

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DEREGULATION OF LOCAL EXCHANGE )  
COMPANIES' PAYPHONE SERVICE ) ADMINISTRATIVE  
CASE NO. 361

O R D E R

The Commission issued its Order on October 1, 1997 seeking comments on a proposed uniform tariff for all Local Exchange Carriers ("LECs") other than GTE South Incorporated ("GTE"), BellSouth Telecommunications, Inc. ("BellSouth"), and Cincinnati Bell Telephone Company ("CBT").<sup>1</sup> The Commission received comments from Duo County Telephone Cooperative Corporation, Inc. ("Duo") and The Kentucky Payphone Association ("KPA"). The Commission's Order also allowed for requests for an informal conference. No such requests were received by the Commission.

Duo's comments generally agreed with the content of the tariff with the exception of Section 2, Rules and Regulations For Providing Payphone Service. Duo indicated that this section of the tariff should not be included in the LECs' tariff but that the matter should be tariffed in the same manner as it is by the non-LEC Payphone Service Providers ("PSPs"). The KPA also agrees that Section 2 should not be in the LECs' regulated tariff or alternatively the information should be moved to a different section of the tariff.

The KPA also objected specifically to the inclusion of Sections G.2.c and G.2.d in the LECs' tariff. The Commission ruled in Administrative Case No. 337 that this language

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<sup>1</sup> The tariffs of GTE, BellSouth, and CBT will be addressed in a separate Order pending the resolution of the complaint of Coin Phone Management Company which was consolidated with this case.

be required in all PSP providers' tariffs.<sup>2</sup> The KPA objects on the basis of the recent FCC Orders in CC Docket 96-128.<sup>3</sup> The FCC's Orders state that all PSPs, including the LECs' payphone operations, be permitted to direct 0+ (local, intraLATA, and interLATA) calls to the operator service provider selected by the PSP.<sup>4</sup>

The Commission will not require that Section 2, Rules and Regulations For Providing Public Telephone Service, be a part of the LECs' tariffs. However, the LECs currently providing payphone service through their nonregulated operations must file a tariff for the provision of that service. Because of the FCC's orders, the Commission will no longer require that the language contained in Section G.2.c and G.2.d be a part of any PSPs' tariff, except for Section G.2.c which addresses "0-" calls. The Commission will continue to require that "0-" calls be directed to the LEC. The Commission agrees with the FCC that this requirement is necessary to ensure that emergency calls, where the caller simply dials "0" and nothing else, are delivered to a live operator. However, in non-emergency situations the LEC is not mandated to carry the call.<sup>5</sup>

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<sup>2</sup> Administrative Case No. 337, The Investigation and Review of Customer-Owned, Coin Operated Telephone Regulation, Order dated October 7, 1991, p. 12.

<sup>3</sup> Implementation of the Pay Telephone Reclassification Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Report and Order, FCC 96-388 (released September 20, 1996) ("Payphone Order"); Order on Reconsideration FCC 96-439 (released November 8, 1996) ("Order on Reconsideration").

<sup>4</sup> Paragraph 261 of the Payphone Order and paragraph 242 of the Order on Reconsideration.

<sup>5</sup> Paragraph 262 of the Payphone Order and paragraph 243 of the Order on Reconsideration.


The KPA also had additional comments on the content of the proposed tariff pages. The KPA objects to the inclusion of sections G.1.o through G.1.y. The KPA does not object to these requirements, but rather to their inclusion in the LEC tariffs. The Commission formerly ruled in Administrative Case No. 337 that these requirements shall be a part of the LECs' tariffs.<sup>6</sup> Therefore, the Commission will continue to require that these requirements be placed in the LECs' tariffs.


IT IS THEREFORE ORDERED that:

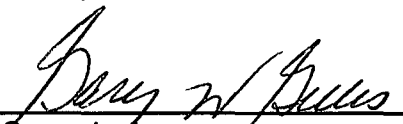
1. Within 30 days of the date of this Order, the LECs, other than BellSouth, CBT, and GTE, shall file tariffs as modified by this Order and attached hereto as Appendix A.
2. All LECs which provide payphone operations through their nonregulated operations shall file tariffs to be PSPs. Appendix B, attached hereto, is a form tariff for filing as a PSP.

Done at Frankfort, Kentucky, this 26th day of January, 1998.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

<sup>6</sup> Administrative Case No. 337, Order dated October 7, 1991, pp. 9-10.

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN ADMINISTRATIVE CASE NO. 361 DATED 1/26/98

GENERAL SUBSCRIBER SERVICES TARIFF

Telephone Company Name

PSC 1  
Section G  
First revised Sheet 1  
Canceling Original Sheet 1

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G. Public Telephone Service

The Company provides Access Line Service for the provision of Public Telephone Service to Payphone Services Providers ("PSPs") including the nonregulated operations of the Company.

