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31.51.01 - OPERATOR SERVICES AND PAY TELEPHONE RULES

000. LEGAL AUTHORITY (Rule 0).

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-606, 62-612, and 62-616, Idaho Code, with regard to service. (7-1-93)

001. TITLE AND SCOPE (Rule 1).

The name of this chapter is "Operator Service and Pay Telephone Rules." This chapter applies to all provisions of operator services and pay telephone services in Idaho. (7-1-93)

002. WRITTEN INTERPRETATIONS--AGENCY GUIDELINES (Rule 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83720-6000, or may be reached by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. (7-1-93)

003. ADMINISTRATIVE APPEALS (Rule 3).

This rule governs consideration of exemptions and complaints under these rules. Any person requesting and receiving an informal Commission Staff determination with regard to an exemption or complaint may formally or informally request the Commission to review the Commission Staff's determination. (7-1-93)

01. Exemptions from Rules. This subsection governs procedure for requests for exemptions from these rules. (7-1-93)

a. Any operator service provider, pay telephone provider, telephone company, or customer may informally request an exemption from any provision of these rules for a specific person or persons by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83702-6000, or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)

b. Any operator service provider, pay telephone provider, telephone company, or customer may formally petition the Commission for an exemption pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

c. Any operator service provider, pay telephone provider, or telephone company requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

02. Complaints. Any operator service provider, pay telephone provider, telephone company, or customer may file complaints under these rules. This paragraph governs procedure for filing complaints under these rules. (7-1-93)

a. Any operator service provider, pay telephone provider, telephone company, or customer may file an informal complaint under any provision of these rules concerning a specific provider, company or customer by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, Statehouse, Boise, Idaho 83702-6000, or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1

(800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-94)

b. Any operator service provider, pay telephone provider, telephone company, or customer may file a formal complaint under these rules with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning compliance with these rules are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning telephone companies' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

005. DEFINITIONS (Rule 5).

01. Fax Machine/Pay Telephone. "Fax Machine/Pay Telephone" means a facsimile (fax) machine which permits pay telephone service only in conjunction with the use of the fax machine and does not generate a separate charge for the telephone call. The transmission of a fax document is not considered to be a Pay Telephone or a Privately-Owned Pay Telephone service under these rules. (1-1-94)

02. Local Exchange Company (LEC). "Local exchange company" (LEC) is the telephone corporation (if any) providing local exchange service to an OSP customer's telephones or to a pay telephone. (7-1-93)

03. MTS Company or Interexchange Carrier. "MTS company" or "interexchange carrier" means a telephone company providing MTS service. (7-1-93)

04. Message Telecommunications Service (MTS). "MTS" (commonly known as "long-distance service") means the transmission of two (2) way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis and wide area telecommunications service (WATS) or its equivalent. (7-1-93)

05. Operator and Directory Assistance Services. "Operator and directory assistance services (or operator services)" are any telecommunications services that include, as a component, any automatic or live assistance to a telephone caller to arrange for billing or completion, or both, of a telephone call. They include, but are not limited to, intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both. (7-1-93)

06. Operator Service Provider (OSP). "Operator Service Provider (OSP)" (sometimes referred to as "Alternative Operator Services (AOS)" when the OSP is not a Local Exchange Company (LEC) or Message Telecommunications Service (MTS) company) is a company that furnishes various automated or live operator or directory assistance services that have traditionally been provided by LECs and AT&T. OSPs include LECs, MTS companies and AOSs. OSPs may contract with call aggregators (e.g., hotels, motels, hospitals, colleges, airports, private pay telephone owners) that collect and route calls made by telephone callers to the OSP. OSPs may lease telephone lines that transmit the telephone user's call from the call aggregator to the OSP's facilities. OSPs furnish operator services such as collect, person-to-person, third-party billed and calling card calls. (7-1-93)

07. OSP Customer. "OSP customer" is a call aggregator i.e., any person not an institution of confinement as defined in Rule 300 who, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for telephone calls using a provider of operator services. Hotels, motels, hospitals, colleges, airports, and private pay telephone owners that collect and route calls by telephone callers to an OSP and that contract with an OSP or receive operator services from a LEC are examples of call aggregators and OSP customers. OSP customers own or exercise control over telephone instruments. Local exchange companies are not OSP customers or call aggregators under these rules. (7-1-93)

08. Pay Telephone. "Pay Telephone" means a telephone instrument that requires coin, collect, third-party billing or credit/calling cards in order to complete local or toll calls, including fax machines that can be used to

complete standard, non-fax related local and long distance calls for which there is a separate charge. A pay telephone made available to inmates of an institution of confinement as defined in Rule 300 is not included in this definition of "Pay Telephone." (1-1-94)

