiceless facsimile service.
- (b) Application shall be made on a form specified by the Commission.
- (c) Every holder of a COCOT or PSP certificate wishing to offer automated collect service shall first obtain specific additional authority from the Commission to do so. Application for additional authority shall be made on a form specified by the Commission. PSPs making initial application for PSP certification may request authority to offer automated collect service on the initial application.
- (d) Every PSP is responsible for ensuring that the name which appears on the COCOT or PSP certificate also appears on all access line provider bills for lines installed pursuant to that certificate. The PSP is responsible for ensuring that the information which appears on its certificate is kept current.
- (e) Copies of the COCOT or PSP certificate must be provided to the access line provider prior to the establishment of service.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 7/2/96; NCUC Docket No. P-100, Sub 84a, 10/7/97.)

Rule R13-4. REQUIRED NOTICE.

(a) The following information must be posted at each PSP instrument other than those located in the detention areas of local, state, or federal confinement facilities:

- (1) The appropriate emergency number (911, operator or other).
- (2) Clear operating instructions and procedures for handling repair, refunds, and billing disputes.
- (3) The current telephone number of the PSP access line and the local address.
- (4) The name and address of the PSP. The name and address shown on the instrument must be the same as those shown on the COCOT or PSP certificate.
- (5) The charge for a local sent-paid coin call, including notice of any time limits that are imposed on the call.
- (6) The charge, if any, for directory assistance calls, unless such notice is given by voice message when the end user attempts to place such a call.
- (7) The name of the carrier to which 0+, 00-, and 00+ calls will be routed. In the event that a PSP changes the carrier to which 0+, 00-, or 00+ calls will be routed, the name of the new carrier must be posted within 30 days.
- (8) Whether international calling capability is blocked from the PSP instrument, unless such specific notice is given by voice message when the end user attempts to place such a call.
- (9) Clear operating instructions and the charges for any enhanced services offered by the PSP from the PSP instrument.

(b) The following information must be posted at each PSP instrument located in the detention areas of local, state, or federal confinement facilities. The information must be printed sufficiently large and posted close enough to the telephone to be easily readable from the telephone.

- (1) Notice that only collect calls are allowed and that all other calls are prohibited unless, in accordance with R13-6(d) the telephone is arranged to permit 1+ toll and seven-digit local dialing. In that case, the notice shall state the types of calls that are permitted and that all other calls are prohibited.
- (2) Clear operating instructions and procedures for reporting equipment or service problems.
- (3) The current telephone number of the PSP instrument unless the instrument is arranged or programmed to allow outward-only calling.
- (4) The name of the PSP. The name shown at the instrument must be the same as the name shown on the COCOT or PSP certificate.
- (5) The cost of a local collect call.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 8/13/92; 1/27/93; 8/9/95; 7/2/96; NCUC Docket No. P-100, Sub 84a, 10/7/97.)

Rule R13-5. GENERAL REQUIREMENTS — SERVICE AND EQUIPMENT.

- (a) The PSP is responsible for the installation, maintenance, and operation of PSP instruments and other terminal equipment.
- (b) The PSP is responsible for meeting all federal, state, and local requirements with respect to provision of customer-provided telephone equipment for use by hearing-impaired and handicapped persons.
- (c) The PSP may not contract with, or arrange for his PSP instruments to automatically access, any non-certified carrier for completion of intrastate calls.
- (d) The PSP may not contract with, or arrange for his PSP instruments to automatically access, any carrier to carry local intrastate calls originated from his PSP instruments unless that carrier has been certified by the Commission to complete and bill local calls.
- (e) All PSP instruments and all other terminal equipment must be connected to the telephone network in compliance with Part 68 of the FCC Rules and Regulations as well as the regulatory and certification requirements of the North Carolina Utilities Commission. PSP subscribers may, upon request, be required to provide the access line provider with the FCC registration number of each item of terminal equipment to be connected prior to its connection.
- (f) All PSP instruments and all other terminal equipment must be installed in compliance with the current National Electrical Code and National Electrical Safety Code.
- (g) All PSP instruments must be capable of completing local and long distance calls; provided, however, that sent-paid international calling capability may be blocked.
- (h) All PSP instruments must allow the end user to access the access line provider operator by dialing "0." All PSP instruments must allow completion of 0- local and 0- long distance calls billed to a commercial credit card, a calling card, a third number, or the called number (collect) at no charge to the end user.
- (i) All PSP instruments must allow completion of 0+ local and long distance calls billed to a commercial credit card, a calling card, a third number, or the called number (collect).
- (j) All PSP instruments must allow access to 911 Emergency Service, where available, at no charge to the end user.
- (k) All PSP instruments must provide access to local and long distance directory assistance.
- (l) All PSP instruments must allow receipt of incoming calls at no charge for an initial period of at least ten (10) minutes. After the initial period, PSPs may impose a charge for the continued use of the PSP Instrument in an amount equal to the charge for a local call.

