

Suggested Revisions by Chairman Ron Jones – August 8, 2005

RULES OF TENNESSEE REGULATORY AUTHORITY DIVISION OF PUBLIC UTILITIES

CHAPTER 1220-4-2

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1220-4-2-.43 AUTHORIZATION REQUIRED TO OPERATE PAY TELEPHONE SERVICE

(1) Every owner or prospective owner or operator, who is not a telecommunications service provider certified by this Authority in accordance with T.C.A. §65-4-201, of a pay telephone instrument located in the state of Tennessee connected to or to be connected to the public network shall submit a petition for authorization to provide pay telephone service to the Authority accompanied by the fee provided for in T.C.A. §65-2-103. ~~Each company or individual operating a pay telephone service prior to July 1, 1990 and required to be authorized by this rule shall submit one petition for authorization to include all existing pay telephone locations owned or operated by said company or individual. All petitions submitted after July 1, 1990 shall be to authorize each pay telephone service instrument.~~

~~(2) All owners, other than authorized telecommunications service providers, of pay telephone instruments connected to the public network by the effective date of this rule shall have until July 1 of the year in which this rule goes into effect to submit the petition required by section (1) of this rule. Pay telephone service to commence or to be connected to the network after this date shall not be authorized~~

~~for service until all the requirements of rules governing pay telephone service are met.~~

~~(3)(2)~~ Public pay telephone service shall mean the providing of local service and/or intrastate toll telephone service to the general public through customer or telephone company provided instruments, which are coin-operated or coin-less and whose calls are sent paid or non-sent paid.

~~(4)(3)~~ Inmate pay telephone service shall mean the providing of local service and/or intrastate toll service to the inmate population at inmate facilities through customer or telephone company provided instruments, which are coin-operated or coin-less and whose calls are sent paid or non-sent paid.

~~(5)(4)~~ Pay telephone service shall mean ~~either~~ public ~~or~~ and inmate pay telephone service.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.44 DATA REQUIRED FOR AUTHORIZATION.

- (1) In addition to the receipt of a valid filed petition for authorization, the Authority shall require the submission of relevant data and owner certifications on forms supplied by the Authority concerning the operation of a pay telephone service.
- (2) The following data relating to the entity owning or operating the pay telephone service shall be submitted prior to authorization:
 - (a) the name, address and telephone number of the individual owner or operator or the responsible individual with the entity which owns the instrument;
 - (b) information about the structure of the business organization owning the instrument and where applicable, a copy of any Articles of Incorporation, Partnership agreement or By Laws of any corporation owning the instrument and a copy of a license to do business in Tennessee;
 - (c) an up-to-date financial statement for the individual or entity operating the pay telephone service, which includes a statement indicating revenues and expenses;
 - (d) the name, address, and telephone number of a Tennessee contact person responsible for and knowledgeable about the instrument or instruments;
 - (e) repair and maintenance information including the name, local address, telephone number, and qualifications of the individual or company responsible for servicing the instrument(s) and supplying refunds; and

- (f) a copy of the display card to be posted on the pay instrument, which contains operating instructions and other required disclosures.
- (3) The following data relating to the particular pay telephone instrument shall be submitted prior to authorization:
 - (a) a description of the instrument including the name and telephone number of the manufacturer, the model and FCC registration number, and the precise location by address and telephone number of the instrument and
 - (b) identification of the local exchange carrier, the interexchange carrier, and reseller or alternate operator service provider serving the instrument.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.45 TERMS AND CONDITIONS OF PAY TELEPHONE SERVICE

To insure uniformity throughout the state of pay telephone service, the owner or operator of a pay telephone service seeking authorization shall agree to abide by the following terms and conditions:-

- (1) Terms and conditions applicable to public pay telephone service owners or operators:
 - (a) The following calls shall be provided by public pay telephones without depositing money and free of charge to the customer:
 - 1. calls to the local exchange operator;
 - 2. 911 or emergency numbers;
 - 3. toll-free and 800 service numbers;
 - 4. pay telephone repair and refund numbers; and
 - 5. except as provided for in 1220-4-2-.49(1)(g). interexchange access numbers.
 - (b) The public pay telephone shall provide the following:
 - 1. no time limits on calls;
 - 2. the acceptance of nickels, dimes and quarters (coin-less phones shall not be required to accept coins);-and
 - 3. coin return for incomplete calls:-