09. Privately-Owned Pay Telephone. "Privately-Owned Pay Telephone" means a pay telephone that is not owned by the local exchange company, including fax machines that can be used to complete standard, non-fax related local and long distance calls for which there is a separate charge. A pay telephone made available to inmates of an institution of confinement as defined in Rule 300 is not included in this definition of "Pay Telephone." (1-1-94)

10. Telephone Caller. "Telephone caller" or "telephone user" is a person (other than a person calling from an institution of confinement as defined in Rule 300) who originates or attempts to originate any telephone call using operator services or from a pay telephone. (7-1-93)

11. Ten Triple-X Zero Plus (10XXX 0+). "10XXX 0+" represents the digits dialed by a caller to access the carrier of the caller's choice for a collect, credit card, calling card, debit card or other means of non-sent paid call. (1-1-94)

006. CITATION (Rule 6).

The official citation of these rules is IDAPA 31.51.01.000 et seq. For example, this rule is cited as IDAPA 31.51.01.006. In documents submitted to the Commission or issued by the Commission, these rules may be cited by their short title of Operator Service Providers/Pay Telephone Rules (OSP/PTR) and the parenthetical rule number. For example, this rule may be cited as OSP/PTR 6. (7-1-93)

007. EFFECTIVE DATE--HISTORY OF RULES (Rule 7).

The Commission adopted predecessors to the operator service provider and pay telephone rules in 1988 and to the institution of confinement rules in 1991. They were most recently codified at IDAPA 31.D.9, -.10, and -.11, respectively. They were readopted and reformatted by rulemaking decision in docket number 31-5101-9301, effective July 1, 1993. The history of rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. -- 100. (RESERVED).

Rules 101 through 200 - Operator Service Providers (OSPs)

101. INFORMATION TO BE DISPLAYED (Rule 101).

Telephones owned or controlled by an OSP customer must inform the telephone caller that the telephone is connected to an OSP. The following information must be displayed on or posted in proximity to the instrument: (7-1-93)

01. Name, Address and Toll-Free Telephone Number of the OSP. (7-1-93)
02. No-Cost Procedures. No-cost procedure for: (7-1-93)
 - a. Reporting of service difficulties; (7-1-93)
 - b. Making billing inquiries; (7-1-93)
 - c. Obtaining the total rates and charges (including surcharges) to be billed by OSPs and MTS companies for the call; and (7-1-93)
 - d. Any charges imposed by the OSP customer for the call; (7-1-93)
03. Instructions. Dialing instructions, including instructions for reaching the local exchange company operator if the OSP is not the local exchange company. (7-1-93)
04. Written Disclosure. Written disclosure that consumers have a right to obtain access to the MTS company of their choice and may contact their preferred MTS companies for information on accessing that MTS

company's service using that telephone. (7-1-93)

102. EMERGENCY ACCESS REQUIRED (Rule 102).

01. Access to Emergency Services. All telephones connected to an OSP are required: (7-1-93)

a. To provide direct access to a local exchange company operator for access to emergency services by dialing "0" (except for OSP customers like hotels, motels, hospitals, dormitories, etc., that direct "0" calls to a person on the OSP customer's premises), and (7-1-93)

b. Where available, to provide direct access to emergency service providers by dialing "911", unless exempted by the Commission pursuant to Rule 102.02 of this rule. Unless exempted, access to the OSP network (other than the local exchange company's) may be made through any other access number or keypad symbol. Exempted providers are required to maintain current lists of local emergency numbers. (7-1-93)

02. Initial Application for Exemption. OSPs or privately-owned pay telephone owners can request an exemption from Rule 102.01 by filing an application for exemption with the Commission. The application must demonstrate that the OSP can immediately connect the caller with the correct emergency agencies that serve the telephone location and include: (1-1-94)

a. The full legal name, address and telephone number of the applicant, and any dba used by the applicant in Idaho; (1-1-94)

b. The legal form of business of the applicant, i.e., sole proprietorship, corporation or partnership, etc.; (1-1-94)

c. If a corporation, the name and address of the agent for service of process in the state of Idaho; (1-1-94)

d. On a separate page, the telephone number and location address of each pay telephone installed that the applicant wants included in the exemption (this page may be marked "Proprietary--for use by Commission personnel only"); (1-1-94)

e. The full name and address of the OSP facility; (1-1-94)

f. A description of the applicant's service agreements that ensure the OSP's compliance with the Commission's Rules; (1-1-94)

g. A statement of procedures for and a toll-free telephone number for reporting service difficulties and making billing inquiries; (1-1-94)

h. A statement explaining how emergency numbers are obtained and how they are associated with the correct locations; and (1-1-94)

i. A statement that the applicant will contractually require that its customers comply or will comply with the requirements set out in these OSP rules. (1-1-94)

