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**IDAPA 31
TITLE 51
CHAPTER 01**

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 61-129, 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 62-606, 62-612, and 62-616, Idaho Code, with regard to service. (3-15-02)

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, PO Box 83720, Boise, Idaho 83720-0074, 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 ("OSP"), payphone service provider ("PSP"), 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, PO Box 83720, Boise, Idaho 83720-0074, 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. (3-15-02)

b. Any OSP, PSP, 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. (3-15-02)

c. Any OSP, PSP, 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. (3-15-02)

02. Complaints. Any OSP, PSP, telephone company, or customer may file complaints under these rules. This paragraph governs procedure for filing complaints under these rules. (3-15-02)

a. Any OSP, PSP, 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, PO Box 83720, Boise, Idaho 83720-0074, 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. (3-15-02)

b. Any OSP, PSP, 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. (3-15-02)

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 service under these rules. (3-15-02)

02. Local Exchange Company ("LEC"). A "LEC" is the telephone corporation (if any) providing local exchange service to an OSP customer's telephones or to a pay telephone. (3-15-02)

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. (3-15-02)

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"). An "OSP" is a company that furnishes various automated or live operator or directory assistance services. OSPs may contract with call aggregators (e.g., hotels, motels, hospitals, colleges, airports, PSPs) 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. (3-15-02)

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 PSP 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. (3-15-02)

08. Pay Telephone. "Pay Telephone or payphone" 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." (3-15-02)

09. Payphone Service Provider. Payphone Service Provider ("PSP") is a provider who provides public pay telephones, the provision of inmate telephone service in correctional institutions, and any ancillary services. (3-15-02)

10. Public Access Line. Public Access Line (“PAL”) is a line that is tariffed to be attached to a payphone. (3-15-02)

11. 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)

12. Ten 14X Zero Plus (101XXXX 0+). “101XXXX 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. (3-15-02)

13. (800) or Toll Free Service. 800 or toll free service includes service that is accessed by dialing 800, 888, 877 or any other three (3) digit NPA code reserved for such service by the Federal Communications Commission. (3-15-02)

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/Pay Telephone Rules (“OS/PTR”) and the parenthetical rule number. For example, this rule may be cited as OS/PTR 6. (3-15-02)

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. INCORPORATION BY REFERENCE -- UNITED STATES CODE AND CODE OF FEDERAL REGULATIONS (RULE 8).

These Rules in scattered sections incorporate by reference specific sections of the United States Code and federal regulations issued by the Federal Communications Commission. See Title III of the Americans with Disabilities Act 42 U.S.C. Section 12181 through 12189 (September 22, 2000); Telecommunications for the Disabled Act of 1982, Pub.l. 97-410, 96 Stat. 2043 (January 3, 1983); 28 C.F.R Part 36 (October 1, 2000); 47 C.F.R Parts 68.1 through 68.318 (October 1, 2000); and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities 36 C.F.R Part 1191, Appendix A, Sections 4.1.3(17), 4.31.1-4.31.9 (July 1, 2000). The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated federal materials are also available in electronic format at www.access.gpo.gov/nara. Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission and the Idaho State Law Library. (3-15-02)

009. -- 100. (RESERVED).

RULES 101 THROUGH 200 -- OPERATOR SERVICE PROVIDERS (OSPS)

101. INFORMATION TO BE DISPLAYED (RULE 101).

Pay 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: (3-15-02)

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)
 - c. Provide or pass through the information required by Enhanced 911 service providers, including but not limited to, signaling system seven ("SS7") and automatic number identification ("ANI"). (3-15-02)
- 02. Initial Application for Exemption.** OSPs or PSPs 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: (3-15-02)
- 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. Annual 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 August 1 the following: (3-15-02)

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 pay telephones owned or controlled by the OSP customer must be posted with emergency dialing instructions. (3-15-02)

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. (1-1-94)

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. Callers must be allowed access to the OSP or MTS company of their choice via the dialing patterns 950-, 800- and 101XXXX 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. Calls made by a dialing sequence that will bill the call back to the PSP rather than the telephone user, may be blocked. (3-15-02)

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)

04. Disclose to the Consumer. Disclose, audibly and distinctly to the consumer (caller for non-collect calls, called party for collect calls), at no charge, and before connecting any intrastate operator service call, how to obtain the total cost of the call, including any aggregator surcharge, or the maximum possible total cost of the call, including any aggregator surcharge, before providing further oral advice to the consumer on how to proceed to make the call. The oral disclosure required in Rule 104.04 shall instruct consumers that they may obtain applicable rate and surcharge quotations either, at the option of the provider of operator services, by dialing no more than two (2) digits or by remaining on the line. (3-15-02)

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 billing for unanswered or unaccepted telephone calls. Charges for unanswered or unaccepted calls must be removed from bills. (3-15-02)

02. Splashing. "Splashing" or "call splashing" means the transfer of a telephone call from one (1) 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. INFORMATION ON BILLS (RULE 107).

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. (3-15-02)

108. -- 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 PSPs connecting pay telephones to the network must connect pay telephone instruments that: (3-15-02)

a. Are registered under 47 CFR Part 68 of the Federal Communications Commission (FCC) Rules and Regulations (October 1, 2000) and comply with all Americans with Disabilities Act (ADA) requirements listed in the Code of Federal Regulations at 28 CFR Part 36 (July 1, 2000) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (“ADAAG”) (July 1, 2000). (3-15-02)

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 68.1 through 68.318 (October 1, 2000). (3-15-02)

02. Instruments for the Hearing Impaired. All owners of PSPs connecting pay telephones to the network must connect pay telephones that comply with the requirements of the Telecommunications for the Disabled Act of 1982 (January 3, 1983) and 47 CFR. Parts 68.112 and 68.316 (October 1, 2000) (which address access to the handicapped and hearing aid compatibility). (3-15-02)

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. Payphones that do not accept incoming calls shall be clearly labeled to advise the user; (3-15-02)

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 101XXXX 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 calls that will bill the call back to the PSP rather than the telephone user, may be blocked; (3-15-02)

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 PAY TELEPHONES NOT REGULATED (RULE 202).

