

TITLE 165. CORPORATION COMMISSION

CHAPTER 58. FACILITATION AND PROVISIONING OF PAYPHONE SERVICE

PERMANENT RULES
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Note: These rules are provided for the convenience of those who are affected by the jurisdiction of the Oklahoma Corporation Commission. Although the text of these rules is the same as the text on file in the Office of the Administrative Rules, they are not the official version of the Oklahoma Administrative Code. Official rules are available from the Office of Administrative Rules of the Oklahoma Secretary of State.

CHAPTER 58. FACILITATION AND PROVISIONING OF PAYPHONE SERVICE

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[AUTHORITY: Corporation Commission; Article IX, Section 18 of the Oklahoma Constitution, and 17 O.S. §§ 131 *et seq.*]

[Source: Codified 5-15-97; Amended at 35 Ok Reg 1063, eff 9-14-18]

SUBCHAPTER 1. GENERAL PROVISIONS

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165:58-1-1. Purpose; short title

(a) This Chapter establishes the Oklahoma Corporation Commission rules governing the regulation and operations of Payphone Service Providers in Oklahoma, which may be cited by the short title as the Payphone Rules.

(b) This Chapter is intended to define good business practices under normal conditions, to assure adequate service, to prevent collection of unfair charges from end-users, and to protect payphone service providers from unreasonable demands.

(c) This Chapter is further intended to permit lawful market-driven price and service competition among payphone service providers by applying such regulatory requirements as are necessary to assure public access to payphone services, under tariff provisions which are not unjustly discriminatory, and to preclude unjust and unreasonable rates and charges in such market.

(d) This Chapter is intended to establish public interest payphones for the purpose of making telecommunications services available in the interest of public convenience, health, safety and welfare, at locations where there would otherwise not be a payphone.

[**Source:** Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-2. Jurisdiction

The Oklahoma Corporation Commission, by virtue of Article IX, 18 *et seq.* of the Constitution of the State of Oklahoma, 17 O.S. Section 131 *et seq.*, and enactments of the Oklahoma Legislature, has authority and responsibility to supervise, regulate, and

control payphone service providers seeking to or providing telecommunications service in the State of Oklahoma, and to enact rules and regulations in connection therewith.

[**Source:** Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-3. Application of rules

This Chapter shall apply to every payphone service provider seeking to or providing telecommunications service in the State of Oklahoma, including incumbent LECs and certificated IXCs providing payphone service in the State of Oklahoma as of January 1, 1996, and, where applicable, to every telecommunications service provider facilitating the provisioning of payphone service, which providers are, by law, subject to the jurisdiction of the Oklahoma Corporation Commission. (See Exclusions at OAC 165:58-1-15.)

[**Source:** Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Aggregator" means any person or entity that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for intrastate telephone calls including calls using an operator services provider; i.e., customers of an OSP. Aggregators include, but are not limited to, hotels, motels, hospitals, universities, airports, gas stations and payphone service providers. The term "Aggregator" is not applicable to coinless payphones provided for use only by inmates at state, federal, local and county jails and correctional institutions, as provided for by 17 O.S. (1991) §139.1, but shall include payphones provided for public use in visitation or other areas of such jails and correctional institutions.

"Automatic Number Identification ("ANI")" means the automatic transmission by the local switching system of the originating telephone number to an interexchange telecommunications carrier or other provider of telecommunications service or the operator of a 911 system.

"Call completion" means a call that is answered by the called party.

"Certificate of Convenience and Necessity" as used in this Chapter means an order issued by the Commission authorizing a person, firm, partnership, corporation, cooperative corporation, or other lawful entity to provide telecommunications service in the State of Oklahoma, after the filing of an application and approval by the Commission.

"Commission" means the Oklahoma Corporation Commission.

"Competitive local exchange carrier ("competitive LEC")" means, with respect to an area or exchange(s), a telecommunications service provider that is certificated by the Commission to provide local exchange service in such area or exchange(s) within the State of Oklahoma after July 1, 1995.

"Customer trouble report" means any oral or written report given to the payphone service provider's repair department or contact person by an end-user relating to a

defect or difficulty or dissatisfaction with the payphone service provider's instrument and/or service(s).

"End-user" means a member of the general public who uses a payphone.

"FCC" means the Federal Communications Commission.

"Incoming call screening" means a service that identifies the type of incoming calls, such as collect or third-party billed calls, for the purpose of restricting call completion.

"Incumbent local exchange company ("incumbent LEC")" means, with respect to an area or exchange(s), any telecommunications service provider furnishing local exchange service in such area or exchange(s) within the State of Oklahoma on July 1, 1995, pursuant to its Certificate of Convenience and Necessity or grandfathered authority.

"Interexchange telecommunications carrier ("IXC")" means any person, firm, partnership, corporation, or other entity, except incumbent LECs, engaged in furnishing regulated interexchange telecommunications services under the jurisdiction of the Commission.

"Operator Service Provider ("OSP")" means any common carrier, certificated by the Commission that provides intrastate operator services, or any other person or entity certificated by the Commission to provide operator services.

"Operator services" means the initiation of any intrastate telecommunications service, including but not limited to, services from an aggregator location, which services include, as a component, any automated or live assistance to an end-user for the purpose of arranging billing or completion, or both, of an intrastate telephone call.

"Outgoing call screening" means a two-digit code passed by the local switching system with an ANI at the beginning of each call that provides information about the originating line.

"Payphone service" means the provision of telecommunications service by a payphone service provider through the means of a public or semi-public payphone, which, except for calls to public emergency telephone numbers and other numbers as may be designated by state or federal regulation, is utilized by the use of coins or alternative billing mechanisms, and is accessible by members of the general public. For purposes of this Chapter, coinless telephones provided in guest rooms by a hotel/motel are not payphones.

"Payphone service instrument" means the equipment placed by a payphone service provider to facilitate the provisioning of payphone services to the end-user at a given location.

"Payphone service provider" ("PSP") means any person, firm, partnership, corporation, cooperative corporation, or other lawful entity providing payphone service as defined in these rules.

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

"Public interest payphone" means a Commission-designated payphone instrument which is placed, at a location where there would otherwise not be a payphone, in the interest of making available telecommunications service for public welfare, health and/or safety reasons.

"Public use" means any item available to, or area accessible by the general public for their use.

