

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 771
PAY TELEPHONE PROVIDERS

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AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

SOURCE: Adopted at 24 Ill. Reg. 10148, effective July 1, 2000.

SUBPART A: GENERAL PROVISIONS

Section 771.100 Applicability

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], providing pay telephone service.
- b) This Part does not apply to pay telephone provider's provision of "private" or "private use" pay telephones in that the telecommunications services offered by these pay telephones are not for public use. Pay telephones in locations where the telephone is available to a limited group such as family, club members, employees, or patrons are not for public use under the Act, including, but not limited to, the locations described below.
 - 1) Those areas of mental health facilities as defined in Section 1-114 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-114] or developmental disability facilities as defined in Section 1-107 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-107] that are not accessible to the public;
 - 2) Those areas of correctional institutions or facilities as defined in Section 3-1-2 of the Unified Code of Corrections [730 ILCS 5/3-1-2],

county jails and detention centers, or any detention facility operated by a unit of local government that are not accessible to the public; and

- 3) Those indoor areas of banking establishments, restaurants, bars, taverns, retail stores, barbershops, beauty shops, grocery stores, department stores, movie houses, hospitals, doctors' offices, gas stations, and factories.
- c) Providers of pay telephones who locate pay telephones in locations accessible to or used by a large number of the public are telecommunications carriers within the meaning of Section 13-202 of the Act. Pay telephones in the following locations are deemed to be "public" or "for public use": transportation centers and terminals, stadiums, exposition centers, toll service areas, public streets and roads, parks, public areas of shopping malls and shopping centers, hotel lobbies, all telephones located outdoors (except those located on the property of a private club), roadside oases and rest areas, amusement parks, municipal, State and federal government buildings, grounds and associated areas, and military establishments.

Section 771.110 Definitions

"9-1-1 system" means the geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Management" - The Emergency Telephone System Board (ETSB) that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act [50 ILCS 750]. If no ETSB is established, then those persons given the authority to operate the 9-1-1 system by the local public agencies.

"Act" means the Public Utilities Act [220 ILCS 5].

"Basic pay telephone service access line" means an exchange access line used for the provision of pay telephone service.

"Billed number screening" means an entry into a line information data base that indicates that certain incoming calls are not accepted by the pay telephone line.

"Certificated access line provider" means a local exchange carrier or a

telecommunications carrier certified to provide switched local exchange telecommunications service pursuant to Sections 13-404 or 13-405 of the Act [220 ILCS 5/13-404 or 13-405] and providing an access line to a pay telephone provider for connection to the public switched telephone network.

"Coin access line" means an exchange access line equipped for touch-tone signaling, incoming and outgoing screening, and network coin rating and related coin signaling functions.

"Commission" means the Illinois Commerce Commission.

"LEC" means local exchange carrier, a telecommunications carrier providing local exchange telecommunications as defined in Section 13-204 of the Act [220 ILCS 5/13-204].

"Operator-assisted service" means any service using live operator or automated operator functions for the handling of telephone service, such as collect calls, third number billing, calling card and prepaid card services.

"Operator service provider" or "OSP" means every telecommunications carrier that provides operator-assisted services that assist callers in the placement or charging of a call, either through live intervention or automated intervention.

"Pay telephone" means any coin, coinless, credit card reader telephone, provided that the end user pays or arranges to pay for exchange and interexchange intraMSA and interMSA calls from such instrument on an individual call basis.

"TT" means text telephone, a device which employs graphic or Braille communication in the transmission of coded signal through a wire or radio communication system.

SUBPART B: CERTIFICATE OF SERVICE AUTHORITY

Section 771.200 Certification Requirements

Providers of pay telephone service that are providing the resale of either local exchange or interexchange telecommunications service for public use must first obtain a Certificate of Service Authority pursuant to Section 13-403, 13-404, or 13-405 of the Act, as appropriate.

Section 771.210 Filing Requirements

- a) An applicant must file a verified original and three copies of the application for a Certificate of Service Authority with the Chief Clerk of the Commission in accordance with 83 Ill. Adm. Code 200.
- b) The application for certification must include the following:
 - 1) Applicant's business name, address and telephone number;
 - 2) Designated agent's name and address, if different from applicant's;
 - 3) Financial statement and balance sheet that list assets and liabilities;
 - 4) The type of business knowledge and experience possessed by the applicant;
 - 5) Affirmation that the applicant has reviewed the rules in this Part that pertain to the provision of pay telephone services; and
 - 6) Method of compliance with Section 771.300, Standardized Notice to the Public.