A PSP 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. (3-15-02)

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 return coins for uncompleted calls. (3-15-02)

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. DIRECTORY (RULE 206).

The PSP for the pay telephone must make a diligent effort to provide a current telephone directory in good condition. (3-15-02)

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. Name and address or name and toll-free telephone number of the PSP. (3-15-02)

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. (7-1-93)

208. -- 210. (RESERVED).

RULES 211 THROUGH 220 -- PAY TELEPHONES

211. CONNECTION OF PAY TELEPHONES (RULE 211).

Pay telephones shall be connected only to public access lines (PAL). Every LEC must offer a PAL tariff or price list. There must be one (1) PAL for each pay telephone instrument. (3-15-02)

212. PAYMENT OF BILLINGS -- DEPOSITS -- PAY TELEPHONES (RULE 212).

The PSP is responsible for payment of all billings to the PAL to which the pay telephone is connected, including fraud calls (e.g., unbillable or incorrectly identified calls) made from the 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. (3-15-02)

213. RESPONSIBILITY FOR COMPLIANCE -- PAY TELEPHONES (RULE 213).

01. LEC Termination With Notice. The PSP is responsible for compliance with the LEC's and Commission's rules for the provisions of pay telephone service. 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. (3-15-02)

02. LEC Termination Without Notice. Immediate termination without prior notice is required if the Commission Staff notifies the LEC that the pay telephone is: (3-15-02)

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 (2) 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.), or failure to provide access to emergency services as outlined by the rules (Rules 102 and 203). Telephones installed without meeting the amplification standards as outlined by Title III of the Americans with Disabilities Act 42 U.S.C. Sections 12181 through 12189 (September 22, 2000) will be subject to immediate disconnection (Rule 201.02). (3-15-02)

214. -- 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. Inmate Operator Service Providers. "Inmate operator service providers (IOSPs)" are companies that provide operator services from pay telephones in an institution of confinement. (3-15-02)

04. Inmate OSP Customer. "IOSP customer" means the institution of confinement that collects and routes calls by inmates of the institution of confinement to an OSP. (3-15-02)

05. Inmate Pay Telephone. "Inmate pay telephone" means a telephone instrument that requires the use of any one (1) 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. (3-15-02)

06. Inmate Telephone Caller. "Inmate 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. (3-15-02)

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 IOSPs offering operator services from pay telephones in an institution of confinement, all customers of record providing pay telephone service from institutions of confinement, all IOSP customers (i.e., the institutions of confinement), and all LECs, whichever are applicable, must comply with the following rules of the Commission adopted by reference: (3-15-02)

- 01. Rules 104.01 Through 104.04.** Disclosure of IOSP (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. (3-15-02)
- 02. Rule 106.** Uncompleted Calls--Splashing. (3-15-02)
- 03. Rule 107.** Information on Bills. (3-15-02)
- 04. Rule 201.01.** Approved Instruments. Registered or Exempt Instruments. (7-1-93)
- 05. Rule 202.** Charges From Pay Telephones Not Regulated. (3-15-02)
- 06. Rule 204.** Completion of Calls--Refunds. (7-1-93)
- 07. Rule 211.** Connection of Pay Telephones, except for the last sentence. (3-15-02)
- 08. Rule 212.** Payment of Billings--Deposits--Pay Telephones. (3-15-02)
- 09. Rule 213.** Responsibility for Compliance--Pay Telephones. (3-15-02)

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 IOSP. The following information must be displayed on or posted in proximity to the instrument or made readily available to inmates: (3-15-02)

- 01. Name, Address, and Toll-Free Number.** Name, mailing address and toll-free telephone number of the IOSP and the name, mailing address and toll-free telephone number of the owner of the pay telephone if the owner is not the IOSP (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). (3-15-02)
- 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, if no rate quote is provided audibly or available. (3-15-02)
- 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 IOSP and its customer (the institution of confinement) are responsible for complying with the requirements of these Rules 300 through 310 that apply to IOSP and pay telephone services. (3-15-02)

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. (RESERVED).

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. (3-15-02)

01. No Charges. 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)

02. Removal of Charges. 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 IOSPs providing service to an institution of confinement may block access to: (3-15-02)

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. 101XXXX dialing sequences (which will reach other toll carriers); and (3-15-02)

f. Incoming calls. IOSPs shall block local or long distance numbers as directed by the institution of confinement that is the IOSP customer. Any person may request the IOSP 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 IOSPs can block access to numbers from pay telephones in institutions of confinement. (3-15-02)

02. Risk of Nonpayment. IOSPs 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 IOSP's charges. Factors indicating a risk of nonpayment include, but are not limited to: (3-15-02)

a. No or inadequate deposit on file to pay charges described in Subsection 309.02.b. below. A history with the IOSP of nonpayment, payment of less than the total amount due, or payment with dishonored checks; or (3-15-02)

b. Accumulated charges and unbilled charges for IOSP services from that IOSP that exceed one hundred dollars (\$100) in a one-month period. (3-15-02)

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).

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