"Reseller" means a common carrier offering interexchange telecommunications services to the public that does not own transmission facilities, but obtains telecommunications services from another carrier for resale to the public for profit.

"Service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Service shall not include the provision of nontelecommunications services, including but not limited to the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment and billing and collection, nor does it include the provision of mobile telephone service, enhanced services and other unregulated services. (Enhanced services means services that are delivered over communications transmission facilities and that use computer processing applications to: (1) change the content, format, code or protocol of transmitted information; (2) provide the customer new or restructured information; or, (3) involve end-user interaction with information stored in a computer.)

"Tariff" means all or any part of the body of rates, tolls, charges, classifications, and terms and conditions of service relating to regulated services offered, the conditions under which services are offered and the charges therefore, which have been filed with and approved by the Commission.

"Telecommunications" means the transmission, between or among points specified by the user, of voice or data information of the user's choosing, without change in the form or content of the information as sent and received.

"Telecommunications service provider ("TSP") means all authorized providers of local exchange service, whether an incumbent LEC or a competitive LEC.

"Terms of Service" means rates, charges and terms and conditions for regulated services that a reseller elects to post, in a searchable format, on a publicly available website.

"Zero minus ("0-") call" means an operator-assisted call where the calling party dials zero ("0") for an operator and waits until an operator comes on the line. The caller then states the telephone number they want to reach and the nature (person-to-person, collect, etc.) of the call.

"Zero plus ("0+") call" means an operator-assisted call where the calling party dials zero ("0") followed by the number being called, including the area code. This dialing pattern is used mostly for collect, credit card, person-to-person and third-party-billed calls. The caller indicates the type of call after dialing is completed and an operator may come on line.

[**Source:** Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-1-5. Interpretation of rules

The words contained in this Chapter shall be given their ordinary and customary meaning, with technical terms and words being construed as generally understood within the telecommunications industry, except where otherwise expressly provided. Where the rules of this Chapter establish service standards or objectives, substantial compliance will be deemed in compliance with this Chapter. Where the rules of this

Chapter impose an absolute obligation upon the applicant, the payphone service provider and/or the telecommunications service provider, strict compliance is required.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-6. Relief from rules

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship and/or excessive expense to the payphone service provider or the end-user, or for other good cause shown, the Commission may, by order, waive or modify the requirements of this Chapter upon application of any interested person. The Commission may grant temporary relief pending hearing.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-7. Supremacy

Every tariff, rule, regulation, or agreement relating to the subject matter of this Chapter is superseded by this Chapter and is deemed amended to conform with this Chapter. With regard to telecommunications service providers and IXCs providing payphone service as of January 1, 1996, this Chapter is intended to supplement OAC 165:55, the Commission's Telecommunications Services rules, and where a conflict arises, the provisions of this Chapter shall supersede OAC 165:55 with respect to the provisioning of payphone service only.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

165:58-1-8. Exceptions or variances in tariffs

If a payphone service provider seeks an exception or variance from this Chapter in its tariffs or terms and conditions of service, such exception or variance shall be clearly shown on such proposed tariffs or terms and conditions of service, sufficient to plainly bring to the Commission's attention the exact nature of the said exception or variance being sought. Any exception or variance not so marked or identified in such proposed tariff or terms and conditions of service shall be superseded by this Chapter to the extent that said exception or variance is in conflict therewith. Upon approval by the Commission, the variance shall indicate the number of the pertinent Commission order.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-9. Rules conform to law

This Chapter shall be construed to conform with the Oklahoma Constitution and with the laws of the State of Oklahoma.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-10. Controversy over rules

Whenever a controversy exists in connection with the interpretation of this Chapter or its applicability, or any right or duty imposed thereby, the Commission, upon application of any interested person and after notice and hearing, will enter such order thereon as it may deem appropriate.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-11. Severability

This Chapter shall not relieve, in any way, a payphone service provider from any of its duties under the laws of this State or the United States. If any provision of this Chapter is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable. This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission or the substantive rights of any person. The Commission may make exceptions to this Chapter for good cause shown.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-12. Conflict with Commission order

This Chapter shall not alter or amend any order of the Commission directed to a payphone service provider, except where the provisions thereof are in direct conflict with this Chapter, in which case this Chapter shall supersede the provisions of any such order to the extent of conflict only, unless otherwise ordered by the Commission.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-13. Conflict with filed tariffs

All tariffs and terms and conditions of service heretofore filed by a certificated IXC or incumbent LEC which currently provides payphones to the general public and whose tariffs have been approved by the Commission are not revoked, altered or amended by this Chapter, except to the extent they are in direct conflict with any provision of this Chapter, in which event such tariffs and terms and conditions of service are superseded by this Chapter to the extent of conflict only.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-14. Tariff conformance [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Revoked at 16 Ok Reg 2333, eff 7-1-99]

165:58-1-15. Exclusions

(a) This Chapter shall not be applicable to coinless payphone service instruments provided for use only by inmates at state, federal, local and county jails and correctional institutions, as provided for by 17 O.S. (1991) §139.1. This Chapter shall be applicable to payphones located at such facilities which are available for public use.

(b) For purposes of this Chapter, coinless telephones provided in guest rooms by a hotel/motel are not deemed to be payphones.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-16. Confidential information

(a) If a payphone service provider is required by this Chapter to submit information to the Commission that the payphone service provider considers to be confidential, the payphone service provider shall file a motion for protective order concerning said confidential information.

(b) In the absence of a protective order, the Commission shall not be required to maintain confidentiality of information within its possession.