Section 771.220 Certificated Access Line Provider's Maintenance of Records

Each certificated access line provider shall maintain a database that includes, at a minimum, the following information regarding services provided to certificated and non-certificated pay telephone providers:

- a) The telephone number and demarcation point or location of each pay telephone line; and
- b) The billed party's name, address and telephone number.

Section 771.230 Responsibilities of the Certificated Pay Telephone Provider

- a) The certificated pay telephone provider shall be responsible for compliance with this Part.
- b) The certificated pay telephone provider shall be the billed party.
- c) The certificated pay telephone provider shall provide one copy of its certificate to each certificated access line provider with which it intends to transact business.

SUBPART C: NOTICE

Section 771.300 Standardized Notice to the Public

All public use pay telephones shall have the following features:

- a) An informational message by voice recording at no charge or by visual display in, on, or adjacent to each pay telephone explaining:
 - 1) The general operation of the pay telephone;
 - 2) Dialing instructions for obtaining emergency assistance;
 - 3) Identification of 9-1-1 as the primary emergency telephone number to be used when dialing from pay telephones in an authorized 9-1-1 system;
 - 4) Dialing instructions for operator services and directory assistance;
 - 5) Instructions on how to use any TT equipment supplied by the pay telephone provider;
 - 6) The blocking of incoming calls if the telephone will not accept incoming calls; and
 - 7) Any maximum duration of incoming calls.
- b) Visually displayed informational messages providing the following notices must be in 9 point type or 7 point type, if bilingual:
 - 1) The pay telephone provider's name, a mailing address and the telephone number which will enable the caller to contact the pay telephone provider 24 hours a day with, at a minimum, the provision of a voice response unit;
 - 2) The procedure used to report service problems or to request a credit or refund, if the pay telephone provider contact is different from that provided pursuant to subsection (b)(1); and
 - 3) The identity of any OSPs to which the pay telephone is presubscribed.
- c) Pay telephones located in areas served by a basic 9-1-1 system shall

include the pay telephone location, either by a specific street address or descriptive location. The presence and accuracy of the information shall be confirmed by the pay telephone provider once per year; and that confirmation shall be deemed to be in compliance with this Section.

- d) If separate TT numbers apply to the requirements listed in subsections (a) and (b) of this Section, then those numbers shall also be posted on the pay telephone.
- e) All certificated pay telephone providers shall comply with the notice requirements of this Subpart C by July 1, 2000.

SUBPART D: EMERGENCY TELEPHONE SYSTEM

Section 771.400 9-1-1 Emergency Pay Telephone Requirements

- a) Certificated access line providers shall:
 - 1) At the time of access line subscription, advise the pay telephone provider whether the access lines provided are located in an area with 9-1-1 service and, if so, advise the pay telephone provider that it must comply with all relevant 9-1-1 requirements and, upon request, provide the pay telephone provider with a 9-1-1 System Management contact;
 - 2) At least 30 days prior to the conversion to a 9-1-1 system of any area not previously offering 9-1-1 service, notify each pay telephone provider then purchasing access lines from a certificated access line provider within the area of the pending conversion; and
 - 3) In case of pay telephone equipment malfunction, provide the billed party's telephone number associated with the malfunctioning pay telephone to the Commission or 9-1-1 System Management, upon their request.
- b) The pay telephone provider must provide the 9-1-1 System Management with the pay telephone number, a point of contact for the pay telephone provider and a specific street address or descriptive location for each pay telephone in that designated area on a proprietary basis.
- c) All 9-1-1 telephone calls shall be directed to the network as dialed.
- d) All pay telephone providers shall provide current emergency number

information for police, fire, and emergency medical services to their presubscribed operator service providers who, in turn, shall have that information readily accessible.

- e) Pay telephones connected through line concentrators shall be compliant with the requirements of the Emergency Telephone System Act [50 ILCS 750/15.6] applicable to private business switch service.
- f) The placard or informational message on the pay telephone must comply with the requirements in Section 771.300.

