

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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1992 AUG 31 PM 1:58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: PUBLIC SERVICE COMMISSION TITLE NUMBER: 150

CITE AUTHORITY: WEST VIRGINIA CODE SECTIONS 24-1, 24-2-7, 24-6-7, 29A-3-1, 29A-3-9

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

WEST VIRGINIA CODE SECTION 24-1-7

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

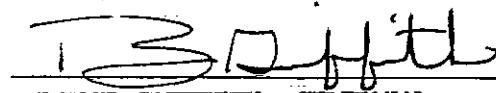
IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: SIX

TITLE OF RULE BEING ADOPTED: 9-1-1 RULE REGARDING TELEPHONE DIRECTORY

EMERGENCY NUMBERS PAGE; RULE 11.00 - USE OF AUTOMATIC DIALING AND

ANNOUNCING DEVICES

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 30, 1992


BOYCE GRIFFITH, CHAIRMAN

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.

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 August 31, 1992 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE

B. J. Hitt

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

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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 Pages governs 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 August 31, 1992
- 1.4 EFFECTIVE DATE October 30, 1992

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

- (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) Each telephone directory shall have a page immediately following the emergency calling information page which shall clearly list the name and seven (7) digit non-emergency administrative telephone number of each individual emergency services provider which serves any portion of the area covered by the telephone directory. Such listings shall be grouped by service type (e.g., ambulance, fire, law

enforcement, rescue, etc.) and the listings shall be arranged alphabetically within the service type grouping. Where appropriate, subgrouping by county may be done. The seven (7) digit non-emergency administrative telephone number of each 9-1-1 Public Safety Answering Point which serves any portion of the area covered by the telephone directory shall be prominently displayed at the top of the page.

- (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 listed on the page.
- (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 each emergency calling information page and the page immediately following to the Public Service Commission for review, by informally filing same with the Public Service Commission's Telecommunications Section, before said pages are published. Such submittals shall be sent at least thirty (30) calendar days prior to the deadline for making changes.

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 INTRASTATE 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.

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NON-EMERGENCY (ADMINISTRATIVE) TELEPHONE NUMBERS FOR EMERGENCY SERVICE PROVIDERS (There may be a charge to call these numbers)

2-1-1 PUBLIC SAFETY ANSWERING POINTS

Boone County	369-3493
Kanawha County	348-8011
Lincoln County	824-3443
Putnam County	586-0246

AMBULANCE

Boone Co. Ambulance Authority	524-XXXX
or	756-4088
Clendenin (Clay Co.) Community Ambulance Service Ltd	587-XXXX
Duval Emergency Services, Inc.	925-8018
Kanawha Co. Emergency Ambulance Authority	524-7103
Marmet Ambulance Service	345-2312
Rand Volunteer Fire Dept.	949-4422
Rick's Ambulance Service	925-3822
Sissonville Volunteer Ambulance Association	965-5321
	984-2400

FIRE

Barboursville	736-7420
Belle	949-3375
Chapmanville	855-XXXX
Charleston	348-8137
Dunbar	766-0215
Eleanor	586-2319
Frame	965-XXXX
Gardesville Harmony Volunteer	577-XXXX
Gauley Bridge	632-1810
Glasgow	595-4554
Hurricane	562-5663
Jefferson Volunteer	768-0711
Madison	369-1021
Montgomery	442-4141
Morrisvale Volunteer	524-2122
Nitro	755-XXXX
Ripley	372-XXXX
St. Albans	722-2253
Sissonville Volunteer	984-0674
Smithers	442-2211
South Charleston	744-0079
Spencer	927-1099

LAW ENFORCEMENT

CITY POLICE

Anstead	658-4666
Barboursville	736-5203
Belle	949-3841
Cedar Grove	595-1841
Chapmanville	855-4582
Charleston	348-8111
Chesapeake	949-1496
Clendenin	548-4192
Dunbar	766-0200
Gauley Bridge	632-2504
Glasgow	595-1015
Hurricane	562-9911
Madison	369-1211
Marmet	949-4388
Milton	743-9211
Montgomery	442-2131
Nitro	755-0777
Ripley	372-4711
St. Albans	727-2251
Smithers	442-5282
South Charleston	744-4666
Spencer	927-2390
Whitesville	854-2658

COUNTY SHERIFF

Boone County	369-3925
Jackson County	372-2011
Kanawha County	357-0200
Lincoln County	824-3535
Putnam County	586-0204
Roane County	927-2540

STATE POLICE

Headquarters	746-2222
Glasgow Detachment	949-3136
Hamlin Detachment	824-3101

USE THESE NUMBERS TO CONTACT AMBULANCE, FIRE, AND LAW ENFORCEMENT AUTHORITIES REGARDING NON-EMERGENCY MATTERS

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 11.00 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 11.00 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 11.00 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.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Richard Hitt

AGENCY: PUBLIC SERVICE COMMISSION

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 16, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APR 7 10 08 AM '93

FILED

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 6 TITLE: 150, GOVERNMENT OF TELEPHONE UTILITIES

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Richard E Hitt

TITLE OF PERSON SIGNING: General Counsel

DATE: 3-26-93

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0317
FAX: (304) 304-0325

April 15, 1993

Judy D. Cooper, Director
Administrative Law Division
Secretary of State Offices
Building 1, Suite 157-K
Charleston, WV 25305

Re: Series 6; Rules and Regulations for the Government of
Telephone Utilities

Dear Judy:

I am in receipt of your April 9, 1993, letter concerning Series 6. The August 31, 1992 rulemaking, which purported to change the scope of the rules, is in error. The scope of the rule should indicate the handwritten material that we sent you on March 26, 1993. I am enclosing a copy of the March 26, 1993, submittal for your consideration.

You are correct that the March 26, 1993 submittal is in error when it indicates at the end of Section 5, on page 16, that there is material to be inserted. That material was properly deleted from the rule.

Finally, with respect to your suggestion of one person acting as coordinator of Commission rulemakings, I think that is a good idea. Please consider myself and Howard Cunningham as the coordinators of rulemakings. Specifically, I would be responsible for the specific content of the rules and Howard would be responsible for filing our rules with your office.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Hitt".

Richard E. Hitt
General Counsel

REH/jm
Enclosures
cc: Howard Cunningham
EXHIBIT: LCOOPER.2

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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Deputy Secretary of State

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JUDY COOPER
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DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

April 9, 1993

Richard Hitt
Public Service Commission
P.O. Box 812
Charleston, WV 25323-0812

Dear Rick:

I am returning Series 6 to you again. I have made some of the changes you requested, such as misspelled words, a missing ")" and 9-1-1.

I searched our historical files to see if P.S.C. Form No. T-1 had been filed in the past, and found that none of the filings we have contain every form and that particular one isn't on file. (The historical files, unfortunately, start in 1986 on this set of rules.) Therefore, I added P.S.C. Form No. T-1 on page 27 of the rules. However, Section 1 is **exactly** how you filed it on August 31, 1992. That is what I must rely on to enter into the data base.

I am also enclosing the previous two rules that were proofread by Fred Thompson. Each of these told us to take out the section that you asked us to reinsert.

Maybe this dilemma will help you to better understand why we need to have all of your rules submitted by one person as possibly a coordinator.

When we add a new section to a rule, we rely on our rules on formatting. Therefore, the last section added has these changes. Also, we put the form called "Emergency Numbers" as the very last page because we cannot put this form on the Legislative Computer Data Base. I have added a statement at the end of the rule saying that the form can be found either in your office or in our office.

Thank you for working with me on these rules. I appreciate your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Judy Cooper".

Judy Cooper, Director
Administrative Law Division