(c) Pending a determination regarding approval of any protective order by the Commission, the Staff may, at its option, review the information claimed to be confidential at a location supplied by the payphone service provider in Oklahoma City, Oklahoma.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-17. Public utility assessment fee

Each payphone service provider shall be subject to an annual assessment fee levied in accordance with Title 17 O.S. Section 180.11 and the provisions of OAC 165-5-3-20 *et seq.*, which the payphone service provider shall be obligated to pay in a timely fashion consistent with the provisions contained in OAC 165:5-3-24.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-1-18. Universal service

Pursuant to OAC 165:59-3-40, every entity that operates or provides telecommunications service within the State of Oklahoma shall contribute, on a nondiscriminatory basis, into the Oklahoma Universal Service Fund.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

SUBCHAPTER 3. CERTIFICATES, REPORTS, AND RECORDS

PART 1. CERTIFICATE OF CONVENIENCE AND NECESSITY

Section

- 165:58-3-1. Certificate of Convenience and Necessity
- 165:58-3-2. Expansion of service territory
- 165:58-3-3. Notice of hearing for Certificate of Convenience and Necessity
[REVOKED]
- 165:58-3-4. Streamlined certification
- 165:58-3-5. Requirements of a payphone service provider before initiation of service
- 165:58-3-6. Notice Requirements when filing an Application for Certificate and Necessity
- 165:58-3-7. Approval of initial tariffs

PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS

- 165:58-3-10. Who shall file

PART 5. RECORD REQUIREMENTS

- 165:58-3-20. Location of records
- 165:58-3-21. Retention of records
- 165:58-3-22. Records to be provided to the Commission
- 165:58-3-23. Record of Customer complaints
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- 165:58-3-30. Report attestation
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PART 1. CERTIFICATE OF CONVENIENCE AND NECESSITY

165:58-3-1. Certificate of Convenience and Necessity

(a) **Requirement for Certificate of Convenience and Necessity.** No person or entity shall furnish payphone service under any name to any end-user in the State of Oklahoma without first having secured from this Commission a Certificate of Convenience and Necessity to provide payphone service. Incumbent LECs and certificated IXCs providing payphone service prior to January 1, 1996, shall not be required to obtain an additional Order granting it a Certificate of Convenience and Necessity for the payphone services being provided on that date, except as provided in OAC 165:58-3-4.

(b) **Application for Certificate of Convenience and Necessity.** An application for a Certificate of Convenience and Necessity to provide payphone service in the State of Oklahoma shall be made pursuant to and in conformance with the requirements of Oklahoma law and any additional requirements set forth in this Chapter. An original and

four (4) copies of the application for Certificate of Convenience and Necessity shall be filed at the Commission's Court Clerk accompanied by the established filing fee. An example of the format for the application for Certificate of Convenience and Necessity is available from the Public Utility Division.

(c) Application requirements for Certificate of Convenience and Necessity. An applicant to the Commission for a Certificate of Convenience and Necessity to provide payphone service in the State of Oklahoma shall be required to demonstrate its financial, managerial and technical ability to provide the requested payphone service in the State of Oklahoma. An application for a Certificate of Convenience and Necessity to provide payphone service, except as provided for in OAC 165:58-3-4, shall include information and attachments which are certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant in a format approved by the Director of the Public Utility Division.

(1) The application shall contain the following information:

(A) As applicable, the complete name, including any and all trade name(s) under which business will be conducted pursuant to 18 O.S. (1991) §1140, corporate or other headquarters street address and names/addresses of principal or corporate officers or partners of the entity proposing to provide payphone service to the public in the State of Oklahoma. Also, include the telephone number and, if applicable, the toll-free telephone number.

(B) If different from those provided pursuant to subparagraph (1)(A) of this subsection, the name(s) and address(es) of all officers and corporate or primary offices of the applicant for a Certificate of Convenience and Necessity located in the State of Oklahoma and the name(s) and address(es) of senior management personnel responsible for Oklahoma operations.

(2) The attachments to the application shall include the following:

(A) A copy of the applicable certificate, issued to corporations by Oklahoma's Secretary of State, to transact business in the State of Oklahoma or for noncorporations, issued by the County Clerk's Office in each county in which the applicant intends to operate payphones.

(B) A copy of the Corporate Trade Name Report, issued by Oklahoma's Secretary of State, shall be provided for each and every trade name, i.e. d/b/a, utilized by the payphone service provider.

(C) A financial statement.

(D) Contact names(s), address(es) and telephone number(s) of the individual(s) responsible for providing service to customers, for repair and maintenance, for answering complaints, and supplying refunds. This will be the principal contact to be utilized by the Commission's Consumer Services Division and Public Utility Division regarding questions and complaints against the payphone service provider.

(E) A brief description of its history of providing payphone service or other telecommunications services, in order to demonstrate its managerial and technical experience and abilities. Applicants without prior telecommunications or payphone experience shall provide documentation which supports its managerial and technical ability or other documentation as may be requested by the Commission.

(F) A complete set of proposed tariffs which shall include terms and conditions of service and all rates and charges for each service classification in a format approved by the Director of the Public Utility Division. The proposed tariffs shall conform with OAC 165:58-7.

(G) A copy of the applicant's proposed complaint report form which should comply with OAC 165:58-3-23. The complaint report form and complaint codes suggested by the Director of the Consumer Services Division are included as Appendix J and Appendix K, respectively, to this Chapter.

(H) A copy of the applicant's established procedures it intends to utilize in the State of Oklahoma to test its service location(s) and instrument(s).

(I) A statement signed in the presence of a Notary Public by an authorized agent of the payphone service provider attesting to the following:

(i) Compliance with all requirements of all applicable federal, state and local laws and regulations concerning the provision of payphone service to the disabled and hearing impaired;

(ii) Compliance with the National Electrical Safety Code;

(iii) That the payphone service provider's instruments are registered pursuant to FCC Part 68;

(iv) That the payphone service provider will pay the Public Utility assessment fee levied annually.

(v) That the payphone service provider will contribute to the Oklahoma Universal Service Fund pursuant to OAC 165:59;

(vi) That the payphone service provider understands the Commission's contempt authority;

(vii) That the applicant will comply with all the signage requirements of OAC 165:58-5-3;

(viii) That all statements contained in the application are true and correct;

(ix) That the applicant possesses the financial ability to provide payphone service in the State of Oklahoma; and

(x) That the applicant is familiar with and will comply with all federal and state laws, and the rules and orders of this Commission.

(J) A listing of any other certificate(s) issued by the Commission, and identification of the service(s) being provided pursuant to such Certificate(s).

(3) Additional information as requested by the Commission.

