

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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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 CSR

CITE AUTHORITY: W.Va. Code §§24-1-7, 24-2-12

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE § 24-1-7

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES , NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Rules and Regulations for the  
Government of Telephone Utilities

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS April 29, 1988

Michael D. Green

ABSTRACT OF PROMULGATION HISTORY

On October 30, 1986, the Commission entered an order inviting interested parties to comment whether Customer Owned Coin Operated Telephones (COCOTs) should be permitted to operate within West Virginia and if so, what State regulatory policies governing the same should be established. Written Comments were received from Universal Satellite Antennas, C&R Associates, PM Enterprises, TR Associates, NABCO, Parker Associates, the Consumer Advocate Division, National Payphone Association, AT&T Communications, the Commission Staff, C&P Telephone Company of West Virginia, Mountain State Telephone Company, General Telephone Company of the South, Continental Telephone Company of West Virginia, and Greenbrier County School District.

On April 15, 1987, the Commission held hearings for the purpose of obtaining further information. At the hearing, in addition to these parties, comments were presented by D&D Associates and Access Netowrk.

On October 28, 1987, the Commission issued General Order No. 235, which promulgated proposed rules in the matter of modifying the Commission's Rules and Regulations for the Government of Telephone Utilities with regard to rules for customer owned coin operated telephones. All interested parties desiring to comment on the proposed Rule were provided the opportunity to submit written comments to the Commission on or before November 30, 1987.

Upon review of comments submitted, the Commission has modified the proposed Rule as detailed in the order which promulgates and

adopts the final rule. Therefore on March 1, 1988 the Commission adopted the rules hereinafter set forth as Section 11, of the Rules and Regulations for the Government of Telephone Utilities as the final Rule of the Commission, to be effective sixty (60) days after promulgation, in accordance with W.Va. Code §24-1-7.

## IN THE MATTER OF

## Customer Owned Coin Operated Telephones

FISCAL NOTE

This is a fiscal note issued pursuant to §§24-2-12 and 24-1-7 of the West Virginia Code, relating to General Order No. 235.

I. OBJECTIVES OF THE RULE

The purpose of these rules and regulations is to introduce Customer Owned Coin Operated Telephones into the West Virginia payphone market. It is believed that competition in the payphone market will hasten the introduction of new technologies as well as increasing the potential for stimulation of the State's economy.

II. COST OF IMPLEMENTING THE PROPOSED RULESA. Cost of Implementation for the State:

There will be no implementation cost relating to this rulemaking for the State of West Virginia.

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

The cost of implementing the proposed rule is difficult to determine at this stage of rulemaking, however, it should be minimal.

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.)

This rulemaking will have no effect on the cost and revenues of State Government.

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

A quantifiable economic impact is difficult to predict at this time. However, the Commission foresees a positive economic impact in the future because competition may lower prices in some areas.

DATE March 1, 1988 AGENCY Public Service Commission

SIGNATURE OF AUTHORIZED REPRESENTATIVE Michael D. Green

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
LEGISLATIVE RULE  
CHAPTER 24-1  
SERIES VI

TITLE: Rules and Regulations for the Government of Telephone  
Utilities

Section

- 1.00 GENERAL
  - 1.00(1) Scope
  - 1.00(2) Authority
  - 1.00(3) Filing Date
  - 1.00(4) Effective Date
  - 1.00(5) Filing Requirements
  - 1.01 Policy
  - 1.02 Application of Rules
  - 1.03 Definitions
  - 1.04 Uniform System of Accounts
  
- 2.00 CUSTOMER RELATIONS
  - 2.01 Customer Billing
  - 2.02 Credit Considerations
  - 2.03 Reasons for Denying Service
  - 2.04 Insufficient Reasons for Denying or  
Discontinuing Service
  - 2.05 Complaints and Appeal
  - 2.06 Directories
  - 2.07 Labeling of Station Equipment
  
- 3.00 ENGINEERING
  - 3.01 Construction
  - 3.02 Inter-Exchange Trunks
  - 3.03 Grounded Circuits
  - 3.04 Selective Ringing
  - 3.05 Emergency Operation
  - 3.07 Construction Work Near Utility Facilities
  
- 4.00 METERING INSPECTIONS AND TESTS
  - 4.01 Provisions for Testing
  - 4.02 Meter Reading Records
  - 4.03 Meter Reading Interval
  - 4.04 Meter and Recording Equipment Test Facilities