1. General
  - a. Access Line Service for PSP Public Telephones is an exchange line provided at the request of a subscriber for telecommunications use by the general public.
  - b. Access Line Service is provided on a flat rate basis.
  - c. Access Line Service is provided for use with PSP provided coin or non-coin operated Public Telephones.
  - d. Third number and collect calls to Access Line Service for PSP Public Telephones are not allowed.
  - e. PSP Public Telephones must be connected to the Company network in compliance with Part 68 of FCC Rules and Regulations.
  - f. Access Line Service is provided subject to the condition that all applicable regulations in this Tariff will be adhered to.
  - g. Access Line Service is provided for use by the subscriber but may be used by others when so authorized by the subscriber, provided that all such usage is subject to the provisions of this Tariff.
  - h. Access Line Service is not subject to concessions.
  - i. Access Line Service may not be suspended at a reduced rate.
  - j. Access Line Service for PSP Public Telephones cannot be included on accounts containing other classes of service. A separate account is required for this offering at each location.
  - k. The operator cannot perform coin collecting functions.
  - l. The Company is not responsible for refunds of coins deposited in PSP Public Telephones.

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Issued: July 1, 1997

Effective: July 31, 1997

Issued By: \_\_\_\_\_

Signature of Officer

Title

Dated

## GENERAL SUBSCRIBER SERVICES TARIFF

Telephone Company Name

PSC 1  
Section G  
First revised Sheet 2  
Canceling Original Sheet 2

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- m. PSP Public Telephones may not be attached to other types of access lines.
- n. The subscriber to Access Line Service will be responsible for any and all toll charges billed to the subscriber's account.
- o. PSPs shall post on or near the Public Telephone the name and phone number of the owner of the instrument.
- p. PSPs shall post on or near the Public Telephone the operating instructions for the instrument.
- q. PSPs shall provide and post on or near the instrument a cost-free method for reporting complaints and obtaining refunds.
- r. PSPs that accept coins shall accept coins of various denominations and shall be capable of returning unused coins.
- s. PSPs shall not charge for calls not completed.
- t. PSPs shall provide access to 911 Emergency Service (where available) free and without the use of a coin.
- u. PSP instruments shall be FCC registered, hearing aid compatible, meet federal requirements for size of digits on the instrument, and the use of letterless keypads is prohibited.
- v. PSP Public Telephones shall be mounted in accordance with federal height regulations for disabled persons.
- w. PSPs that provide access to long-distance service shall offer access to all certified long-distance carriers through 1-700, 1-800, 1-950, 10XXX or 101XXX dialing.
- x. PSPs shall offer toll-free access to 800/888 numbers.
- y. PSP Public Telephones shall not be connected behind a PBX.
- z. The multi-line business subscriber line charge, found in the interstate access tariff, is applicable to all Public Telephone access lines.

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Issued: July 1, 1997

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Signature of Officer

Title

Dated







**APPENDIX B**

**APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN ADMINISTRATIVE CASE NO. 361 DATED 1/26/98**

P.S.C. No. \_\_\_\_\_

Cancels P.S.C. No. \_\_\_\_\_

\_\_\_\_\_  
(Name of Payphone Service Provider)

of

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
Rates, Rules, and Regulations for Furnishing  
Public Payphone Service

at

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
Filed with the Kentucky Public Service Commission

\_\_\_\_\_  
Issued \_\_\_\_\_, 19\_\_ Effective \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Issued by \_\_\_\_\_  
(Name of Payphone Service Provider)

By \_\_\_\_\_  
(Signature of Officer) (Title)



(Name of Payphone Service Provider)

P.S.C. KY No. \_\_\_\_\_

\_\_\_\_\_ Sheet No. \_\_\_\_\_

Cancelling P.S.C. KY No. \_\_\_\_\_

Rates, Rules and Regulations for Furnishing Public Payphone Service

j. If Public Payphone Services in correction facilities and mental health facilities are provided by the Company, the services are in accordance with the following requirements: Inmate phone service will only provide automated collect and debit card service for local and long distance calls from Public Payphones located at correctional or mental health facilities in accordance with institutionally authorized telephone programs.

k. The Company understands that if it is found to violate Sections b, c, or f contained in these rules, it may be subject to immediate termination of service after 20 days notice.

l. Choose One:  
[If (3) is chosen, a rate sheet is attached]

(1) The Company's rates are no greater than those of \_\_\_\_\_, its underlying toll carrier, OR

(2) The Company concurs with rates for 1+ and 0+ calls of \_\_\_\_\_, its underlying toll carrier, OR

(3) The Company charges the following rates for "1+" sent paid (cash) calls:

\_\_\_\_\_  
\_\_\_\_\_  
Date of Issue \_\_\_\_\_ Date Effective \_\_\_\_\_  
Month Day Year Month Day Year

Issued By \_\_\_\_\_  
Signature of Officer Title Address

\_\_\_\_\_  
(Name of Payphone Service Provider)

P.S.C. KY No. \_\_\_\_\_

\_\_\_\_\_ Sheet No. \_\_\_\_\_

Cancelling P.S.C. KY No. \_\_\_\_\_

Rates, Rules and Regulations for Furnishing Public Payphone Service

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\_\_\_\_\_  
\_\_\_\_\_  
Date of Issue \_\_\_\_\_ Date Effective \_\_\_\_\_  
Month Day Year Month Day Year

Issued By \_\_\_\_\_  
Signature of Officer Title Address