

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150
RULE TYPE: LEGISLATIVE; CITE AUTHORITY: WEST VIRGINIA CODE SECTIONS
24-1-1, 24-2-7, 24-6-7, 29A-3-1, AND 29A-3-9
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SIX

TITLE OF RULE BEING PROPOSED: 9-1-1 RULE REGARDING TELEPHONE DIRECTORY
EMERGENCY NUMBERS PAGE; RULE 10.00 - USE OF AUTOMATIC DIALING AND
ANNOUNCING DEVICES

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES THIS COMMENT PERIOD WILL END ON March 6, 1992 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

HOWARD M. CUNNINGHAM

EXECUTIVE SECRETARY

PUBLIC SERVICE COMMISSION OF WV

201 BROOKS STREET; P.O. BOX 812

CHARLESTON, WV 25323

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 6
RULES AND REGULATIONS FOR THE
GOVERNMENT OF TELEPHONE UTILITIES

Section 150-6-1 GENERAL

- 1.1 SCOPE The 9-1-1 Rule regarding Telephone Directory Emergency Numbers Page govern the listing of emergency telephone numbers on the emergency number pages and what format should be utilized on said pages.
- 1.2 AUTHORITY West Virginia Code §§24-1-1, 24-2-7, 24-6-7, 29A-3-1, and 29A-3-9 et. seq.
- 1.3 FILING DATE January 6, 1992
- 1.4 EFFECTIVE DATE _____

9.04 9-1-1 RULE REGARDING TELEPHONE DIRECTORY
EMERGENCY NUMBERS PAGE

- (1) Telephone directories shall list, on the inside of the directory front cover or on the front page of the directory, otherwise known as the emergency calling information page, all emergency service providers accessible from the exchanges covered by the directory on a local call and/or 9-1-1 basis: Provided, that, if a 9-1-1 system serves any portion of the area covered by the directory, the emergency calling information page shall boldly and prominently display the 9-1-1 telephone number. Furthermore, all major public agencies such as, municipal police, fire, ambulance, sheriff and state police, that are accessible by calling 9-1-1 shall be listed in close proximity to the 9-1-1 listing along with the appropriate agency generic symbols.
- (2) The emergency calling information page shall also list the seven (7) digit non-emergency administrative telephone number of the Enhanced 9-1-1 Public Safety Answering Point. The emergency calling information page shall state that non-emergency calls to emergency service providers should be made to the seven (7) digit telephone numbers listed for those agencies which can be found in the alphabetical

listing and/or "blue pages" portion of the telephone directory.

- (3) Where an entire directory coverage area is not covered by 9-1-1, the emergency calling information page shall list the seven (7) digit telephone numbers of all directory coverage area Public Safety Units not accessible by calling 9-1-1. The emergency calling information page shall, at least, clearly show which emergency calls should be made to 9-1-1 and which should be made to other emergency telephone numbers.
- (4) Additional information regarding emergency calling, as is beneficial to the public interest, may appear on the emergency calling information page.
- (5) Each and every local exchange telephone carrier responsible for a telephone directory emergency calling information page shall submit their emergency calling information page to the Public Service Commission for review, by informally filing same with the Public Service Commission's Telecommunications Section, before said page is used and shall likewise submit any and all emergency calling information page format changes before such changes are used.

1.03 DEFINITIONS

46. "Local Exchange Telephone Carrier" - A telephone company which provides local exchange service.
47. "Automatic Dialing and Announcing Device" (ADAD). An item of telecommunications terminal equipment which has the ability to randomly, sequentially and/or according to a set of instructions automatically initiate telephone calls and to, upon ascertaining that the called line has answered the call, play a prerecorded message.
48. "Emergency Number" - Any telephone number, including 9-1-1, and any 7-digit or 10-digit number which could access a 9-1-1 line or trunk, which is primarily used for the purpose of reporting emergencies such as fires, the need for law enforcement, rescue and/or medical assistance, actual or imminent disasters, etc.
49. "Direct-Inward-Dial Number" - A telephone number which may be used to directly signal a telecommunications device connected to a line extending from a facilities concentrating/switching device or system such as a PBX, key telephone system (KTS), hybrid PBX/KTS, CENTREX system, etc.