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- 4.05 Meter and Recording Equipment Requirements
- 4.06 Initial Test
- 4.07 As-Found Tests
- 4.08 Routine Tests
- 4.09 Request Tests
- 4.10 Referee Tests
- 4.11 Test Records
  
- 5.00 RECORDS AND REPORTS
  - 5.01 Location of Records
  - 5.02 Preservation of Records
  - 5.03 Reports
  - 5.04 Report Format
  - 5.05 Management Audits
  
- 6.00 STANDARDS OF QUALITY OF SERVICE
  - 6.01 Basic Telephone Company Obligations
  - 6.02 Service Standards
  - 6.03 Operator Service Requirements
  - 6.04 Local Dial Service
  - 6.05 Inter Office Service Requirements
  - 6.06 Maintenance Requirements
  - 6.07 Transmission Requirements
  - 6.08 Miscellaneous Service Requirements
  
- 7.00 SAFETY
  - 7.01 Protective Measures
  
- 8.00 PROMOTIONAL PRACTICES
  - 8.01 Declaration of Public Policy
  
- 9.00 LOCAL EMERGENCY TELEPHONE SYSTEM
  - 9.01 Creation of Emergency Telephone Systems
  - 9.02 Establishment of Emergency Telephone Systems
  - 9.03 Reporting Requirements of the Telephone Utility
  
- 10.00 REDUCED TELEPHONE RATES FOR CERTAIN LOW-INCOME RESIDENTIAL CUSTOMERS
  - 10.01 Tariff Filings
  - 10.02 Provision of Tel-assistance Residential Service
  - 10.03 Rates and Charges
  - 10.04 Utility's Responsibility Upon Application
  - 10.05 Certification of Revenue Deficiency
  - 10.06 Notice to Customers

TITLE 150  
LEGISLATIVE RULE  
PUBLIC SERVICE COMMISSION

SERIES 6  
RULES AND REGULATIONS FOR  
THE GOVERNMENT OF TELEPHONE UTILITIES

§150-6-1 GENERAL

- 1.1 SCOPE -- These rules govern the operation and service of Customer Owned Coin Operated Telephones subject to the jurisdiction of the Public Service Commission of West Virginia pursuant to West Virginia Code §24-2-1.
- 1.2 AUTHORITY -- W.Va. Code §24-1-7, §24-2-1, §§24-2-6 and 8; §24-2C-1, §24-6-1.
- 1.3 FILING DATE -- March 1, 1988
- 1.4 EFFECTIVE DATE -- April 29, 1988

§150-6-11 CUSTOMER OWNED COIN OPERATED TELEPHONES

11.1 CERTIFICATION REQUIREMENTS

- (1) Each Customer Owned Coin Operated Telephone (COCOT) provider shall be required to obtain a Commission certificate. No COCOT shall be entitled to receive access to local exchange carrier service unless the COCOT provider has received certification from the Public Service Commission. When a COCOT provider applies for a certificate the applicant shall provide the information contained on 11.1 FORM A.
- (2) Each COCOT instrument must be registered with the Public Service Commission. COCOT providers must file 11.1 FORM B for each COCOT instrument it places in service. There shall be an annual non-refundable twelve dollar (\$12.00) fee per instrument, or such amount that the Commission may establish in the future.

11.2 RATES AND CHARGES

- (1) COCOTs shall be required to subscribe to one party measured (or message) business service unless such

service is not available from the local exchange carrier serving the COCOT.

- (2) Where one party measured (or message) business service is not available from the local exchange carrier serving the COCOT, the COCOT shall subscribe to a one party flat business rate.
- (3) A COCOT shall charge no less than the local exchange carrier which serves the area in which the COCOT is located is currently charging for public telephone service, nor more than the rate ceiling on file with the Commission (11.1 Form B).
- (4) A COCOT shall charge no less than the local exchange carrier which serves the area in which the COCOT is located is currently charging for public telephone service, nor more than fifty cents (\$0.50) for sent-paid toll calls plus what the call costs the COCOT provider, rounded upward to the nearest five cent (\$0.05) increment. Completed calls for special services such as "900" service shall be handled in the same manner as toll calls.
- (5) A COCOT shall charge no less than the local exchange carrier which serves the area in which the COCOT is located is currently charging for public telephone service, nor more than fifty cents (\$0.50) for toll calls made by means of credit cards, third-number billing or collect calling. A charge shall only be assessed for connected calls.
- (6) There shall be no charge for uncompleted calls.

