

Public Notice of Proposed Rulemaking

RHODE ISLAND GOVERNMENT REGISTER PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Public Utilities and Carriers, Division of Public Utilities Commission

RULE IDENTIFIER: 815-RICR-10-01-2 ERLID 916

REGULATION TITLE: Rules and Regulations for Telephone Operator Service Providers in Rhode Island

RULEMAKING ACTION: Direct Final

If no formal objection is received on or before July 31, 2017 Public Utilities and Carriers, Division of Public Utilities Commission will file the repeal without opportunity for public comment.

TYPE OF FILING: Repeal

DATES: Public Notice Date: Thursday, June 29, 2017

End of Comment Period: Monday, July 31, 2017

SUMMARY OF PROPOSED RULE: The businesses that had been subject to these provisions have ceased to exist in Rhode Island. It has been more than 15 years since there had been a company registered as an Alternate Operator Service Provider (AOS). As a sign that this industry has become a thing of the past, telecommunications providers are now deleting references to AOS providers in their amended tariffs. If for some unexpected reason an AOS provider wanted to operate, they could simply register with us in a "catch all" category in the Division's Telecommunications Providers Regulations and Fee Schedules (815-RICR-10-01-1).

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by July 31, 2017 to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address:

Division Clerk

Rhode Island Division of Public Utilities and Carriers

89 Jefferson Boulevard

Warwick, RI 02888

Email Address:

luly.massaro@puc.ri.gov

PUBLIC HEARING INFORMATION:

In accordance with RIGL §42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

FOR FURTHER INFORMATION CONTACT:

Thomas Kogut

Rulemaking Coordinator

RI Division of Public Utilities and Carriers

89 Jefferson Boulevard

Warwick RI, 02888

(401) 780-2105

Thomas.kogut@dpuc.ri.gov

SUPPLEMENTARY INFORMATION:**Regulatory Analysis Summary and Supporting Documentation:**

For full regulatory analysis or supporting documentation see agency contact person above.

Authority for This Rulemaking:

RI Gen. Laws § 39-3-33

Regulatory Findings:

In the development of the proposed repeal consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. The Office of Regulatory Reform has cleared this agency to initiate this repeal.

The Proposed Amendment:

Public Utilities and Carriers, Division of Public Utilities Commission proposes to repeal 815-RICR-10-01-2 ERLID 916 as follows:

~~Rules and Regulations for Telephone Operator Service Providers in Rhode Island
State of Rhode Island and Providence Plantations~~

~~Division of Public Utilities and Carriers~~

~~RULES AND REGULATIONS FOR TELEPHONE~~

~~OPERATOR SERVICE PROVIDERS IN RHODE ISLAND~~

~~James J. Malachowski, Administrator~~

~~Effective: April 8, 1991~~

~~1.1. PURPOSE~~

~~The purpose of these rules and regulations is to set regulatory standards for operator service providers (also known as alternative operator service providers, or AOS providers), their billing agents, and aggregators rendering service within the State of Rhode Island. These rules delineate the responsibilities which the Division of Public Utilities imposes upon such providers, and clarify the conditions under which such services may operate within the State of Rhode Island.~~

~~1.2. DEFINITIONS~~

~~As used in these rules, except as otherwise required by the context:~~

~~(a) "Division" means the Rhode Island Division of Public Utilities and Carriers.~~

~~(b) "Certification" means that an application has met the requirements of Rule 2.1 and its burden of demonstrating that its operations are in the public interest.~~

~~(c) "Local Exchange Carrier" ("LEC") means the company which holds a franchise to provide intrastate telephone services, and which provides local service network connections to interexchange (long distance) carriers, including OSPs.~~

~~(d) "Operator Service Provider" ("OSP") means a company which offers an alternative to operator services provided by local exchange carriers and facilities-based interexchange carriers; the OSP furnishes services to carriers which do not have their own operators and to businesses such as hotels, hospitals, airports, academic institutions, etc. These operator-assisted services include calling card calls, collect calls, and person-to-person calls.~~

~~(e) "Aggregator" means a person or business that makes telephones available to the public or to transient users of its premises, for intrastate telephone calls using a provider of operator services. Generally, the OSP enters into a contract to provide operator services to aggregators. Examples are hotels, hospitals, airports, academic institutions, etc.~~

~~(f) "O-calls" mean telephone calls initiated by dialing "O", without additional numbers within a specific time period, e.g. six seconds. "O" calls often are emergency calls, requiring different regulatory treatment.~~