- (m) All PSP instruments must allow access to all available interexchange carriers on a non-discriminatory basis. In an equal access environment, this requires that the end user be allowed to access a chosen carrier by dialing 10xxx-0+, 101xxxx-0+, 10xxx-0-, 101xxxx-0-, toll free 1-8XX numbers, or 950-xxxx. The requirement for 10xxx-0+ and 10xxx-0- access will remain in effect until September 1, 1998, or the dialing sequences are disallowed by the FCC, whichever is later. Access through 10xxx-1+, 101xxxx-1+, 10xxx-011+, or 101xxxx-011+ is not required.
- (n) Coin-operated PSP instruments must be equipped to return the coins to the caller in the case of an incomplete call.
- (o) Coin-operated PSP instruments must be equipped to accept nickels, dimes, and quarters. The coin chute capacity of any PSP instrument must be sufficient to enable an end user to complete any sent-paid call using a single type of coin or any combination of nickels, dimes, and quarters.
- (p) The PSP shall at all times maintain a current and complete local telephone directory, including white and yellow pages, at each PSP instrument.
- (q) Notwithstanding any other rules in this chapter, a PSP may restrict incoming and/or outgoing calls at any specific PSP instrument in the interest of public safety and welfare under the following conditions:
- (1) Such restrictions have been requested in writing as to the specific PSP instrument from the chief local law enforcement officer acting within his apparent jurisdiction stating that the specific restrictions requested are needed in the interest of public safety and welfare. The PSP shall keep a copy of such requests from the chief local law enforcement officer on file for inspection and upon request by the Commission or the Public Staff shall provide copies of the requests for restrictions. The PSP shall retain copies of the requests for restrictions so long as the pay phones remain restricted.
 - (2) A notice of the restrictions applicable to a PSP instrument must be posted at the instrument. The information must be printed sufficiently large and posted close enough to the telephone to be easily readable from the telephone.
 - (3) Access to 911 emergency service may not be prevented.
- (r) With the exception of PSP instruments located in confinement facilities where the administration has specifically requested that keypad operation be blocked, the keypad of a PSP instrument must be kept open and capable of transmitting tones or dial pulses at all times.
- (s) All keypads of PSP instruments must be of standard twelve-key touchtone design. Each numerical key must be clearly and permanently labeled with both the numeral and its standard associated combination of upper case letters.
- (t) All PSP instruments must allow end users to access PSP refund and repair service at no charge.

(u) Each PSP must ensure that all operator service providers that provide service at its payphones satisfy the following requirements for each and every non-access code operator-assisted call made from the PSP's payphones. The operator service provider must:

- (1) Identify itself, audibly and distinctly, to the consumer (the party who will be billed for the telephone call) at the beginning of each call and before the consumer incurs any charge for the call;
- (2) Permit the consumer to terminate the telephone call at no charge before the call is connected;
- (3) Disclose immediately to the consumer, upon request and at no charge before the call is connected:
 - (i) A quotation of its rates or charges for the call;
 - (ii) The methods by which such rates or charges will be collected; and
 - (iii) The methods by which complaints concerning such rates, charges, or collection practices will be resolved; and
- (4) Disclose, audibly and distinctly to the consumer, at no charge and before connecting any intrastate non-access code operator service call, how to obtain the total cost of the call, before providing further oral advice to the consumer on how to proceed to make the call. The oral disclosure required in this subsection shall instruct consumers that they may obtain applicable rate and surcharge quotations either, at the option of the provider of operator services, by dialing no more than two digits or by remaining on the line. The phrase 'total cost of the call' as used in this paragraph means both the variable (duration-based) charges for the call and the total per-call charges, exclusive of taxes, that the PSP or carrier, or its billing agent, may collect from the consumer for the call.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 1/27/93; 6/9/93; 6/16/93; 12/8/94; 9/1/95; 7/2/96; NCUC Docket No. P-100, Sub 84a, 10/7/97; 05/28/98; NCUC Docket No. P-100, Sub 72b, 07/02/04.)

Rule R13-6. SPECIAL RULES FOR SERVICE WITHIN CONFINEMENT FACILITIES.

Notwithstanding any other rules in this Chapter, PSP instruments located in the detention areas of confinement facilities:

- (a) May, if specifically requested by the administration of the confinement facility, be arranged or programmed to allow outward-only calling;
- (b) May, if specifically requested by the administration of the confinement facility and if the access line provider and presubscribed interexchange carrier are notified by the PSP, be arranged or programmed to terminate calls after 10 minutes of conversation time;
- (c) Shall be arranged or programmed to block directory assistance (411) calls, provided that a copy of a current local telephone directory, including white and yellow pages, must be available for inmate access;
- (d) Shall be arranged or programmed to allow only 0+ collect calls for local, intraLATA toll, and interLATA toll calls and to block all other calls including, but not limited to, local direct calls, credit card calls, third number calls, 1+ sent-paid calls, 0+ sent-paid calls, 0- sent-paid calls, 0-calls, toll free 8XX calls, 900 calls, 976 calls, 950 calls, 911 calls, 10xxx, and 101xxxx calls. Provided, however, that if specifically requested by the administration of the confinement facility, 1+ toll and seven-digit local dialing may be permitted if the access line provider or the PSP instrument can block additional digit dialing after initial call set-up.
- (e) May, if specifically requested by the administration of the confinement facility, be arranged to block access to certain specific numbers identified by the administration or to allow access to only certain specific numbers identified by the administration.
- (f) Shall, at the request of the administration of the confinement facility, provide for the cutoff of designated PSP instruments through the use of cutoff keys or switches placed on the PSP's side of the network interface;
- (g) May, with the express written consent of the administration of the confinement facility, terminate PSP trunks provided by the access line provider for use at the facility in manual or automatic line concentrators; the concentrator may not be arranged or programmed to allow access by more than one PSP instrument to a single PSP trunk at any time; prior to connection of the equipment, the PSP is obligated to advise the access line provider of its intent to connect a concentrator to the access line provider's facilities, specifically identify the trunks which will terminate in the concentrator and, upon demand, provide the FCC registration number of the equipment.
- (h) May, with the express written consent of the administration of the confinement facility, be arranged to provide three-way call detection and call detail from the payphones located within the confinement facility subject to the following conditions:

- (1) Three-way call detection may be arranged at the request of the facility administrator such that the call may be disconnected or noted for further investigation. When three-way call detection is arranged for disconnection, a recorded announcement shall inform the called party, before acceptance of the call, that the call may be disconnected if an attempt to use three-way calling is detected. The PSP shall give credit for wrongful disconnections according to its established credit procedures.
- (2) Call detail information such as date and time of calls, duration of calls, and called and calling telephone numbers may be provided to the confinement facility administrator at his request.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 6/9/93; 11/8/93; 9/1/95; 7/2/96; NCUC Docket No. P-100, Sub 84a, 10/7/97; 05/28/98.)

Rule R13-7. AUTOMATED COLLECT CAPABILITY.