03. Review of Applications for Exemption. The Commission Staff will review the application for exemption and issue a letter of exemption if the Staff determines the applicant meets the criteria set forth in Rule 102.02. If a request for an applicant's exemption is denied by the Commission Staff, the applicant may petition the Commission to review the Staff's denial. (1-1-94)

04. Semiannual Update of Information After Exemption is Granted. When the Commission has granted an application for exemption under Rule 102.02, the applicant must provide the Commission Staff on each February 1 and August 1 following: (1-1-94)

a. Any change in the information listed in Rule 102.02.a. through 102.02.i.; (1-1-94)

b. A current list by telephone number and location address of each pay telephone installed that is covered by the exemption (this page may be marked "Proprietary--for Commission use only"); and (1-1-94)

c. A current list of emergency numbers described in Rule 102.01 and a statement that the OSP has confirmed and updated the list. (1-1-94)

05. Emergency Dialing Instructions. All telephones owned or controlled by the OSP customer must be posted with emergency dialing instructions. All telephones owned or controlled by the OSP customer must be posted with emergency dialing instructions. (1-1-94)

06. Termination of Service for Violation of this Rule. Consistent with this Commission's rules on termination of service (Telephone Customer Relations Rules 300-314, IDAPA 31.41.01.300 through 31.41.01.314 and Rule 213 of these rules), the LEC must terminate service to customers of record known to be in violation of Rule 102.01 that have not been granted an exemption under Rule 102.02. The Commission or its Staff shall notify the LEC in writing of customers it knows to be in violation and whose service should be terminated. (1-1-93)

103. ACCESS TO OTHER OSPs AND MTS COMPANIES REQUIRED (Rule 103).

Except as allowed by this rule, no telephone owned or controlled by an OSP customer and no OSP can block a telephone caller's access to an OSP or MTS company that serves the local exchange where the OSP customer is located, except that local exchange companies that under state law have an exclusive franchise for intrastate operator and/or intraLATA MTS (long-distance) services may restrict access to other intraLATA OSP or MTS companies consistent with their exclusive rights of service under state law. Callers must be allowed access to the OSP or MTS company of their choice via the dialing patterns 950-, 800- and 10XXX 0+ where allowed by the serving central office. The pay telephone instrument must transmit the access digits in the dialing pattern exactly as the caller dials them. 10XXX 1+ calls, i.e., those made by a dialing sequence that will bill the call back to the pay telephone owner and/or customer of record rather than the telephone user, may be blocked. (1-1-94)

104. DISCLOSURE OF OPERATOR SERVICE PROVIDER (BRANDING) AND CHARGES (Rule 104).
Every operator service provider must: (7-1-93)

01. Identify Itself. Identify itself, audibly and distinctly (e.g., by saying "XYZ operator, may I help you?" or "Thank you for using XYZ") to the telephone caller at the beginning of each telephone call and before the telephone caller incurs any charge for the call; (7-1-93)

02. Permit Caller to Terminate Call. Permit the telephone caller to terminate the telephone call at no charge before the call is connected; (7-1-93)

03. Disclose to Caller. Disclose immediately to the telephone caller, upon request and at no charge to the telephone caller: (7-1-93)

a. A quote of the total rates and charges (including surcharges) to be billed by OSPs and MTS companies for the call; (7-1-93)

b. The methods by which rates or charges will be collected; and (7-1-93)

c. The methods by which complaints concerning rates, charges or collection practices will be resolved. (7-1-93)

105. COMPLIANCE WITH OSP RULES (Rule 105).

The OSP and its customers are responsible for complying with all rules that apply to OSP services. These rules must be incorporated in all contracts, tariffs and price lists with Idaho OSP customers, and the OSP must advise new and renewing OSP customers of the OSP customer's obligations under these rules. (7-1-93)

106. UNCOMPLETED CALLS--SPLASHING (Rule 106).

01. Billing for Uncompleted Calls. OSPs are prohibited from: (7-1-93)

- a. Billing for unanswered or unaccepted telephone calls in areas where equal access is available, and (7-1-93)
- b. Knowingly billing for unanswered or unaccepted telephone calls where equal access is not available. Charges for unanswered or unaccepted calls must be removed from bills, whether the calls were made from an equal access exchange or another exchange. (7-1-93)
02. Splashing. "Splashing" or "call splashing" means the transfer of a telephone call from one provider of operator services to another provider in a manner that the subsequent provider is unable or unwilling to determine the actual originating location of the call and, because of that inability or unwillingness, is prevented from billing the call on the basis of its actual originating location. OSPs are prohibited from splashing calls unless the telephone caller: (7-1-93)
 - a. Requests to be transferred to another provider of operator services, (7-1-93)
 - b. Is informed before incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and (7-1-93)
 - c. Consents to be transferred. Except as allowed by the previous sentence, OSPs shall not bill for a call on a basis that does not reflect the origin of the call. (7-1-93)