4. ~~a~~Access to directory assistance;
 5. ~~a~~Access to N11 numbers; and
 6. ~~t~~Two-way calling capability, unless waived by the Authority.
- (c) All public pay telephone instruments installed after July 1, 1990 shall be installed in accordance with the requirements of the American National Standards Institute for Buildings and Facilities – Providing Accessibility and Usability for Physically Handicapped People, ANSI, A.117.1 (1986), Section 4.29, Telephones. Provided, however, that in a given location where an owner or operator has installed more than one instrument, only one pay telephone instrument shall be required to meet those requirements.
- (d) Local telephone directories shall be provided at each public pay telephone service location upon commencement of service.
- (e) The ~~operator or~~ owner or operator of public pay telephone service shall provide an instrument capable of completing local and long distance calls. A coinless pay telephone is exempt from this requirement as long as it is located in close proximity or next to a pay telephone with local and long distance calling capabilities.
- (f) Except as provided for in 1220-4-2-.49(1)(g), t~~The operator or~~ owner or operator of public pay telephone service agrees to provide customer access to all interexchange carriers certificated to do business in Tennessee in the interexchange carrier's preferred manner as officially designated by said carriers.
- (2) Terms and conditions applicable to inmate pay telephone service owners or operators:
- (a) The maximum rate allowed on an inmate pay telephone local collect call, including the operator surcharge and any other surcharge, is \$1.~~1650~~ regardless of the duration of the call.
 - (b) The owner or operator of inmate pay telephones shall charge for intrastate toll calls no more than the rates on file with the Authority for the largest intraLATA and interexchange carrier in the state.
 - (c) Inmate pay telephone providers shall provide a toll-free customer service number on the pay telephone instrument and all bills.
 - (d) Inmate pay telephone providers shall submit annually to the Authority consumer complaint data indicating the name of the person, the date and nature of the complaint and the resolution. This annual report covering

the calendar year shall be submitted to the Authority no later than February 15 of each year.

(3) Terms and conditions applicable to ~~public and inmate~~ pay telephone service owners or operators:

(a) All pay telephones shall comply with Authority approved telecommunications industry standards and the current National Electric Code.

(b) The owner or operator of pay telephone service shall read and comply with all Authority rules and regulations governing pay telephone service.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.46 AUTHORITY APPROVAL OF AUTHORIZATION TO OPERATE PAY TELEPHONE SERVICE

(1) Once petitioner demonstrates full compliance with Authority rules and statutes, the Authority shall grant the petition for authorization and issue an authorization number for each pay telephone service company. The Authority shall notify the pay telephone service company of this number.

(2) The owner or operator of the authorized public pay telephone service may commence service after doing the following:

(a) displaying the charge for a local call and any operating instructions on the face of the instrument;

(b) affixing the Authority authorization number in a permanent manner to the face of the instrument;

(c) displaying on the face of the instrument a telephone number to be used without charge to report malfunctions and obtain refunds; and

(d) displaying the name of the owner or operator of the instrument and the name of the long distance carrier serving the instrument on the face of the instrument.;

(3) Owners or operators of pay telephone service who were previously authorized by the Authority for operations in this state may commence service at new locations prior to submission of the required data under terms and conditions to be established by the Authority or its designee.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.47 DENIAL OR REVOCATION OF AUTHORIZATION

Authorization to operate pay telephone service may be denied or revoked based on the owner's or operator's failure to comply with or meet the requirements of applicable Authority rules and statutes or to pay the required fees as provided by Authority rule or statute.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.48 AUTHORIZATION RENEWAL

- (1) Authorization to operate pay telephone service shall expire on July 1 of the year following the year in which initial authorization was obtained from the Authority and authorization renewals shall expire annually on each July 1 thereafter.
- (2) In order to renew an authorization, an application must be filed with the Authority before July 1 of each year on forms prescribed by the Authority. This authorization renewal application shall be accompanied by any annual inspection fee required by statute and such inspection fee shall be based upon the number of pay telephone service locations a pay telephone owner has as of the preceding May 1.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.49 PAY TELEPHONE SERVICE VIOLATIONS

- (1) The following shall constitute violations of the Authority's rules and requirements for authorized pay telephone service:
 - (a) Charging an amount for calls which exceed the amount authorized by the Authority.
 - (b) Attaching the instrument to any subscribed access line service other than a single public telephone access line directly connected to the local exchange company network and billed at the tariff rate or other service providing the same features, functions and level of quality as the line offered by the local exchange company network. Inmate pay telephones are exempt from this requirement.
 - (c) Attaching the instrument to an extension instrument without a private cut-off to automatically disconnect when the receiver is lifted for service and operating semi-public additional sets connected to an authorized instrument in violation of the applicable tariff of the local exchange company, with the exception that such extension may have a dial or tone pad. Inmate pay telephones are exempt from this requirement.