(d) Requirements for expanding authority under an existing CCN. An Applicant wishing to expand its service authority under an existing Certificate of Convenience and Necessity granted pursuant to Chapters 55, 56, 57, and/or 58, must make Application to the Commission and provide all information and notice as required in Sections 165:58-3-1(c) and 165:58-3-3. However, information submitted in support of a previous Application for certification, if such Application was approved by the Commission, may be used in support of the current Application by providing a written affirmation, signed before a Notary Public, and by someone with authority to bind the Applicant, stating that the previously submitted information is still true and correct, and circumstances have not changed. If the previously submitted information is no longer true and correct, or if circumstances have changed, Applicant shall submit updated information along with a written affirmation fully explaining all changed circumstances. This section shall not apply to an Applicant wishing to expand its existing service territory granted under an

existing CCN. Such an Application shall be filed pursuant to OAC 165:58-3-2.

(e) **Amended application.** During the Staff's review of the payphone service provider's application, certain revisions and/or corrections to documents attached to the application may be requested. After the parties have agreed to the necessary revisions and/or corrections, such revisions and/or corrections shall be attached to an amended application. The payphone service provider shall file an original and four (4) copies of its amended application with the Commission's Court Clerk. Requested revisions and/or corrections may include, but shall not be limited to:

- (1) Revisions to the applicant's proposed tariffs;
- (2) Provision of documents omitted from the originally filed application; and/or,
- (3) Correction of the statement, in the body of the application only, regarding the services for which authority to provide is being sought.

(f) **Adjunct and/or additional services.** Applicants seeking a Certificate of Convenience and Necessity to provide payphone services, that also intend to provide interexchange services and/or operator services as an adjunct service, solely in conjunction with and through its own public and/or semi-public payphone instruments, may file a single application seeking authority for all of the services it desires to provide. However, the application provided for under this subsection shall sufficiently address each of the relevant provisions required by the applicable Commission rules for applicants seeking authority to provide such service(s) (e.g., Reseller rules at OAC 165:56; OSP rules at OAC 165:57, etc.) for such adjunct authority to be considered by the Commission. In addition, the payphone service provider must ensure that its tariff includes the information set forth in OAC 165:58-7-2 for every adjunct service it intends to offer in the provisioning of payphone service. Any applicant or holder of a Certificate of Convenience and Necessity to provide payphone service, who seeks to provide any additional service(s) (e.g., interexchange service, operator service, etc.) to the general public, which is/are regulated by the Commission but which exceeds the offering of adjunct service(s) as contemplated by this subsection, must file a separate application seeking authority to provide such additional service(s) and must fully comply with the appropriate Commission rules and regulations governing the application process and the provisioning of such regulated service(s).

(g) **Additional Information.** The Public Utility Division Staff may issue data requests for additional relevant information as may be necessary. Data request responses should be submitted to the Staff member requesting the information, and not filed with the Commission's Court Clerk.

(h) **Approval requirement.** Unless provided otherwise in this Chapter, or by the laws of the State of Oklahoma, no Certificate of Convenience and Necessity shall be granted except by Order of the Commission, after such notice and hearing, if any, as directed by the Commission.

[**Source:** Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99; Amended at 19 Ok Reg 2012, eff 7-1-2002; Amended at 21 Ok Reg 2130, eff 7-1-04; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-3-2. Expansion of service territory.

An Applicant wishing to expand its service territory must make application to the

OCC and provide all information and notice as required under 165:58-3-1(c) and 165:58-3-1(e). However, information submitted in support of a previous Application for certification, if such Application was approved by the OCC, may be used in support of the current Application by providing a written affirmation, signed before a Notary Public, and by someone with authority to bind the Applicant, stating that the previously submitted information is still true and correct. If the previously submitted information is no longer true and correct, Applicant shall submit updated information along with a written affirmation.

[Source: Added at 21 Ok Reg 2132, eff 7-1-04]

165:58-3-3. Notice of hearing for Certificate of Convenience and Necessity [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 16 Ok Reg 2333, eff 7-1-99; Revoked at 35 Ok Reg 1063, eff 9-14-18]

165:58-3-4. Streamlined certification

(a) Each incumbent LEC and certificated IXC providing payphone service in the State of Oklahoma on January 1, 1996, shall be exempt from the requirements of OAC 165:58-3-1(c) with respect to such payphone service. In the event that any such grandfathered payphone service provider, after January 1, 1996, desires to extend its payphone service into new territory or change the type of grandfathered payphone services being provided, such provider shall file an application specifying the expanded authority desired and shall comply with the requirements contained in OAC 165:58-3-4(c), (d), (e) and (f) before engaging in the provision of such extended payphone service.

(b) Any telecommunications service provider or certificated IXC not providing payphone service on January 1, 1996, shall be exempt from the requirements of OAC 165:58-3-1(c) with respect to payphone service, but shall comply with the requirements contained in OAC 165:58-3-4(c), (d), (e) and (f) before engaging in the provision of payphone service.

(c) A streamlined application for a Certificate of Convenience and Necessity to provide payphone service must be filed with the Commission containing the following information:

(1) A complete set of proposed tariffs which shall include terms and conditions of service and all rates and charges for each service classification in a format approved by the Director of the Public Utility Division, unless such tariffs have previously been filed and approved. The proposed tariffs shall conform with OAC 165:58-7.

(2) An affidavit stating that the applicant will comply with all requirements of OAC 165:58-5-3.

(3) A copy of the applicant's established procedures which are used to test and maintain its payphones.

(4) A statement signed before a Notary Public by an authorized agent of the payphone service provider, in a format approved by the Director of the Public Utility Division, attesting to the following:

- (A) Compliance with all requirements of all applicable federal, state and local laws and regulations concerning the provision of payphone service to the disabled and hearing impaired;
- (B) Compliance with the National Electrical Safety Code;
- (C) That the payphone service provider's instruments are registered pursuant to FCC Part 68; and,
- (D) That the payphone service provider will pay the Public Utility assessment fee levied annually.
- (E) That the payphone service provider will contribute to the Oklahoma Universal Service Fund pursuant to OAC 165:59; and,
- (F) That the payphone service provider understands the Commission's contempt authority.

(5) Additional information as requested by the Commission and/or its Staff.

(d) Applicants under this streamlined process for a Certificate of Convenience and Necessity to provide payphone service shall give Notice of the streamlined application, by mail or personal service to the Attorney General of the State of Oklahoma and to any telecommunications service provider possessing a Certificate of Convenience and Necessity applicable to the area sought to be served by the applicant. Further, such Notice shall be published pursuant to 17 O.S. Section 132. No certificate shall issue until the expiration of thirty (30) days from the date of the first publication of the Notice. Publication shall be at the expense of the applicant and shall be made in one or more newspapers which has/have met the statutory requirements for publication of legal notices and which is/are in general circulation in each territory where service will be offered. A "Proof of Publication" document shall be filed in the cause with the Commission's Office of the Court Clerk within seven (7) days of the last publication date.