107. INFORMATIONAL FILINGS--INFORMATION ON BILLS (Rule 107).

01. Filings with Commission. OSPs shall file informational listings including rates and charges, terms and conditions of service, and availability of services with the Commission and update those listings as required by section 62-606, Idaho Code, when services or rates change. OSPs shall provide the Commission with and keep current the name and telephone number of a company representative for complaints and billing inquiries. See Title 62 Rules 201 through 204, IDAPA 31.46.01.201 through 31.46.01.204. (7-1-93)
02. Bills. Bills for OSP services shall notify the customer of the procedures and toll-free telephone number for handling complaints and billing inquiries and must comply with Telephone Customer Relations Rule 201, IDAPA 31.41.01.201. Calls billed to a credit card issued by a financial institution not affiliated with or issued in conjunction with an OSP or MTS carrier (e.g., VISA, Mastercard, Diner's Club, Discovery, American Express) need not contain Telephone Customer Relations Rule 201's call detail. Call aggregators shall ensure that no charge by the aggregator to the telephone caller for using an "800" or "950" access code number, or any other access code number, is greater than the amount the aggregator charges for calls placed using the presubscribed provider of operator services. (7-1-93)

108. TERMINATION OF LOCAL EXCHANGE SERVICE PROHIBITED (Rule 108).

Local exchange companies are prohibited from terminating local exchange service for nonpayment of an OSP charge (except for operator services directly provided by or contracted for by the LEC). See Telephone Customer Relations Rule 300, IDAPA 31.41.01.300, for further explanation. OSPs may pursue all other remedies provided by law. (6-7-95)

109. -- 200. (RESERVED).

Rules 201 through 299 - Pay Telephones
Rules 201 through 210 - Pay Telephones and Telephone Callers

201. APPROVED INSTRUMENTS--OPERATION OF INSTRUMENTS (Rule 201).

01. Registered or Exempt Instruments. All owners of pay telephones and/or customers of record connecting pay telephones to the network must connect pay telephone instruments that: (7-1-93)
 - a. Are registered under Part 68 of the Federal Communications Commission (FCC) Rules and Regulations and comply with all Americans with Disabilities Act (ADA) requirements listed in the Code of Federal

Regulations at 28 CFR Part 36, as codified in the volume of the Code of Federal Regulations dated July 1, 1993, and later compilations. (1-1-94)

b. If not registered, are connected behind a protective coupler registered under Part 68 of the FCC Rules and Regulations, or (7-1-93)

c. Are exempted from registration by the FCC. See Title 47, Part 68, Code of Federal Regulations (CFR); in particular, 47 C.F.R. 68.100 et seq., 68.200 et seq., 68.300 et seq. (7-1-93)

02. Instruments for the Hearing Impaired. All owners of pay telephones and/or customers of record connecting pay telephones to the network must connect pay telephones that comply with the requirements of the Telecommunications for the Disabled Act of 1982 and 47 C.F.R. 68.112 and 68.316 (which address access to the handicapped and hearing aid compatibility). In addition, owners and/or customers of record providing pay telephone services must reasonably provide and clearly label amplified pay telephones in public places. Members of the general public may direct requests for amplified telephones in public places initially to the owner and/or customer of record of the pay telephones already providing service to the public place. If that request is denied, customers may then request the Commission to determine whether it is reasonable to direct that amplified pay telephones be provided by the owners and/or customers of record providing the existing pay telephone service. Specifically, where pay telephone service is already provided, members of the general public may request that amplified telephones be provided and clearly labeled in the following locations, and these requests will always be found reasonable: (7-1-93)

a. Terminals and stations for transportation by common carrier (airports, railroad stations and bus stations); (7-1-93)

b. Lobbies of places of public accommodation offering lodging to the general public; (7-1-93)

c. Lobbies of medical or health care facilities, including hospitals, medical centers, nursing homes, etc.; and (7-1-93)

d. Lobbies of government buildings like courthouses, city halls, etc. Whenever a pay telephone is replaced at any location, or installed at any location without pay telephone service already in place, the newly installed pay telephone must be an amplified pay telephone, unless there are already clearly labeled amplified pay telephones reasonably available elsewhere at the location. (7-1-93)

03. Operation of the Pay Telephones. All pay telephones must: (7-1-93)

a. Comply with Rule 203 on coin-free operator and emergency access and Rule 204 on return of coins; (1-1-94)

b. If installed or replaced on or after October 1, 1991, be fully functioning telephones with assigned numbers that accept incoming calls and ring when a call is placed to that number, unless the owner and/or customer of record for the pay telephone has requested a waiver of this requirement from the Commission and the Commission has granted the request for a waiver. When waivers are granted to allow the restriction of incoming calls, the instrument must be labeled to alert callers to this restriction. (1-1-94)

c. Allow access to any MTS company that originates calls in that exchange, as follows: Callers must be allowed access to the OSP or MTS company of their choice via the 950-, 800- and 10XXX 0+ access dialing pattern where allowed by the serving central office. The pay telephone instrument must transmit the access digits in the dialing pattern exactly as the caller dials them, but 10XXX 1+ calls, i.e., those made by a dialing sequence that will bill the call back to the pay telephone owner and/or customer of record rather than the telephone user, may be blocked; (1-1-94)

d. Allow access to any toll-free number (e.g., 800 or 950 numbers) without charge; and (7-1-93)

e. Have a keypad or dial that remains engaged during the call and continues to be able to send signals during the call. (7-1-93)