(d) Failure to comply with any of the following:

1. ~~R~~requirements governing telephone service access by impaired or handicapped persons as required by Authority rule; ~~and~~.
2. ~~a~~All applicable telecommunications industry and electrical safety standards as required by Authority rule.

(e) Failure to repair the instrument within 72 hours of notification by the Authority, unless such repairs are the responsibility of the local exchange carrier providing access. ~~and~~

~~(f)~~ Failure to provide refunds in a timely manner.

~~(g)~~ Failure to provide access without charge to all interexchange carriers certificated to do business in Tennessee in the preferred manner designated with the Authority by each interexchange carrier, unless said instrument is owned or operated by an interexchange carrier or is an inmate pay telephone.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.50 INSPECTION OF ~~PUBLIC~~ PAY TELEPHONE SERVICE

- (1) All authorized ~~public~~ pay telephone instruments shall be subject to periodic and random inspections by Authority personnel.
- (2) If upon inspection, a violation is discovered, the Authority inspector shall place an out-of--service sticker on the pay telephone instrument and shall notify the owner or operator as soon as possible of the violation and the penalties associated with the violation~~therefore~~. The sticker shall contain the date and time of the inspection and name of the inspector.
- (3) If the violation is determined by the inspector to be unintentional, the owner or operator shall have 72 hours to correct the violation. If the violation is uncorrected after this time, the provisions of Rule ~~1220~~1290-4-2-.51 shall apply.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.51 PENALTIES FOR VIOLATIONS

- (1) Upon a ~~n initial~~ determination by the Authority that a violation exists and after a reasonable attempt to notify the owner or operator, the Authority shall through its designated representative direct the local exchange carrier to disconnect the instrument in violation. ~~If no violation is found to exist then the connection charges shall be refunded to the owner by the local exchange carrier.~~

- (2) The Authority, through its designated representative, shall send a written notice to the local exchange carrier providing access to the instrument, with a copy to the instrument provider, directing the local exchange carrier to disconnect the pay telephone line service at the designated location. The notice shall include an outline of the violations ~~initially~~ determined by the Authority.
- (3) In addition to disconnection of an instrument in violation, the Authority may revoke the authorization of an owner or operator to operate pay telephone service for an intentional violation or persistent violations of Authority rules and statutes~~regulations~~.

Authority: Tenn. Code Ann. § 65-4-117

1220-4-2-.52 REAUTHORIZATION AFTER VIOLATION

- (1) After disconnection of a public pay telephone instrument for violation of Authority rules, the following procedures shall apply for reconnection of the instrument to provide service:
 - (a) Temporary reconnection to the network may be ordered by the Chief of the Consumer Services and External Affairs Division or his/her designee at the request of the instrument owner or operator for purposes of repair or verification of correction of the violation. Such reconnection may be temporarily maintained pending the filing of a new petition for authorization.
 - (b) Authorization may be reissued upon receipt of a new petition for authorization which includes a notarized statement verifying correction and accompanied by the fee prescribed by T.C.A. §65-2-103. Up-to-date data already on file with the Authority shall not have to be resubmitted. This petition shall be filed with the Authority within ten (10) days of notification of the violation to the instrument owner or operator.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.53 REFUSAL OR REVOCATION OF AUTHORIZATION TO PROVIDE INTRASTATE PUBLIC PAY TELEPHONE SERVICE

- (1) The Authority may refuse to reauthorize or may permanently revoke the authorization of any pay telephone service owner or operator upon a showing, after notice and an opportunity to be heard, of a willful disregard for or an inability to comply with Authority ~~rules and statutes~~ regulation of pay telephone service. Revocation of authorization may also be ordered after notice and a hearing, upon a showing that the public interest requires revocation.
- (2) Permanent revocation of authorization shall only be ordered by the Authority after opportunity for a hearing is provided in accordance with the provisions of T.C.A. §65-2-106 and all applicable provisions of the Uniform Administrative Procedures Act.

Authority: Tenn. Code Ann. § 65-4-117.

1220-4-2-.54 UNAUTHORIZED PUBLIC PAY TELEPHONE SERVICE

The Authority may order the local exchange carrier to disconnect a pay telephone service if the owner or operator is not authorized to provide service or has otherwise violated Authority rules and statutes.~~Any pay telephone service which is not authorized for service by this Authority after July 1 of the year in which this rule takes effect shall be disconnected from the network by the local exchange carrier until the requisite authorization is obtained from the Authority.~~

Authority: Tenn. Code Ann. § 65-4-117.