(e) If no objections have been filed to a streamlined application made pursuant to this Section within (thirty) 30 days from the date of the first publication of Notice, the Commission may grant the Certificate of Convenience and Necessity to provide payphone service without hearing. If objections are filed, a hearing shall be held on the streamlined application.

(f) When a streamlined application is granted for payphone service under this Section, the applicant shall not begin offering payphone service until the Director of the Public Utility Division has approved the applicant's tariff.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-9; Amended at 16 Ok Reg 2333, eff 7-1-99]

165:58-3-5. Requirement of a payphone service provider before initiation of service

(a) Copies of the payphone service provider's Certificate of Convenience and Necessity to provide payphone service, or for providers grandfathered pursuant to OAC 165:58-3-1(a) other evidence of authority to provide payphone service (i.e. a letter from the Director of the Public Utility Division), must be provided to the telecommunications service provider providing the access line at each payphone location prior to the

establishment of service. Access to the public switched network shall be prohibited until such copies or appropriate evidence have been provided.

(b) Access lines shall only be provided to the entity possessing a Certificate of Convenience and Necessity in that entity's own name.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99]

165:58-3-6. Notice requirements when filing an Application for Certificate of Convenience and Necessity

Applicants seeking a certificate of Convenience and Necessity shall meet all notice requirements set forth in this Section.

(1) **Requirements for filing an Application for Certificate of Convenience and Necessity.** An application of a Certificate of Convenience and Necessity shall be delivered by mail, electronic mail or by personal service to the following people and/or entities:

(A) The Oklahoma Attorney General;

(B) The Commission's Director of the Public Utility Division;

(i) The Application delivered to the Director of the Public Utility Division shall be file-stamped by the Commission's Court Clerk and shall be delivered to the Director of the Public Utility Division in electronic copy form only.

(ii) The Director of the Public Utility Division shall update and post a report that includes reference to the Application of Certificate of Convenience and Necessity on the Commission's website, within five (5) business days of receipt.

(C) The governing body of each Enhanced 911 Public Safety Answering Point (E911 PSAP) operating in the proposed service territory of the Applicant.

(2) **Publication of a Notice of Application of a Certificate of Convenience and Necessity.** The Notice required by 17 O.S. § 132 shall be published as follows:

(A) In a newspaper of general circulation once a week for two (2) consecutive weeks with at least seven (7) days apart in each service territory affected.

(B) Publication shall be at the expense of the applicant.

(C) A "Proof of Publication" document shall be filed with the Commission's Court Clerk within fifteen (15) days of the last publication date.

(3) **Requirements for a Notice of Hearing on an Objection to a Certificate of Convenience and Necessity.**

(A) When an objection is made in a cause for an Application for a Certificate of Convenience and Necessity, the Applicant shall promptly file a Notice of Hearing with the Commission's Court Clerk requesting a date for a hearing on the merits of the application.

(B) Within ten (10) business days prior to the date of the hearing, the Applicant shall serve the notice by delivering a file-stamped copy by mail, electronic mail or by personal service to the following people and/or entities:

(i) The Oklahoma Attorney General;

(ii) The Commission's Director of the Public Utility Division; and

(iii) Any Intervenors, including the person or entity filing the objection.

[Source: Added at 35 Ok Reg 1063, eff 9-14-18]

165:58-3-7. Approval of initial tariffs

(a) No later than twelve (12) months after being granted a Certificate of Convenience and Necessity, pursuant to OAC 165:58-3-1, a payphone service provider shall file an application requesting approval of its initial tariffs, unless filed pursuant to OAC 165:58-3-1(c)(2)(F), which include the terms and conditions of service and all rates and charges for each service classification, in a format consistent with Subchapter 7 of this Chapter.

(b) All entities seeking approval of an initial tariff shall serve the file-stamped Application by mail, electronic mail, or personal service to the Oklahoma Attorney General and the Director of the Public Utility Division.

(c) The initial tariffs shall not become effective except by order of the Commission after such notice and hearing, if any, as directed by the Commission.

(d) Not later than thirty (30) days after approval of the initial tariffs, an original and two (2) copies of the approved tariffs, which conform to OAC 165:58-7-3, shall be provided to the Public Utility Division.

[Source: Added at 35 Ok Reg 1063, eff 9-14-18]

PART 3. GENERAL REQUIREMENTS FOR RECORDS AND REPORTS

165:58-3-10. Who shall file

The record keeping, report, and filing requirements listed in this Chapter shall apply to all payphone service providers operating in the State of Oklahoma as defined in OAC 165:58-1-4.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

PART 5. RECORD REQUIREMENTS

165:58-3-20. Location of records

All records required by this Chapter shall be kept at the general office of each payphone service provider and shall be made available to the Commission or its authorized representative at any reasonable time upon request. Each payphone service provider governed by this Chapter shall keep all of its books and records in accordance with good business practices and as required by this Chapter and at such place as they are normally kept in the usual course of business. The payphone service provider shall keep the Commission advised as to the location of these records and shall make them available to the Commission at reasonable times for examination and inspection at a location designated by the Commission.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-3-21. Retention of records

All records required by this Chapter shall be preserved for two (2) years.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-3-22. Records to be provided to the Commission

(a) **Annual report of operations.** Each payphone service provider shall provide to the Director of the Public Utility Division an annual report in the format provided by the Director of the Public Utility Division.

(b) **Other information.** Each payphone service provider shall promptly furnish such other information as the Commission Staff may request, unless otherwise ordered by the Commission.

(c) **Contact names.** Each payphone service provider shall notify, in writing, the Director of the Public Utility Division and the Director of the Consumer Services Division within thirty (30) days of a change in the company-designated contacts for Public Utility Division and Consumer Services Division issues.

(1) The update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s).