202. CHARGES FROM PRIVATELY-OWNED PAY TELEPHONES NOT REGULATED (Rule 202).

Charges for calls from privately-owned pay telephones may differ from those of the LEC companies. A privately owned pay telephone provider must file a price list or tariff with the Commission indicating the rates charged from its pay telephones unless all rates are set by the servicing OSP and are already filed with the Commission by the servicing OSP. (1-1-94)

203. EMERGENCY NUMBERS (Rule 203).

Pay telephones must allow coin-free operator and emergency 911 access in any exchange in which 911 service is available. Where 911 service is not available, instructions for completing coin-free emergency calls must be posted on the pay telephone instrument as required in Rule 207. (7-1-93)

204. COMPLETION OF CALLS--REFUNDS (Rule 204).

Pay telephones must be able to complete local as well as long-distance calls. If coin-operated, the pay telephone must accept nickels, dimes and quarters and return coins for uncompleted calls. No pay telephone provider or OSP may knowingly charge for uncompleted calls. (1-1-94)

205. PRIVACY (Rule 205).

The telephone caller's or telephone user's privacy is to be ensured. Extensions to a pay telephone permitting third-party access to conversations are prohibited. (7-1-93)

206. LIGHTING--DIRECTORY (Rule 206).

Where electricity is available, pay telephones must be located in a well-lighted location. The owner and/or customer of record for the pay telephone must make a diligent effort to provide a current telephone directory in good condition. (7-1-93)

207. LABELING OF PAY TELEPHONES (Rule 207).

Pay telephones must be labeled with the following information or the information must be posted in proximity to the instrument: (7-1-93)

01. Name, Address, and Phone Number. (7-1-93)
 - a. Name and address or name and toll-free telephone number of the customer of record (if privately owned); or (7-1-93)
 - b. Name and toll-free telephone number of the local exchange company (if LEC owned); (7-1-93)
02. Local Exchange and Address. The local exchange number and address of the telephone (in rural areas without a street address, the name of the street or highway nearest the telephone and a milepost reference can serve as the address); (7-1-93)
03. Procedure For Reporting. No cost procedure for reporting service difficulties and method of obtaining refunds and quotes for rates and charges; (7-1-93)
04. Charge. The charge for a local call; (7-1-93)
05. Provider(s) Reached. The presubscribed operator service provider(s) and the toll service provider(s) that will be reached when the telephone is used; (7-1-93)
06. Dialing Instructions. Dialing instructions for completing calls and a statement that all MTS (long-distance) companies serving the area can be reached from the telephone by dialing the access code or number provided by the MTS (long-distance) company; (7-1-93)
07. Operational Characteristics. (e.g., prepay or postpay); (7-1-93)
08. Emergency Dialing Instructions; and (7-1-93)
09. Time Limit. Where the length of a call is limited, the time limit per call. (7-1-93)

208. -- 210. (RESERVED).

Rules 211 through 220 - Privately-Owned Pay Telephones

211. CONNECTION OF PRIVATELY-OWNED PAY TELEPHONES (Rule 211).

Privately-owned pay telephones may be connected only to public access lines (PAL). Every LEC must offer a public access line tariff and require privately-owned pay telephone providers to complete an application form for each location that has a pay telephone. The completed application form must contain all the information required by the model PAL application devised by the Commission Staff on file with and available from the Commission Staff. Each LEC must send copies of all PAL applications to the Commission each month along with a monthly report showing the location, telephone number and provider's name of all PAL disconnections during the previous month. (See Rule 214) There must be one PAL for each privately-owned pay telephone instrument. (1-1-94)

212. PAYMENT OF BILLINGS--DEPOSITS--PRIVATELY-OWNED PAY TELEPHONES (Rule 212).

The customer of record for the public access line to which the privately-owned pay telephone is connected is responsible for payment of all billings to that public access line, including fraud calls (e.g., unbillable or incorrectly identified calls) made from the privately-owned pay telephone if the customer of record did not subscribe to line identification service or did not use a billing validation service to verify the billing information provided by the telephone caller. The LEC may require a reasonable security deposit as a condition of connection and continued service. (1-1-94)