50. "Telephone Solicitation" - The initiation, without the called party's prior express invitation or permission, of a telephone call to a party for the purpose of encouraging that party to purchase property, goods and/or services or soliciting donations of money, property, goods and/or services. Telephone solicitation does not include:

- (a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the calling company or organization during a period not longer than twelve (12) months prior to the telephone contact;
- (b) Calls made for a not-for-profit organization to its own list of bona fide or active members of the organization;
- (c) Calls limited to polling or soliciting the expression of ideas, opinions or votes;
- (d) Contacts with telephone subscribers with whom a business and/or credit relationship exists; or
- (e) Calls utilized for relaying messages for private purposes, including voice messaging services or message delivery services.

10.00 USE OF AUTOMATIC DIALING AND ANNOUNCING DEVICES

- (1) Local exchange telephone carriers shall require that users of automatic dialing and announcing devices (ADADs) at all times meet each and every one of the following requirements.
 - (a) ADADs may not be used between the hours of 9:00 p.m. and 9:00 a.m.
 - (b) No ADAD may be used for purposes of telephone solicitation unless the ADAD user has previously registered with the Public Service Commission as an ADAD user.
 - (c) ADAD telephone solicitation messages must contain a preamble identifying the ADAD user, giving the ADAD user's telephone number and address, stating the purpose of the call and informing the called party that he or she is listening to a prerecorded message.
 - (d) ADADs must automatically release the called party's line within five (5) seconds of the time the ADAD receives notification that the called party has

terminated the call in order to allow the called party's line to be used to make or receive other calls.

(e) ADADs must be programmed to skip emergency numbers, pager numbers, mobile numbers, cellular numbers, unlisted numbers, non-published numbers, toll-free numbers and direct-inward-dial numbers.

(f) ADADs must, wherever such service is available, use measured rate telephone service.

(2) Local exchange telephone carriers shall take reasonable steps to identify ADAD users who are not in full and strict compliance with Rules 1(a) through 1(f), above. When any violation of any portion of Rule 1(b) through 1(f), above, is discovered by a serving local exchange telephone carrier or brought to its attention, the service used by the offending ADAD equipment shall be discontinued after all Public Service Commission requirements regarding service discontinuation are met, until the user of the ADAD equipment can demonstrate that it shall be in compliance with the previously violated rule or rules. Any initial violation of Rule 1(a) shall result in a warning being issued to the offender. Any subsequent violation shall result in termination of service for thirty continuous days.

(3) Any suspected violation of any portion of Rules 1(a) through 1(f) above, shall be immediately reported to the Telecommunications Section of the Public Service Commission's Utilities Division.

SUMMARY OF PROPOSED RULES

The Commission's attention was recently brought to the conflict among various Enhanced 9-1-1 systems, C and P Telephone Company and West Virginia State Police concerning what emergency telephone numbers should appear on the emergency number pages and what format should be used. Accordingly, the Commission has determined that the promulgation of a new 9-1-1 Rule Regarding Telephone Directory Emergency Numbers will not only end the conflict, but, more importantly, be in the best interest of the general public.

The proposed Rule 9.04 provides that telephone directories must list on the emergency calling information page all emergency service providers accessible from the exchanges covered by the directory on a local or 9-1-1 basis. The emergency information page must also list the non-emergency administrative telephone numbers. Where an area is covered by a 9-1-1 system, the page must boldly display the 9-1-1 number. Also, where an area is not entirely covered by a 9-1-1 system, the emergency page must clearly show which emergency calls should be made to 9-1-1 and which should be made to other emergency numbers. Finally, every emergency information page, before issued for publication, must be submitted for review by the Public Service Commission. Likewise, all emergency page format changes must be submitted to the Commission before such changes are used.