(2) The contact name(s) provided pursuant to this subsection shall be the individual(s) primarily responsible for:

- (A) Providing customer service;
- (B) Repair and maintenance;
- (C) Answering complaints;
- (D) Authorizing and/or furnishing refunds to customers; and,
- (E) Tariff issues.
- (F) Billing inquiries.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 16 Ok Reg 2333, eff 7-1-99; Amended at 19 Ok Reg 2014, eff 7-1-2002]

165:58-3-23. Record of Customer complaints

(a) Each payphone service provider shall maintain a record of customer complaints, in the format suggested by the Director of the Consumer Services Division and included as Appendix J to this Chapter, that compiles complaints that have been received by the company and includes, at a minimum:

- (1) The instrument location;
- (2) The telephone number;
- (3) The applicable complaint code;
- (4) The date the complaint was filed; and,
- (5) The resolution of the complaint, to include the amount of refund, if any, given.

(b) The categories of complaints to be used shall be negotiated between the payphone service provider and the Director of the Consumer Services Division, subject to the approval of the Commission. A list of the suggested customer complaint codes is attached as Appendix K to this Chapter.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

165:58-3-23.1. Record of trouble reports

Each PSP shall maintain a complete written record of all customer trouble reports of service-affecting defects in payphone service provided by the PSP. The records shall identify the end-user or service affected, the time and date of the report, the nature of the defect reported, the action taken to correct the trouble, the date and time of trouble clearance or other disposition. Each PSP shall make a full and prompt investigation of every trouble report made to it by its end-users, either directly or through the Commission. It shall keep a record of each trouble report received. Each record shall show the name and address of the reporting end-user, the date and character of the trouble reported, and the adjustment or disposal made thereof, which record shall be retained for two (2) years. Records shall be kept of all trouble reports as defined by this Chapter.

[Source: Added at 16 Ok Reg 2333, eff 7-1-99]

165:58-3-24. Listing of payphone locations

Each payphone service provider shall maintain an updated and current list of its payphone locations. The listing shall include the applicable street location(s) and associated telephone number(s), if any, the name of the presubscribed operator service provider and long distance toll provider providing service at that location, and an up-to-date contact number for the OSP and the long distance toll provider. Each payphone service provider shall promptly furnish such information to the Commission Staff upon request.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

PART 7. REPORTING REQUIREMENTS

165:58-3-30. Report attestation

All reports required by this Chapter to be submitted to the Commission shall be attested to by an officer or manager of the payphone service provider under whose direction the report is prepared, or if under trust or receivership, by the receiver or a duly authorized person, or if not incorporated, by the proprietor, manager, superintendent, or other official in charge of the payphone service provider's operation.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

165:58-3-31. Due dates of reports

All periodic reports required by this Commission must be received on or before the following due dates unless otherwise specified in this Chapter or unless otherwise agreed to by the Director of the Public Utility Division:

- (1) Annual reports - Not later than May 1 of the year following the reporting calendar year.
- (2) Special and additional reports - As may be prescribed by the Commission.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

SUBCHAPTER 5. GENERAL REQUIREMENTS

PART 1. SERVICE REQUIREMENTS

Section

- 165:58-5-1. Minimum service requirements
- 165:58-5-2. [Reserved]
- 165:58-5-3. Signage
- 165:58-5-4. [Reserved]
- 165:58-5-5. Access to emergency services

PART 3. PUBLIC INTEREST PAYPHONES

- 165:58-5-10. Public interest payphones

PART 1. SERVICE REQUIREMENTS

165:58-5-1. Minimum service requirements

- (a) Each payphone service provider is responsible for the installation, maintenance, repair and operation of its payphone service instrument(s).
- (b) All payphone service instruments must be installed in compliance with the National Electrical Code and the National Electrical Safety Code.
- (c) Each payphone service provider is responsible for ensuring that its payphone service instrument(s) is/are registered and connected to the telephone network in compliance with Part 68 of the FCC Rules and Regulations and that the FCC registration number of each instrument to be connected shall be provided to the appropriate telecommunications service provider.
- (d) All installed payphone service instruments must be connected to the public switched network pursuant to tariffs authorized by the Commission and issued by a telecommunications service provider certificated to serve the location where each instrument is located, and each payphone service provider shall ensure that its equipment is installed and maintained such that it does not hinder, interfere with or preclude achievement of the following minimum standards:
 - (1) Dial tone: Ninety-five percent (95%) within three (3) seconds;
 - (2) Completion of calls: Ninety percent (90%) without encountering an all trunks, busy condition within the central office;
 - (3) Local interoffice trunks: Ninety-five percent (95%) of calls offered to the group will not encounter an all trunks busy condition; and
 - (4) Intrastate toll connecting trunks: Ninety-seven percent (97%) will not encounter an all trunks busy condition.
- (e) Each payphone service provider may only subscribe to and obtain intrastate service

from certificated providers.

(f) Payphone service providers are precluded from offering only coinless payphones in locations where the payphone service provider has entered into an exclusive contract.

(g) An audible bell or other sound shall be required to indicate an incoming call, when applicable.

(h) Each payphone service provider must follow the procedures established to test their payphone service, including each instrument and location.

(i) All payphone service locations are subject to random and periodic inspections to assure compliance with Commission requirements. An example of the initial form which will be used by the Commission during inspections is attached as Appendix G to this Chapter. Changes to the inspection form may be made periodically to incorporate changes as needed.

(j) It will be a service objective of each payphone service provider to correct ninety percent (90%) of the interruptions of service on payphones on the next working day after the interruption is reported or discovered.

(k) Each payphone service provider shall maintain a toll-free number for the purpose of receiving customer trouble reports, which shall be answered twenty-four (24) hours a day.

