

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter M. Operator Services.

§26.313. General Requirements Relating to Operator Services.

- (a) **Requirements to provide operator service.**
- (1) An operator service provider (OSP) that provides end user operator services for a call aggregator through a telephone that is intended for public use must do so pursuant to a contract with the call aggregator, as a presubscribed interexchange carrier, or, in the case of a dominant certificated telecommunications utility (DCTU), pursuant to a tariff approved by the commission.
 - (2) Notwithstanding the provisions of paragraph (1) of this subsection, an OSP that owns or otherwise controls telephones that are intended for public use shall for those telephones comply with all provisions of this subchapter otherwise required to be included in contracts between OSPs and call aggregators, without the necessity of a contract.
 - (3) Where a different OSP is presubscribed for operator services at pay telephones owned by a DCTU, the DCTU shall for those telephones comply with all provisions of this subchapter otherwise required to be included in contracts between OSPs and call aggregators.
 - (4) If a DCTU or presubscribed interexchange carrier provides operator services through telephones that are intended for public use, other than those telephones subject to paragraphs (2) and (3) of this subsection, and pays fees or other forms of compensation to a call aggregator, the DCTU or presubscribed interexchange carrier shall do so pursuant to a contract with the call aggregator.
- (b) **Requirements before call is completed.** The provider of operator services shall:
- (1) audibly and distinctly identify itself to the customer upon answering calls;
 - (2) audibly and distinctly identify itself to the billed party if the billed party is different from the caller;
 - (3) quote rate information at the caller's request, without charge, 24 hours a day, seven days a week; and
 - (4) permit the caller to terminate the call at no charge prior to completion of the call by the OSP.
- (c) **Requirements for uncompleted call.** There shall be no charge to the caller for any uncompleted call.
- (1) No OSP shall knowingly bill for uncompleted calls.
 - (2) If the OSP cannot determine with certainty that a call was completed, it shall provide a full credit for any call of one minute or less upon being informed by a customer that the call was not completed.
 - (3) An uncompleted call includes, but shall not be limited to:
 - (A) calls terminating to an intercept recording, line intercept operator, or a busy tone; or
 - (B) calls that are not answered.
 - (4) An uncompleted call does not include calls using busy line interrupt, line status verification, or directory assistance services.
- (d) **Requirement to provide access to a live operator.**
- (1) Each telecommunications utility that provides operator services shall ensure that a caller may access a live operator at the beginning of all automated operator-assisted calls through a method designed to be easily and clearly understandable and accessible to the caller. This requirement applies only to "0-" calls where the caller reaches an automated operator. Within 30 days of initially providing operator services each such telecommunications utility shall file

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in the Central Records Office of the commission, for review, a document describing the method by which the utility is providing access to a live operator, as provided by the Public Utility Regulatory Act §55.088.

- (2) This subsection applies regardless of the method by which the telecommunications utility provides the operator service.
 - (3) The requirements of this subsection shall not apply to telephones located in confinement facilities.
- (e) **Call splashing.** Call splashing is call transferring (whether caller requested or OSP initiated) that results in a call being rated and/or billed from a point different from that where the call originated. Call splashing shall not be allowed unless a waiver of the access requirements in §26.319(1)(A) of this title (relating to Access to the Operator of a Local Exchange Company (LEC)) has been granted pursuant to §26.319(3) of this title and unless:
- (1) the originating OSP first clearly and explicitly notifies the caller that the call will be splashed and may result in rating and/or billing of the call from a point different from that where the call originated; and
 - (2) the originating OSP allows the caller to abort the call without charge after notification that the call will be splashed.
- (f) **Other requirements.**
- (1) OSPs that are not DCTUs are subject to the requirements contained in the Public Utility Regulatory Act and the commission's substantive rules for nondominant telecommunications utilities.
 - (2) If an OSP provides a local exchange company with information regarding end-user access to the OCP, the OSP must provide a single access code; must detail, by NPA-NXX, where the access code can be used to access the OSP; and must provide the local exchange company with appropriate instructions for use of the access code. The OSP is responsible for ensuring that the access code specified is available for each NPA-NXX listed and for updating the information.