

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

GUAM TELECOMMUNICATIONS
ACT OF 2004

DOCKET 05-01



RULES GOVERNING PAYPHONE SERVICE PROVIDERS

1. General Provisions.

- a. These rules shall be read in context with any applicable Federal law and regulation, including, but not limited to the orders and regulations of the FCC implementing section 276 of the Communications Act of 1934, as amended, 47 USC 276; and Guam law and Guam PUC orders and rules.
- b. As used in these rules, unless the context clearly requires otherwise:
 - i. "Call" means a customer's communication through a pay telephone.
 - ii. "PUC" means the Guam Public Utilities Commission.
 - iii. "Completed Call" means a call answered by the called party. A call is completed if it is answered by the called party.
 - iv. "CFR" means the Code of Federal Regulations.
 - v. "FCC" means the Federal Communications Commission.
 - vi. "Independent Payphone provider" or IPP means a pay telephone service provider other than the incumbent telecommunications carrier, which holds a certificate of authority from PUC to provide pay telephone service.
 - vii. "Operator service" means a service provided by a telecommunications carrier to assist a customer to complete a telephone call.

- viii. "Pay telephone" means an instrument that is accessible by the public for use to initiate and / or complete a telephone call on a fee-per-call basis, independent of any other commercial transaction, and is activated for placing telephone calls by inserting a coin, calling collect, or using a calling card or by any other means.
 - ix. "Pay telephone service" means the provision of a pay telephone and any ancillary services.
 - x. "Pay Service Provider " or "PSP" means any person that provides pay telephone service. It includes the incumbent telecommunications carrier and independent payphone providers.
 - xi. "User" means a person who uses a pay telephone to initiate a call.
- c. Consistent with the purpose of fostering competition in the provisioning of pay telephone service, the incumbent telecommunications carrier shall:
- i. Offer to independent pay telephone service providers on a nondiscriminatory basis such services that the incumbent carrier provides to its own basic pay telephone operations, including, as applicable: fraud protection; special numbering assignments; and installation and maintenance of basic pay telephone lines.
 - ii. Establish the demarcation point for the incumbent carrier's pay telephones at the same demarcation point as that for independent pay telephone service providers; and
- d. If any provision of these rules or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable.

2. Location Contracts.

Each pay telephone service provider, on an annual basis, shall submit to PUC a description of the current locations of its pay telephone(s) and the changes from its previous annual filing, noting the deletions and additions of pay telephone(s). PUC may require such filings on a more frequent basis.

3. Rates and Charges.

- a. The cross-subsidization of pay telephone service with revenue generated from basic exchange service or any other telecommunications service is prohibited.
- b. A payphone service provider need not file a tariff for its intrastate pay telephone calling rates. The rate for an intrastate pay telephone call may be determined by the payphone service provider. A payphone service provider may not impose a charge for local coin pay telephone service greater than the local coin rate posted on the pay telephone.
- c. A payphone service provider shall provide access to the user of a pay telephone, without the necessity of inserting a coin, for the following: dial tone; the operator; toll-free numbers; the long distance carrier of the user's choice; the telecommunications carrier's facilities through which the user can report service trouble, complaints or request refunds or general assistance; and emergency services via 911 dialing.
- d. Each payphone must be programmed to return, promptly after the user hangs up, the coins or money deposited by the user in an attempted but uncompleted call. Attempted but uncompleted calls include calls that result in the user encountering a busy signal; ring but no answer; or network recording, such as a recording informing the user that the dialed telephone number has been disconnected.
- e. A payphone service provider may charge the user of its pay telephone a market-based rate for directory assistance service. If the incumbent telecommunications carrier imposes a charge on a pay telephone service provider for "411" directory assistance service

made from that provider's pay telephone, the incumbent carrier must impute the same charge for "411" directory assistance service to its own pay telephones.

4. Pay Telephone Service Standards.

- a. A payphone service provider shall:
 - i. Not unreasonably discriminate between and among users in providing pay telephone service; and
 - ii. Comply with all federal laws and regulations relating to pay telephone service, including any FCC order and regulation implementing 47 USC 276.

- b. The following minimum operating standards shall apply:
 - i. Where the PSP provides lighting for the pay telephone, the pay telephone shall be adequately lighted so that its placards and touch tone dials are easily visible;
 - ii. Unless otherwise ordered or exempted by PUC, pay telephones shall be capable of completing both local and long distance calls;
 - iii. Pay telephone equipment shall be maintained in a clean and operable manner;
 - iv. Pay telephone equipment connection to the public switched network shall comply with applicable FCC regulations under 47 CFR 68.2 or any other applicable exemption under 47 CFR Part 68; National Electrical Safety Code standards; and National Electrical Code standards.
 - v. Pay telephones shall offer or provide single-line dial tone with touch tone dialing. In addition, pay telephones shall provide dial tone first, without charge.