Additionally, it has also come to the Commission's attention through various other informal inquiries that the use of ADADs has become a matter of public concern. Similarly, it is clear that the

potential for annoying or harassing telemarketing calls generated by the use of ADADs is a matter which warrants further Commission investigation. Accordingly, the Commission has determined that Rule 10.00 and the corresponding amendments to Rule 1.03 of the Commission's Telephone Rules will prevent the potential use of ADADs to make annoying or harassing telemarketing calls.

Proposed Rule 10.00 provides that local exchange telephone carriers shall require that ADADs not be used between the hours of 9:00 p.m. and 9:00 a.m. Additionally, Rule 10.00 provides that users of ADADs must be registered with the Public Service Commission. And, local exchange telephone carriers have the responsibility to take reasonable steps to identify ADADs users who are not in full compliance with the Rules.

IV. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS

The Commission foresees that there may be some unpredictable positive economic impact of this rule on the State and on its residents.

DATE January 6, 1992 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

A handwritten signature in black ink, appearing to read "B. J. H. H.", written over a horizontal line.

IN THE MATTER OF revised rules and regulations for telephone utilities relating to telephone directory emergency numbers pages and automatic dialing and announcing devices.

FISCAL NOTE

This is a fiscal note issued pursuant to West Virginia Code §§24-1-1 and 24-2-7 of the West Virginia Code, as these sections are read in pari materia, with §§29A-3-1 through 29A-3-9 of the West Virginia Code, relating to General Order No. 187.7, In the Matter of Commission Proposed 9-1-1 Rule Regarding Telephone Directory Emergency Numbers Pages.

Additionally, this is a fiscal note issued pursuant to West Virginia Code §§24-1-7 and 24-2-12 relating to General Order No. 187.6, Petition for Amendment of Rule 1.03, Definitions, and the establishment of Rule 10.00, use of Automatic Dialing and Announcing Devices, of the Rules and Regulations for the government of Telephone Utilities.

I. OBJECTIVES OF THE RULE

The purpose of this proposed Rule 9.04 is to end the discord concerning what emergency telephone numbers should appear on the emergency number pages and what format should be used.

The purpose of the proposed Rule 10.00 is to establish requirements governing the use of automatic dialing and announcing devices and to prohibit certain practices involving the use of automatic dialing and announcing devices for advertising and solicitation purposes.

II. COST OF IMPLEMENTING THE PROPOSED RULES

A. Cost of Implementation for the State:

There will be no implementation cost relating to this rulemaking for the State of West Virginia, other than the costs related to this rulemaking proceeding.

B. Cost of Implementation for Persons Affected by the Proposed Rule:

The Commission is of the opinion that no additional costs will be incurred by utilities or anyone else as a result of the implementation of these rules.

III. THE EFFECT THIS MEASURE WILL HAVE ON THE COSTS OR REVENUES OF STATE GOVERNMENT (Information required by fiscal notes for either House of the Legislature).

If these proposed legislative rules are adopted in their entirety, any effect on gross revenues will be de minimus. Administration costs should experience a de minimus reduction.

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

GENERAL ORDER NO. 187.7

IN THE MATTER OF revised rules and regulations
for telephone utilities relating to telephone
emergency numbers pages and automatic dialing
and announcing devices.

Notice of Comment Period

By order entered January 6, 1992, the Commission has decided to promulgate a new 9-1-1 rule regarding telephone directory emergency numbers pages and to add a new rule regarding the use of automatic dialing and announcing devices (ADADs) to the Commission's Rules and Regulations for the Government of Telephone Utilities.

The Commission has established March 6, 1992, as the final date and time in which all comments shall be filed. Thus, anyone desiring to comment must do so in writing and before the time scheduled by the Commission. All comments should be address to the Executive Secretary, Public Service Commission of West Virginia, Post Office Box 812, Charleston, West Virginia 25323.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

Howard M. Cunningham
Executive Secretary