213. RESPONSIBILITY FOR COMPLIANCE--PRIVATELY-OWNED PAY TELEPHONES (Rule 213).

01. LEC Termination With Notice. The customer of record for the public access line to which the privately-owned pay telephone is connected is responsible for compliance with the LEC's and Commission's rules for the provisions of pay telephone service, including those for installation and maintenance of instruments. Consistent with this Commission's Telephone Customer Relations Rules 300 through 314, IDAPA 31.41.01.300 through 31.41.01.314, on termination of service, the LEC must terminate service to customers of record known to be in violation of Rules 101 through 299. The Commission or its Staff shall notify the LEC in writing of customers it knows to be in violation and whose service should be terminated. (1-1-94)

02. LEC Termination Without Notice. Immediate termination without prior notice is required if the Commission Staff notifies the LEC that the privately-owned pay telephone is: (1-1-94)

a. In a pattern of non-compliance with the Commission's rules; or (1-1-93)

b. In violation of a Commission rule within one (1) week of correcting a previous violation of the same rule. A pattern of non-compliance is defined as two similar major violations within three (3) months. A major violation is further defined as blocking access to the caller's OSP or MTS company of choice (Rules 103 and 201.03.c.), failure to provide access to emergency services as outlined by the rules (Rules 102 and 203), failure to return coin on a busy or non-answered call (Rule 204), or failure to accept an incoming call unless exempted by the Commission (Rule 201.03.b.). Telephones installed without meeting the amplification standards as outlined by Title III of the Americans with Disabilities Act will be subject to immediate disconnection (Rule 201.02). (6-7-95)

03. LEC Charges for Rule Violations. If the Commission Staff notifies the LEC that a privately-owned pay telephone is suspected of being in violation of the Commission's Rules, requests a LEC technician to perform an on-site test, and a violation is confirmed by the technician, the LEC may charge the privately-owned pay telephone customer of record its tariffed premises visit charge. (1-1-94)

214. APPLICATION FOR SERVICE--PRIVATELY-OWNED PAY TELEPHONES (Rule 214).

Applicants to be customers of record for privately-owned pay telephones must apply for service with the LEC by filling out an application containing all the information required in the model PAL application on file with and available from the Commission Staff and provided by the LEC. The application is to be completed by both the owner of the telephone instrument and the customer of record, if they are not the same. (1-1-94)

215. COMPLIANCE WITH RULES 201 THROUGH 299 (Rule 215).

The customer of record of the privately owned pay telephone is responsible for complying with the requirements of Rules 201 through 299. These rules must be incorporated in all contracts between the customer of record and its customers (site owners or managers). Major violations as defined in Rule 213.02 must be listed in the contract as a ground for terminating the contract. (1-1-94)

216. -- 220. (RESERVED).

Rules 221 through 230 - Reporting

221. REMOVAL OF PAY TELEPHONES--CODIFICATION OF ORDER NO. 22496 (Rule 221).

01. Pre-Removal Report. Local exchange companies are required to report to the Commission their intention to remove one of the LEC's public pay telephones at least twenty-eight (28) days before the date of removal. The report must list the reasons for removal, the telephone's location and telephone number, except this advance report need not be filed when: (7-1-93)

a. The LEC has an application to connect a privately-owned pay telephone at the same location in conjunction with the removal of the LEC's telephone; (7-1-93)

b. The LEC's telephone is removed in conjunction with the installation of a semipublic pay telephone; (7-1-93)

c. The LEC's telephone is one of a bank of pay telephones and the remaining pay telephones are operational; (7-1-93)

d. The LEC's telephone is removed temporarily (for no more than two (2) weeks) for repairs; or (7-1-93)

e. The LEC is requested by the owner of the premises or the space provider to remove the telephone. The Commission Staff may request further information on a case-by-case basis to determine whether a telephone's removal would be adverse to the public interest. (7-1-93)

02. Post-Removal Report. No later than the fifteenth day of the month, LECs must report to the Commission on the number of pay telephones removed or disconnected from service the previous month. The report must list for each pay telephone the kind of ownership (whether owned privately, by the LEC or an MTS company), the location and the telephone number of the access lines affected. The Commission Staff may request further information on a case-by-case basis concerning reason(s) for removal, location of nearby pay telephones, etc. (7-1-93)

03. Order No. 22496 Codified. This rule codifies the directives of Order No. 22496, issued May 16, 1989, in Case No. GEN-T-88-6, with certain technical modifications. This rule supersedes Order No. 22496 if there are differences between the rule's wording and Order No. 22496's wording. (7-1-93)

222. -- 299. (RESERVED).

