

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS PROVIDERS.

Subchapter N. PAY TELEPHONE SERVICE.

§26.344. Pay Telephone Service Requirements.

- (a) **Requirements before call is completed.** If the pay telephone service (PTS) provider uses automated call completion technology to complete operator service calls, the provider of PTS must:
- (1) audibly and distinctly identify itself to the caller upon answering;
 - (2) audibly and distinctly identify itself to the billed party, if the billed party is different from the caller;
 - (3) provide a mechanism for the caller to obtain rate information, without charge, 24 hours a day, seven days a week; and
 - (4) permit the caller or billed party to terminate the call at no charge prior to completion of the call by the PTS provider.
- (b) **E911 or 911 calls, and "0-" calls.** The PTS provider must allow E911 or 911 calls to be outpulsed directly to the Public Service Answering Point at no charge and without requiring a coin or credit card. This requirement does not apply to pay telephones accessible to inmates of confinement facilities.
- (c) **Access.**
- (1) The PTS provider must:
 - (A) provide access to operator services, 24 hours a day, seven days a week, at no charge and without requiring a coin or credit card;
 - (B) provide access to directory assistance, 24 hours a day, seven days a week;
 - (C) provide access that includes the local exchange calling scope of the certificated telecommunications utility (CTU) furnishing the pay telephone access service (PTAS) including mandatory extended area service (EAS) and expanded local calling (ELC), except that ELC rate additives are not applicable to PTS access lines; and
 - (D) provide access to the operator of a local exchange company that meets the requirements enumerated in §26.315(c) of this title (relating to Requirements for Dominant Certificated Telecommunications Utilities (DTCUs) and that serves the area from which the call is made, at no charge and without requiring a coin or credit card, either:
 - (i) by directly routing all local operator calls to such local exchange company operator, without charge to the caller; or
 - (ii) by transfer or redirection of the call by an operator service provider (OSP) in accordance with the provisions of §26.319(1)(A)(ii)(I)-(III) of this title (relating to Access to the Operator of a Local Exchange Company (LEC)).
 - (2) The PTS provider must also allow access to other telecommunications utilities unless otherwise provided in subparagraph (C) of this paragraph.
 - (A) Access to interexchange carriers by "950-XXXX" and "1-800" or "1-888" numbers must not be blocked.
 - (B) Access to interexchange carriers by "1010XXX+0" (whether "1010XXX+0+" or "1010XXX+0-") dialing must not be blocked if the end office serving the originating line has originating line screening (OLS) capability.
 - (C) To prevent fraudulent use of the pay telephone, the access requirement is explicitly waived under the following conditions without prior application to the commission:
 - (i) Access to interexchange carriers by "1010XXX+0" (whether "1010XXX+0+" or "1010XXX+0-") dialing may be blocked, if the end office serving the originating line does not have OLS screening capability.
 - (ii) Access to interexchange carriers by "1010XXX+1" dialing may be blocked.

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(3) The requirements of this paragraph do not apply to pay telephones accessible to inmates of confinement facilities.

(d) **Other.**

(1) The PTS provider must:

- (A) ensure that end users can place all local and toll calls, except direct-dialed international calls, from the pay telephone, including, but not limited to, operator-assisted international calls, collect calls, third number billed calls, and calling card calls;
- (B) be responsible for the payment of charges for all local and toll messages, including, but not limited to, non-local directory assistance charges, except as provided in §26.347 of this title (relating to Fraud Protection for Pay Telephone Service);
- (C) comply with all applicable federal, state and local laws and regulations including those concerning the use of pay telephones by disabled and/or hearing- or speech-impaired persons;
- (D) not attach extension telephones to pay telephones, unless the pay telephone displays a notice that legibly and conspicuously states in capital letters, "YOUR CONVERSATION MAY BE OVERHEARD BECAUSE AN EXTENSION TELEPHONE IS ATTACHED TO THIS PHONE LINE.";
- (E) not impose a time limit on local calls;
- (F) ensure operator-assisted intrastate long distance usage sensitive rates are billed in increments of one minute or less, provided that the total per minute fee does not exceed the rate authorized in §26.346 of this title (relating to Rates and Charges for Pay Telephone Service);
- (G) return to the end-user any pre-paid fee for a direct dialed intrastate long distance and/or local call that does not result in a completed call;
- (H) not charge the caller for any uncompleted call in accordance with the provisions of §26.313(c)(1)-(4) of this title (relating to General Requirements Relating to Operator Services);
- (I) not charge a fee for a local call greater than that posted on the informational placard attached to each pay phone;
- (J) provide access to ILEC operators by dialing either "0" or "00" access codes; and
- (K) the requirements of paragraph (1)(A) and (E) of this subsection do not apply to pay telephones accessible to inmates of confinement facilities.

(2) If the PTS provider uses automated call completion technology to complete operator service calls, and if validation information is available for calls that the PTS provider (or a third-party billing and collection agent operating on behalf of the PTS provider) will bill through a certificated telecommunications utility, the PTS provider is required to validate the call and is allowed to submit the call for billing only if the call was validated.

(3) PTS may be connected to, from, or through a customer-provided telecommunications switching system, or local exchange carrier-provided central office switching system, provided that the PTS provider meets all requirements of this rule. The PTS provider must ensure that access to E-911, 911 and/or 0- is not blocked and must comply with all legislative and rule requirements regarding the operation of E-911 and 911. This access configuration is not

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allowed if it prevents usage measurement, by the local exchange carrier, of a local exchange carrier-provided PTAS line. For purposes of this paragraph, local exchange carrier is defined as any entity holding either a certificate of convenience and necessity (CCN), certificate of operating authority (COA), or service provider certificate of operating authority (SPCOA).

- (e) **Applications for waivers of the requirement for access.** The commission may approve waivers to the access requirements of subsection (c) of this section to prevent fraudulent use of telephone services or for other good cause. Applications for waiver may be filed by the provider of pay telephone service. The commission shall process such applications for waiver using the criteria and procedures set forth in §26.319(3)(B) of this title.