PSP instruments may be arranged or programmed to provide automated collect calling and the PSP may bill called parties who agree to pay for calls, provided:

- (a) The PSP has secured the authority to furnish such service as specified by Rule R13-3(c);
- (b) The PSP instrument is arranged or programmed to require a positive response from the called party indicating willingness to pay for the call before completing the call, and to terminate the call without charge in the absence of a positive response;
- (c) Except in the case of a call originated from a confinement facility, if the recipient of an automated collect call does not act to either accept or reject the call, the call must be terminated and a call must be initiated to an operator of a certified carrier, or instructions must be provided on how to complete the call using an operator of a certified carrier. In the case of a call originated from a confinement facility, the call must be terminated;
- (d) The PSP must use a local or certified interexchange carrier to transmit all communications involved in the call;
- (e) The PSP shall block or arrange for blocking of automated collect calls to 900, 976, 950, 700, 10xxx, and 101xxxx codes;
- (f) The billing authority granted by this rule may be exercised only in connection with automated collect calls;
- (g) Authorization to employ automated collect capability must not be taken to allow restriction of the end user's ability to make other types of calls, such as customer-dialed credit card or sent-paid coin caller (see Rules R13-5(i) and (j)); and
- (h) The PSP shall be considered the operator service provider for all automated collect calls, and automated collect service provided by PSPs shall be subject to all of the operator service provider disclosure requirements set forth in Rule R13-5(u).

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; NCUC Docket No. P-100, Sub 84a, 10/7/97; NCUC Docket No. P-100, Sub 72b, 01/02/04.)

Rule R13-8. FACSIMILE SERVICE.

Providers of facsimile service:

- (a) May charge an unregulated rate for the facsimile portion of the service;
and
- (b) Shall conspicuously display rates and charges for the facsimile portion of the service on or near the facsimile device.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; NCUC Docket No. P-100, Sub 84a, 10/7/97.)

Rule R13-9. CHARGES.

The PSP is responsible for ensuring that calls originated or terminated at his PSP access line or trunk are rated in accordance with the following:

- (a) *Local Sent-paid.* Pursuant to Federal Communications Commission preemption of state authority over local coin rates, PSPs are permitted to charge market-based rates for local coin calls.
- (b) *Directory Assistance.* Pursuant to Federal Communications Commission preemption of state authority over intrastate directory assistance charges, PSPs are permitted to charge market-based rates for intrastate directory assistance calls.
- (c) *0+ Other Than Automated Collect.* The end user of a PSP instrument may not be charged by the PSP for a 0+, 10xxx-0+, 101xxxx0+, or 950 local or toll call billed to a calling card, to a third number, or to the called party (collect).
- (d) *0+ Local Automated Collect Station-to-Station.* The recipient of a local automated collect station-to-station call may not be charged more for the call than would have been charged by Windstream Concord Telephone, Inc. for a local collect station-to-station call.
- (e) *0- Calls.* All PSP instruments outside of confinement facilities must allow access to the access line provider operator at no charge. The PSP may not impose a charge on the end user for completion of 0- local and toll calls billed to a calling card, a third number, or the called number (collect).
- (f) *8XX (Toll Free Number) Calls.* The end user of a PSP instrument may not be charged for the carriage and completion of any 8XX (toll free number) call.

(NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 8/13/92; 7/2/96; NCUC Docket No. P-100, Sub 84a, 10/7/97; 5/28/98; NCUC Docket No. P-100, Sub 72b, 01/02/04; NCUC Docket No. P-100, Sub 84c, 05/01/08.)

Rule R13-10. SEMIPUBLIC SERVICE.

- (a) Any semipublic service subscribed to from a LEC or LEC-affiliated PSP on or before October 7, 1997 must be allowed to continue until April 7, 1998. During this period, the semipublic service must be provided to the subscriber under the same monthly rates and conditions that applied immediately prior to detariffing of the service. On April 7, 1998, the monthly rates and conditions for service provided under this provision shall cease to be subject to Commission regulation.
- (b) The monthly rates and conditions for semipublic service initially subscribed to after October 7, 1997 are not subject to Commission regulation.
- (c) Rules R13-1 through R13-9 shall apply to the provision of any semipublic service.

(NCUC Docket No. P-100, Sub 84a, 10/7/97.)