Rules 300 through 400 - Pay Telephones in and Operator Services from Institutions of Confinement

300. FURTHER DEFINITIONS (Rule 300).

As used in Rules 300 through 310: (7-1-93)

01. Institutions of Confinement. "Institutions of confinement" mean those portions of prisons, jails, mental hospitals, etc., that house or enclose inmates. (7-1-93)

a. One (1) whose liberties are legally restricted by judgment or order of a court, or (2) who are

confined under arrest, involuntary commitment, or other legal process; and (7-1-93)

b. Who are physically restrained from leaving the premises. Halfway houses, house arrests, etc., where inmates have freedom during some or all of the day to leave or to make telephone calls from telephones other than those provided by the institution, are not institutions of confinement under this rule. (7-1-93)

02. Operator and Directory Assistance Services. "Operator and directory assistance services (operator services)" are any telecommunications services that include, as a component, any automatic or live assistance to a telephone caller to arrange for billing or completion, or both, of a pay telephone call from an institution of confinement. They include, but are not limited to, intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both. (7-1-93)

03. Operator Service Providers. "Operator service providers (OSPs)" are companies that provide operator services from pay telephones in an institution of confinement. (7-1-93)

04. OSP Customer. "OSP customer" means the institution of confinement that collects and routes calls by inmates of the institution of confinement to an OSP. (7-1-93)

05. Pay Telephone. "Pay telephone" means a telephone instrument that requires the use of any one or more of coin, collect, third-party billing, or credit/calling cards in order to complete local or toll calls from an inmate of an institution of confinement. (7-1-93)

06. Telephone Caller. "Telephone caller" or a "telephone user" is an inmate of an institution of confinement who originates or attempts to originate a call from a pay telephone in the institution. (7-1-93)

07. Telephone Customer. "Telephone customer" means the person paying rates and charges for a pay telephone call originated by an inmate of an institution of confinement. (7-1-93)

301. ADOPTION OF RULES BY REFERENCE (Rule 301).

All OSPs offering operator services from pay telephones in an institution of confinement, all customers of record providing pay telephone service from institutions of confinement, all OSP customers (i.e., the institutions of confinement), and all local exchange companies (LECs), whichever are applicable, must comply with the following rules of the Commission adopted by reference: (7-1-93)

01. Rule 104.01 through 104.03. Disclosure of Operator Service Provider (Branding) and Charges. Except that branding required by this rule must be given to the pay telephone customer accepting a collect call before the collect call is accepted. (7-1-93)

02. Rule 106.01. Uncompleted Calls--Splashing, provided that on and after July 1, 1992, all OSPs providing service from institutions of confinement must have answer supervision and can no longer bill for unanswered or unaccepted calls under Rule 106.01.b., and provided further, splashing of calls from institutions of confinement is prohibited. (7-1-93)

03. Rule 107. Informational Filings--Information on Bills. (7-1-93)

04. Rule 108. Termination of Local Exchange Service Prohibited. (6-7-95)

05. Rule 201.01. Approved Instruments. Registered or Exempt Instruments. (7-1-93)

06. Rule 202. Charges From Pay Telephones. (7-1-93)

08. Rule 204. Completion of Calls--Refunds. (7-1-93)

09. Rule 211. Connection of Privately-Owned Pay Telephones, except for the last sentence. (7-1-93)

10. Rule 212. Payment of Billings--Deposits--Privately-Owned Pay Telephones. (7-1-93)

11. Rule 213. Responsibility for Compliance--Privately-Owned Pay Telephones. (7-1-93)
12. Rule 214. Application for Service--Privately-Owned Pay Telephones, except for Subsections 214.03.b., f., g. and h. (7-1-93)

302. INFORMATION TO BE DISPLAYED (Rule 302).

Pay telephones located in institutions of confinement designed to be used by inmates of the institutions must inform the telephone caller if the pay telephone is connected to an OSP. The following information must be displayed on or posted in proximity to the instrument: (7-1-93)

01. Name, Address, and Toll-free Number. Name, mailing address and toll-free telephone number of the OSP and the name, mailing address and toll-free telephone number of the owner of the pay telephone if the owner is not the OSP (these toll-free telephone numbers may be blocked to telephone callers in the institution of confinement, but must be accessible to telephone customers accepting calls from the pay telephone instrument). (7-1-93)
02. PUC Address and Phone Number. The address and telephone numbers of the Idaho Public Utilities Commission and a statement of its consumer complaint authority over improper charges, inadequate service, etc. (7-1-93)
03. Total Charge. The total charge for completing a local call. (7-1-93)
04. Time Limit. Where the length of a call is limited, the time limit per call. (7-1-93)

303. EMERGENCY ACCESS (Rule 303).

If requested by the institution of confinement, pay telephones located in an institution of confinement must be made available for use of inmates of an institution of confinement to provide no-cost reporting of emergencies. (7-1-93)