(l) At a minimum, all payphone service providers shall:

(1) Allow access to an end-user's carrier of choice via 101XXXX, 1-800, 1-888 and 950 carrier access code dialing, without a coin;

(2) Allow free access to emergency calling, without requiring a coin or other method of payment;

(3) Provide the end-user access to local directory assistance;

(4) Allow end-users to place local and long distance calls, using any combination of nickels, dimes and quarters or, if the payphone instrument accepts same, currency, or alternative billing mechanisms (for example, but not limited to, calling/credit card calls, collect calls, and third-party billed calls);

(5) Maintain compliance with all applicable federal, state and local laws and regulations concerning the provision of payphone service to the disabled and hearing impaired;

(6) Ensure all keypads display both alpha and numeric representations;

(7) Subscribe to incoming call screening and outgoing call screening where available;

(8) Allow completion of local and long distance calls;

(9) Allow access to an operator without charge and without the use of a coin;

(10) Return any end-user deposited amount, if the call is not completed;

(11) Permit the caller or called party to terminate the call at no charge prior to completion of the call by the payphone service provider;

(12) Not limit the duration of local calls except for good cause shown through the filing of an application, after approval by the Commission. Any payphone service provider receiving such approval must also post information on or near each such payphone instrument sufficient to adequately inform the payphone end-user of the existence and extent of this limitation;

(13) Not impose any surcharge to the end-user for access to a telecommunications service provider;

(14) Not charge any end-user or called number for incomplete or unanswered calls;

(15) Not attach extension telephones to pay telephones, unless the pay telephone displays a notice that legibly and conspicuously states in capital letters, "YOUR CONVERSATION MAY BE OVERHEARD BECAUSE AN EXTENSION TELEPHONE IS ATTACHED TO THIS PHONE LINE"; and,

(16) The payphone service provider shall select a site for the payphone that will comply with state and city safety standards.

(m) Where the technology is not available to payphone service providers from incumbent LECs to allow access to dial 101XXXX calls described in paragraph (1) of subsection (l) of this Section, the requirement will be waived until such technology is offered by the incumbent LEC, and in any event not later than July 1, 1998.

(n) In addition to the requirement of OAC 165:58-5-3, an OSP/Aggregator shall disclose audibly and distinctly to the end-user, at no charge and before connecting any intrastate 0+ call, how to obtain the total cost of the call, including any and all surcharges, or the maximum possible total cost of the call, including any and all surcharges, before providing further oral advice to the end-user on how to proceed to make the call.

(o) The oral disclosure required in this Section shall instruct end-users that they may obtain applicable rate and surcharge quotations either, at the option of the provider of operator services, by dialing no more than two digits or by remaining on the line.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99]

165:58-5-2. [RESERVED]

165:58-5-3. Signage

(a) The following information shall be posted in a visible and readable location, on or near each payphone instrument:

(1) The name, address and toll-free telephone number of the payphone service provider;

(2) Instructions for use of the payphone, including instructions for accessing emergency services;

(3) The name, address and toll-free number of the certificated provider of operator services and certificated long distance toll provider;

(4) A written disclosure that the rates for all operator-assisted calls are available upon request, and that end-users have a right to obtain access to their carrier of choice and may contact their preferred carrier for information on accessing that carrier's service using that payphone;

(5) A method of reporting service difficulties and obtaining refunds at no cost to the end-user;

(6) The name, address, hours of operation (8:00 a.m. - 4:30 p.m., Monday through Friday), and the local and toll-free telephone numbers of the Commission's Consumer Services Division, to which the end-user may direct complaints and questions regarding the payphone service provider and/or any instrument;

(7) The name, address, and telephone number of the Federal Communications Commission;

(8) If a payphone service instrument does not receive incoming calls, a notice shall be prominently displayed with either the words "OUTGOING CALLS ONLY" or "THIS TELEPHONE CANNOT RECEIVE TELEPHONE CALLS" or similar language approved by the Commission;

(9) The payphone service instrument shall display the phone number of the instrument, and for each payphone service instrument, if any, for which emergency telephone number services capable of expediently identifying the instrument's location, in order to facilitate public safety response as set forth in OAC 165:55-13-10(a)(1)(E), do not exist, the provider of such payphone service instrument shall take reasonable steps to prominently display the physical address of the instrument;

(10) The payphone service instrument shall display instructions on how to contact both local and long distance directory assistance;

(11) The payphone signage shall include a notice that states "CHANGE NOT PROVIDED", if applicable;

(12) Clearly identify the charge per local call;

(13) Clearly identify if a charge per call for directory assistance is applicable; and

(14) If an extension has been attached, a notice that legibly and conspicuously states in capital letters, "YOUR CONVERSATION MAY BE OVERHEARD BECAUSE AN EXTENSION TELEPHONE IS ATTACHED TO THIS PHONE LINE".

(b) Signage must be protected from the elements.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99]

165:58-5-4. [RESERVED]

165:58-5-5. Access to emergency services

End-users must be able to access, where available, 911 emergency services, and 711 telecommunications relay services. The payphone service provider must allow 911 and 711 calls to be connected to the public service answering point at no charge without requiring a coin or credit card. Where 911 emergency service and/or 711 telecommunications relay services are not available, the caller must be instructed to dial ?0? and calling ?0? must, at no charge and without requiring a coin or credit card, directly connect the caller either with the local exchange service provider providing the payphone access line from which the call is made or with an OSP that will complete the emergency call at no charge.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 19 Ok Reg 2014, eff 7-1-02]

PART 3. PUBLIC INTEREST PAYPHONES

165:58-5-10. Public interest payphones

The Commission may, on a case-by-case basis, designate, establish or disconnect public interest payphones, and may determine minimum service requirements for each public interest payphone, so designated or established, upon the Commission's own

application or the application of any interested party, after notice as required, including notice to the Attorney General, and after a hearing on the merits.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

SUBCHAPTER 7. TARIFFS

Section

165:58-7-1.	Tariffs and/or Terms of Service required
165:58-7-2.	Information to be included in a payphone service provider's tariff
165:58-7-3.	Requirements as to size, form, identification, and filing of tariffs
165:58-7-4.	Symbols for changes
165:58-7-5.	Revisions to tariffs
165:58-7-5.1	Confidential information related to tariffs
165:58-7-5.2.	Name changes and/or trade name additions
165:58-7-6.	Suspension
165:58-7-7.	Objections
165:58-7-8.	[RESERVED]
165:58-7-9.	Changes to local coin rates

165:58-7-1. Tariffs and/or Terms of Service required

(a) All payphone service providers must file a tariff which sets forth all terms and conditions of service and all regulated rates and charges for payphone services. Those services contained in the company's tariff and approved by the Commission or Terms of Service may be provided to end-users at the regulated rates and charges contained in the company's filed tariff or Terms of Service. No deviation of any kind from the filed tariff or Terms of Service is permitted, unless otherwise ordered by the Commission.

(b) Except as required in OAC 165:58-7-5, not later than thirty (30) days after the effective date of the tariff, an original and two (2) copies of the approved tariff which conforms to OAC 165:58-7-3 shall be provided to the Public Utility Division.