- vi. Pay telephones shall be configured and programmed so as not to require the payment of a higher charge for local coin calls than is posted on the pay telephone;
 - vii. Pay telephones shall be configured and programmed to charge only for completed coin calls. Pay telephones shall be programmed to return all coins or money used to make calls that are not completed;
 - viii. Coin operated telephones shall be capable of receiving nickels, dimes, and quarters;
 - ix. Pay telephones operated by credit cards or other access methods shall clearly identify all credit cards or access methods that may be used;
 - x. The provisioning of pay telephone service shall comply with any applicable federal laws and regulations, including provisions of the Americans with Disability Act; and
 - xi. A pay telephone keypad shall contain both alphabetic and numeric characters. The use of a letter-less keypad for a pay telephone is prohibited.
- c. All pay telephones shall be interconnected with the public switched network in accordance with applicable federal law and regulation; Guam law and PUC order and rule; and tariffs and interconnection agreements. Payphone service providers shall enter into any necessary access, interconnection and network termination agreements.
- d. A pay telephone service provider shall conspicuously display on, or in the immediate vicinity of, its telephone or telephone equipment, the following information:
- i. A permanent and distinctive identification number of the pay telephone, which may be the telephone number of the payphone, that is clearly visible to the customer;

- ii. The name, mailing address, and toll-free business telephone number of the payphone service provider;
- iii. The name, mailing address, and toll-free business telephone number of the operator service provider pre-selected to serve the pay telephone;
- iv. The telephone number of the pay telephone (if different from the identification number);
- v. The rate charged for a local coin call;
- vi. Coin or money deposit and return information;
- vii. That calls can be made without the use of a coin for the services listed in section 3 (c) above;
- viii. That 911 is the primary emergency telephone number to be used when dialing from the pay telephone;
- ix. That the user may access the long distance carrier of the user's choice [other than the preselected carrier] by dialing that carrier's access code;
- x. The toll-free business telephone number to dial to obtain from the pre-selected operator service provider information on the rates, surcharges, terms, or conditions applicable to operator assisted calls placed from the pay telephone; and
- xi. A business telephone number to dial to secure a refund for an uncompleted call, as provided in section 3(d) above, to obtain a resolution from the pay telephone provider of a billing service complaint, or to file a pay telephone repair request.

5. Public Interest Pay Telephones.

- a. "Public interest pay telephone" as used in this section, means a pay telephone that is placed in the interest of the public health, safety or welfare, at a location where there would not otherwise be a pay

telephone as a result of the operation of the competitive marketplace. The term does not include a pay telephone that is provided for a location provider with whom a pay telephone service provider has a contract; located at a place where access by the general public is restricted; or located near another pay telephone.

- b. PUC may, on its own initiative or at the written request of any person, investigate and determine whether it is in the public interest to direct the placement of a public interest pay telephone at or about a particular location. PUC will provide public notice of its investigation. Any interested person may, within fifteen days of such public notice, may file a response to the proposed placement of a public interest pay telephone at or about the targeted location.
- c. In determining whether a public interest pay telephone should be placed at or about the targeted location, PUC shall consider, among other things:
 - i. The public interest to be served by the placement of a public interest telephone at or about the targeted location;
 - ii. The relative proximity of the targeted location to another pay telephone;
 - iii. The accessibility of any existing pay telephone in the neighborhood of the targeted location;
 - iv. The potential for a freely competitive marketplace to provide pay telephones at or about the targeted location; and
 - v. Any other factors deemed relevant by PUC.
- d. If PUC deems it in the public interest to place a public interest pay telephone at a particular location, it may direct any pay telephone service provider to install and maintain a public interest pay telephone at that location. PUC may, at its option, select the public interest pay telephone service provider through a competitive bidding process.

- e. The pay telephone service provider selected to install and maintain a public interest pay telephone is entitled to recover all reasonable costs associated with the installation and maintenance of the public interest pay telephone. It shall be reimbursed for its costs from a public interest pay telephone fund [Fund] to the extent it does not recover its costs from payments made to it from the use and operations of the public interest pay telephone.
- f. All pay telephone service providers providing pay telephone service within Guam shall contribute toward the cost of providing public interest pay telephone service, including applicable PUC regulatory expenses. PUC shall, by order, from time to time but not less than annually, set the amount of the contribution required to be made on account of public interest pay telephone service by each pay telephone service provider, based on a percentage of the provider's gross operating revenues from the provisioning of pay telephone service in Guam during the preceding calendar year; provided that PUC may periodically review and adjust the percentage based on the need to provide public interest pay telephone service. Each pay telephone service provider shall pay its contribution directly to PUC. Any late payment shall bear interest at the rate of ten percent per year. A payment is late if not made within fifteen days of the due date. PUC shall separately hold and account for the payments made into the Fund and for disbursements from the Fund and for disbursement from the Fund for the provision of public interest pay telephone service.
- g. The provider of public interest pay telephone service shall file with PUC, annually, a verified accounting of its costs and revenues in providing public interest pay telephone service. PUC may prescribe the form on which such verified accounting must be made. All such accounts are subject to audit by an independent certified public accountant selected by PUC.
- h. The user rates, terms and conditions of a public interest pay telephone shall not be greater than the prevailing market use rates, terms and conditions of other pay telephones which are in the same area.