### 11.3 OPERATIONAL AND MAINTENANCE REQUIREMENTS

- (1) All COCOTs shall comply with generally accepted telecommunications industry standards, Commission Rules and Regulations, applicable local ordinances and the current National Electric Code and National Electrical Safety Code.
- (2) COCOTs shall be maintained and operated in accordance with generally accepted telecommunications industry standards and Commission Rules and Regulations.

- (3) COCOTs shall be hearing aid compatible as defined by the Federal Communications Commission.
- (4) COCOTs shall have a telephone directory covering the exchanges which may be called on a local calling basis from the COCOT locale.
- (5) A COCOT user shall be able to pay for calls by using coins, credit card numbers, third number billing and collect calling.
- (6) COCOTs should enable the user, at a minimum, to use nickel, dime and quarter coins in any combination totalling at least the amount owed, as payment.
- (7) COCOTs shall automatically return unused coins, but need not provide change for over-payment due to use of coins of greater denomination than required.
- (8) A COCOT shall be capable of receiving incoming calls without charge to the answering party and be equipped with working ringers or equivalent audible/signalling devices unless the COCOT is conspicuously marked as being unable to receive incoming calls.
- (9) COCOTs shall be equipped with tone signalling.
- (10) COCOT instruments shall be registered with the Federal Communication Commission pursuant to the provisions of 47 CFR Part 68.
- (11) COCOTs shall fully participate in E911 programs when the COCOT is located in a service area covered by an E911 system.
- (12) COCOT users shall be able to reach, without charge or use of a coin,
  - (a) "0" Operator
  - (b) "911"
  - (c) "Local" directory assistance
  - (d) "800" telephone numbers
- (13) All calls to "911" shall automatically route to the 911 Center serving the COCOT location. If the

COCOT location is not served by a 911 Center, calls to "911" shall route to an "O-" type operator.

(14) COCOTs shall have the ability to make the following types of calls:

(a) Local (including all EAS and extended LMS exchange)

(b) IntraLATA, both intrastate and interstate.

(c) InterLATA, both intrastate and interstate.

(d) International.

(15) A non-coin extension telephone station may be connected to a COCOT line if, for each such extension telephone station, adequate circuitry is employed at all times in conjunction with the extension such that the extension station may not be used to listen to COCOT conversations or to in any way interrupt a COCOT call in progress.

#### 11.4 INFORMATION TO BE DISPLAYED ON A COCOT

(1) The following information shall be conspicuously displayed on each COCOT:

(a) Operating instructions, including how to place toll calls over the facilities of the interexchange carrier serving the COCOT's location.

(b) Rates for various services offered by the COCOT.

(c) The party to contact and the telephone number for refunds and service complaints and language explaining that this is the party to contact for refunds and service complaints.

(d) The COCOT provider's name, address, telephone number and Public Service Commission registration number.

(e) The location of the COCOT.

11.5 VIOLATIONS AND PENALTIES

Unauthorized COCOT providers and/or COCOT providers who are providing service not in accordance with any of the above prescribed rules and regulations shall be subject to the penalties imposed by State law or Commission Rules and Regulations.

11.1 Form A

CERTIFICATE APPLICATION FOR  
CUSTOMER OWNED COIN OPERATED TELEPHONES

1. Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone Number ( ) \_\_\_\_\_

2. Please list the toll free telephone number and address to use for complaints and/or refund requests.  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number ( ) \_\_\_\_\_

3. Please list name, address and telephone number of person to be contacted by Public Service Commission for regulatory matters.  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number ( ) \_\_\_\_\_

I certify that I have read Section 11 of the Public Service Commission's Rules and Regulations for the Government of Telephone Utilities and will comply with all of the requirements of the COCOT Rules.

Signature: \_\_\_\_\_

11.1 FORM B

REGISTRATION FORM FOR  
CUSTOMER OWNED COIN OPERATED TELEPHONES

A registration form is required for each COCOT instrument.

1. Location of COCOT

Address \_\_\_\_\_  
\_\_\_\_\_

2. Type of COCOT set:

3. Is the COCOT \_\_\_\_\_ indoor \_\_\_\_\_ outdoor  
if outdoor, \_\_\_\_\_ booth \_\_\_\_\_ open

4. Describe the service(s) provided by this COCOT.

5. List the rate ceilings for each service.

6. Will the services of this COCOT be leased to another entity for  
resale? \_\_\_\_\_ yes \_\_\_\_\_ no.

If yes, list business name, address and telephone number of  
leasee.

Business name \_\_\_\_\_

Business address \_\_\_\_\_  
\_\_\_\_\_

Business telephone Number ( ) \_\_\_\_\_