~~2.1. MINIMUM CERTIFICATION GUIDELINES~~

~~1. Any OSP seeking to do business in Rhode Island must comply with standards articulated in the Federal Communications Commission's Order of February, 1989; the Telephone Operator Consumer Services Improvement Act of 1990, L. No. 101-435, effective October 17, 1990; and the minimum national guidelines promulgated by the National Association of Regulatory Utility Commissioners Staff Subcommittee.~~

~~2. Each OSP, prior to commencing service in Rhode Island, shall file with the Division:~~

~~(a) A description the type of services to be offered;~~

~~(b) A demonstration of financial ability to support the proposed service offerings;~~

~~(c) A demonstration of technical ability to support the proposed service offerings;~~

~~(d) An executed copy of its articles of incorporation.~~

~~2.2 SERVICE REQUIREMENTS~~

~~1. The OSP operator must audibly and distinctly identify the OSP provider to the caller upon initial contact at the beginning of the operator-assisted transaction and before the caller incurs any charge for the call.~~

~~2. The OSP shall require that a notice identifying the OSP will be placed on or near the telephone by its customer or aggregator. The posting or displaying of OSP information shall include:~~

~~(a) Name of the OSP company.~~

~~(b) A toll-free customer service telephone number for OSP information on rates, services and complaint procedures.~~

~~(c) Instructions to allow the consumer to reach the LEC or other interexchange carriers, without charge.~~

~~3. All "O" calls to an OSP will automatically be routed to the LEC, even if the customer has dialed an access code in order to make the off-premises call, as in a hotel, unless the OSP can demonstrate to the Division an adequate emergency call service in the public interest can be provided.~~

~~4. All "911" calls to an OSP will automatically be routed to the local emergency center, even if the customer has dialed an access code in order to make the off-premises call.~~

~~5. The OSP must meet established national and state quality of service guidelines for operator provided services, including but not limited to operator response and call processing time.~~

~~6. The OSP shall refrain from call splashing (where a transferred call is incorrectly billed), unless the caller requests to be transferred to another OSP. The caller must be informed prior to incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and must then consent to be transferred.~~

~~2.3. RATES~~

~~1. OSP rates shall not exceed the LEC's intrastate rate levels for operator-assisted local or toll call services and in addition, OSPs or aggregators are only allowed to bill for calling cards at the rate the issuing party charges for an intrastate call.~~

~~2. Consumers cannot be charged:~~

~~(a) for incompleting calls.~~

~~(b) for calls to 800 and 950 carrier access lines.~~

~~(c) for calls which revert to the LEC.~~

~~(d) for "911" emergency calls.~~

~~(e) for connections to the operator.~~

~~2.4. MISCELLANEOUS REQUIREMENTS~~

~~1. The contracts or written agreements between an OSP and its customer (the business owner or aggregator) must include a provision requiring all OSP information to be posted on or near the telephone.~~

~~2. An OSP shall not provide service to a privately owned coin telephone or any other telephone if these regulatory requirements are not met. Any telephone not meeting these regulations shall be subject to disconnection upon order of the Division.~~

~~3. The OSP must provide to the Division on a quarterly basis a current list, which will be held in confidence and not be considered public information, of motels, hotels, hospitals, schools, and other aggregators served by the OSP in this state. The list shall consist of:~~

~~(a) Business name.~~

~~(b) Contact person.~~

~~(c) Contact person's telephone number.~~

~~(d) Telephone number(s) providing OSP service.~~

~~3.1. BILLING AND COMPLAINT PROCEDURES~~

~~Whether OSP billing is provided by the local exchange carrier, or by any other entity, including the OSP:~~

~~(a) The OSP or the billing agent must identify itself, and provide a toll-free telephone number, conspicuously placed on the bill, for consumer complaints. If the complainant wants to further a complaint beyond the billing agent, the agent is required to provide a toll-free number of the carrier or OSP.~~

~~(b) The OSP or the billing agent shall work with the Division and the LEC to resolve complaints. The OSP and the billing agent are subject to regulatory hearings within the State of Rhode Island for unresolved complaints. The OSP may be required to provide a representative to attend such hearings upon request by the Division.~~

~~Adopted as Rules and Regulations of the Division of Public Utilities and Carriers this 8th day of April, 1991:~~

~~James J. Malachowski, Administrator~~