SUBPART E: OPERATIONAL REQUIREMENTS

Section 771.500 Pay Telephone Access Line Service

All pay telephone equipment shall be connected to the public network by way of a basic pay telephone service access line or by a coin access line provided by a certificated access line provider. Such basic telephone service access line or coin access line shall be capable of accommodating outgoing calls of unlimited duration.

Section 771.505 Compliance With Federal Rules

All certificated pay telephone providers shall ensure that pay telephone equipment connected to a basic pay telephone service access line complies with all applicable rules of the Federal Communications Commission (FCC).

Section 771.510 Touch-Tone Capability

In areas where Touch-Tone capability is available from the serving central office, TouchTone signaling shall be provided to pay telephones.

Section 771.515 Other Features

All pay telephones for public use shall have the following minimum features:

- a) They shall have the ability to access "O" Operator (O-minus) without prior insertion of coins or credit card;
- b) They shall comply with all applicable federal statutes or State rules concerning the use of pay telephones by disabled persons, such as those who utilize wheel chairs or those who are hearing or sight disabled; and
- c) They shall have the ability to complete both basic exchange and

interexchange intraMSA and interMSA calls (upon payment of applicable charges).

Section 771.520 Miscellaneous Provisions

- a) Operator assisted services offered from pay telephones shall be provided by operator service providers or pay telephone providers that have obtained a Certificate of Service Authority from the Commission.
- b) Pay telephones for public use shall provide access to the customer's interexchange carrier of choice as set forth by the Commission in 83 Ill. Adm. Code 770.
- c) Billed number screening service shall be made available by certificated access line providers on all basic pay telephone access lines.
- d) No telecommunications carrier shall charge a pay telephone provider for a call originating from a pay telephone for which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call unless the pay telephone provider has subscribed to the provision of those calls from the pay telephone provider's pay telephones. If calls are billed in error, the telecommunications carrier shall provide appropriate adjustments or refunds. A pay telephone provider's access line provider shall be permitted to block calls, without charge, from pay telephones for which the pay telephone provider has not subscribed to those calls.
- e) Pay telephone providers shall have the option of not presubscribing to a primary interexchange carrier.
- f) Pay telephones for public use may be connected through line concentrators.

SUBPART F: RATES

Section 771.600 LEC Tariffs for Pay Telephone Providers

LECs must file tariffs for basic pay telephone services and any unbundled features the LEC provides to their own pay telephone service. Rates for these services shall be set according to the Federal Communications Commission's new services test pursuant to the Computer Inquiry III (CC Docket 90-263) guidelines in effect on October 1, 1999. (47 CFR 61.49(g)(2)) The tariffed rates for these services must be:

- a) cost based;

- b) consistent with the requirements of Section 276 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, 47 USC 276; and
- c) without preference or discrimination in favor of the LEC's pay telephone service.

SUBPART G: REFUNDS

Section 771.700 Refunds to Users of Pay Telephones for Public Use

- a) No pay telephone provider shall knowingly charge for uncompleted calls or charge a rate other than as provided in the tariffs as may be applicable.
- b) If the customer has paid for an uncompleted call or has been overcharged, a refund shall be made with interest from the date of overpayment by the customer. The rate of interest shall be the rate as established by the Commission to be paid on deposits in 83 Ill. Adm. Code 735.120(h)(1).

SUBPART H: VIOLATIONS

Section 771.800 Notice Procedures

- a) Upon receipt of a complaint of a violation of this Part, the Commission may initiate a proceeding to revoke the Certificate of Service Authority of a pay telephone provider alleged to be in violation of this Part or may initiate a proceeding to terminate service to a pay telephone alleged to be in violation of this Part.
- b) A copy of the Commission's initiating order in either proceeding shall be served on the designated agent of the pay telephone provider. The Commission shall set the matter for hearing within 30 days after its order. The procedures for a hearing to review alleged violations shall follow 83 Ill. Adm. Code 200, "Rules of Practice".
- c) The Commission shall issue its final order within 90 days after the order initiating the proceeding. Certified copies of the order shall be served on the designated agent for the pay telephone provider.
- d) A certificated access line provider shall terminate service to the pay telephone that is found to be in violation of this Part within 14 days after the entry of the Commission's final order.