304. COMPLIANCE WITH RULE 300 THROUGH 310 (Rule 304).

The OSP and its customer (the institution of confinement) are responsible for complying with the requirements of these rules 300 through 310 that apply to OSP and pay telephone services. These rules must be incorporated in all contracts and tariffs with Idaho OSP customers, and the OSP must advise new and renewing OSP customers of the OSP customer's obligations under these rules. Failure to abide by these rules must be listed in the contract as a ground for terminating the contract. (7-1-93)

305. INSTRUMENTS FOR THE HEARING-IMPAIRED (Rule 305).

All pay telephones in institutions of confinement must comply with the requirements of 47 C.F.R. 68.112 and 68.316, which address access to the handicapped and hearing aid compatibility. In addition, as requested by the institution of confinement, amplified pay telephones must be reasonably provided and clearly labeled. (7-1-93)

306. PRIVACY (Rule 306).

Extensions to a pay telephone in an institution of confinement permitting third-party access to conversations by other inmates are prohibited. Authorized officers or employees of the institution of confinement may listen to or record pay telephone calls from inmates of the institution of confinement in accordance with statutes, ordinances, rules or orders of a court providing for listening or recording. The possibility that calls may be listened to or recorded must be posted on or near all pay telephones that may be used in that manner, except when this posting is contrary to law or court order. No listening or recording by persons not under the supervision of the administration of the institution of confinement or not possessing separate legal authority for the listening or recording is allowed. (7-1-93)

307. TOLL-FREE NUMBERS (Rule 307).

Persons billed for collect calls must be given a toll-free number, published on their monthly bill originating from pay telephones in an institution of confinement, at which they can reach the OSP or its agent to inquire about the correctness of bills, rates, or other information. (7-1-93)

308. UNACCEPTED OR UNCOMPLETED CALLS (Rule 308).

Companies billing for collect calls originating from pay telephones in institutions of confinement cannot knowingly bill for unaccepted or uncompleted calls. If a company providing operator services from an institution of confinement

does not have answer supervision (a service that determines whether a collect call has been accepted rather than answered, e.g., an answering machine or a child might answer a call, but not accept it), the company billing the charges must remove charges from bills for persons who state they were billed for a call that was not accepted. (See Rule 301's adoption by reference of Rule 106 and its requirement of the provision of answer supervision services on or before July 1, 1992.) In particular, when a collect call has been made from a pay telephone in an institution of confinement, but the call has no identifying signals (like 0+) indicating that it is a call that will not be billed to the originating pay telephone, the OSP: (7-1-93)

a. Shall not charge the customer of record of a pay telephone located outside the institution of confinement for calls placed from the institution of confinement and accepted at the other pay telephone, or (7-1-93)

b. Shall remove the charges from the bill of the customer of record of a pay telephone located outside the institution of confinement, unless the customer of record has not subscribed to billed number identification services (or other similar fraud protection services) with its local exchange company. (7-1-93)

309. BLOCKING (Rule 309).

01. In General. Upon their own initiative OSPs providing service to an institution of confinement may block access to: (7-1-93)

a. Toll-free numbers (e.g., 800 or 950 numbers); (7-1-93)

b. Information service provider numbers (e.g., 900 or 976); (7-1-93)

c. Numbers designed for emergency reporting by the general public (e.g., 911); (7-1-93)

d. Directory assistance; (7-1-93)

e. 10XXX dialing sequences (which will reach other toll carriers); and (7-1-93)

f. Incoming calls. OSPs shall block local or long distance numbers as directed by the institution of confinement that is the OSP customer. Any person may request the OSP to block calls from a given institution of confinement to that person's telephone. This section is not an exhaustive listing of all circumstances under which OSPs can block access to numbers from pay telephones in institutions of confinement. (7-1-93)

02. Risk of Nonpayment. OSPs providing service to an institution of confinement may block access to a telephone customer's line when there is evidence of risk that the telephone customer cannot pay the OSP's charges. Factors indicating a risk of nonpayment include, but are not limited to: (7-1-93)

a. No or inadequate deposit on file to pay charges described in Rule 309.02.b. below. A history with the OSP of nonpayment, payment of less than the total amount due, or payment with dishonored checks, or (7-1-93)

b. Accumulated charges and unbilled charges for OSP services from that OSP that exceed one hundred dollars (\$100) in a one-month period. (7-1-93)

310. APPLICABILITY OF RULES 300 THROUGH 310 (Rule 310).

Rules 300 through 310 apply only to services provided for inmate use at institutions of confinement. If any persons providing pay telephones in or operator services from institutions of confinement also provide pay telephones or operator services elsewhere, including, for example, portions of jails or prisons open to the public, they must fully comply with all of the Commission's rules for OSPs and pay telephones for those services. Rules 300 through 310 supersede all orders of the Commission previously issued granting exemptions from former Rules 9, 10 or 11 (former IDAPA 31.D.9, -.10 or -.11) for OSPs or pay telephone providers offering services to inmates in institutions of confinement. (7-1-93)

311. -- 999. (RESERVED).