(c) Failure to comply with this Section may result in the filing of a Motion to Cease and Desist and could result in revocation of the payphone service provider's Certificate of Convenience and Necessity.

(d) A payphone service provider which has a written tariff on file with the Commission may withdraw the tariff if the payphone service provider:

(1) provides written notice to the Director of the Public Utility Division and the Oklahoma Attorney General, that it is withdrawing the tariff,

(2) posts the Terms of Service, and

(3) provides the Commission with the web page information where the language is posted.

(e) The Commission maintains the same authority to review the Terms of Service of a payphone service provider, as permitted by OAC 165:58-7-5.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 19 Ok Reg 2914, eff 7-1-02; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-7-2. Information to be included in a payphone service provider's tariff

The tariff shall include the following information:

- (1) Table of contents.
- (2) Symbols for changes in tariff.
- (3) Applicability of the tariff.
- (4) Accessibility of tariffs.
- (5) Detailed billing and collection information.
- (6) Detailed information regarding handling of complaints and disputed charges.
- (7) All services provided by the company and a detailed explanation of each, including adjunct reseller and OSP services, if applicable.
- (8) All rates and charges applicable to regulated services provided in Oklahoma.
- (9) A price list which sets forth the charge for a local coin call.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

165:58-7-3. Requirements as to size, form, identification, and filing of tariffs

(a) All tariffs shall be in loose leaf form of a size eight and one-half inches by eleven inches (8-1/2" x 11") and shall be plainly printed or reproduced on paper of good quality. The tariff shall be in a format approved by the Director of the Public Utility Division. The front page of the tariff shall contain the name of the payphone service provider including all trade names and the location of its principal office(s).

(b) Tariff sheets are to be numbered consecutively. Each sheet shall show the cause number, the order number, if applicable, the issue date, the effective date, a revision number, section number or title, sheet number, primary name and all trade names of the payphone service provider, and the name of the tariff in a consistent manner. Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the number of the revision, and the sheet numbers shall be the same.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99; Amended at 19 Ok Reg 2015, eff 7-1-02]

165:58-7-4. Symbols for changes

(a) Each payphone service provider shall include in their tariff, notations indicating each change made with the proposed application or revision. Notations (referred to as tariff symbols) to be used are:

- (1) (AT) means addition to text.
- (2) (C) means correction.
- (3) (CP) means change in practice.
- (4) (CR) means change in rate.

- (5) (CT) means change in text.
- (6) (DR) means discontinued rate.
- (7) (FC) means change in format lettering or numbering.
- (8) (MT) means moved text.
- (9) (NR) means new rate.
- (10) (RT) means removal of text.

(b) In addition to symbols for changes, each provision or rate element changed shall contain a vertical line which clearly shows the exact number of lines being changed.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

165:58-7-5. Revisions to tariffs

(a) New or revised tariffs describing Payphone Services shall have an effective date on or after the day following the day the submission is delivered to the Director of the Public Utility Division, subject to the following:

- (1) The submission delivered to the Public Utility Division shall include a cover letter, a mark-up copy of the new or revised tariff pages in legislative format, and a final copy of the new or revised tariff pages;
- (2) The effective date of the new or revised tariff submitted to the Commission shall be stated on the face of the new or revised tariff pages; and
- (3) The Commission may permit electronic submission of new or revised tariffs when technically feasible.

(b) After investigating, the Public Utility Division may file an application with the Commission seeking to revoke or modify any tariff. After notice and hearing, the Commission may issue an order prospectively revoking or modifying any tariff for good cause.

(c) Tariff revisions to reflect a change to the name and/or the addition of a trade name under which the payphone service provider will be doing business in the State of Oklahoma shall become effective, without Commission order, the date of submission of such tariffs, provided the submission contains the attestation required by subparagraph (5) of this subsection, unless the Commission orders the suspension of said tariff revisions pursuant to OAC 165:58-7-6. The request for name change or request for addition of a trade name shall be accompanied by the following, as applicable:

- (1) An amendment to the Certificate of Incorporation effecting a change of name pursuant to Section 1076, 1077 or 1031 of Title 18 of the Oklahoma Statutes;
- (2) A Trade Name Report filed with the Secretary of State as provided in Section 1140 of Title 18 of the Oklahoma Statutes;
- (3) A Withdrawal of Trade Name Report filed with the Secretary of State as provided in Section 1140.1 of Title 18 of the Oklahoma Statutes;
- (4) A Transfer of Trade Name Report filed with the Secretary of State as provided in Section 1140.2 of Title 18 of the Oklahoma Statutes; and,
- (5) An attestation that the tariffs are identical, except for the name change or addition of a trade name, to the existing tariffs of the payphone service provider.

(d) The burden of proof to show that a proposed or revised tariff is just and reasonable shall be upon the company proposing the new or revised tariff.

[**Source:** Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-7-5.1. Confidential information related to tariffs

(a) With the exception of information and data related to the dollar and percentage impacts of the proposed change(s) on end-user rates and the rationale for the proposed tariffs, any additional financial or cost data, or data that is identifiable to a specific customer, requested by the Public Utility Division Staff shall be deemed confidential records or trade secrets of the payphone service provider under the Oklahoma Open Records Act as provided for by 51 O.S. § 24A.22 and shall be kept confidential by the Commission, unless successfully challenged.

(b) All confidential information and data submitted to the Public Utility Division Staff under subsection (a) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:58-7-5.1."

(c) For each tariff filing submitted by a payphone service provider in accordance with OAC 165:58-7-5, the same confidential information and data provided to the Public Utility Division Staff shall also be provided to the Office of the Attorney General upon the signing of a Proprietary Agreement by the Attorney General or its representative.

(d) All confidential information and data provided to the Office of the Attorney General under subsection (c) of this Section shall be conspicuously labeled "Confidential information and data submitted pursuant to OAC 165:58-7-5.1."

[**Source:** Added at 15 Ok Reg 3106, eff 7-15-98]

165:58-7-5.2. Name changes and/or trade name additions

Any name changes and/or trade name additions shall be approved pursuant to OAC 165-58-7-5(d).

[**Source:** Added at 16 Ok Reg 2333, eff 7-1-99; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-7-6. Suspension

(a) Any tariff filed with the Commission or submitted to the Director of the Public Utility Division pursuant to OAC 165:58-7-5 may be suspended by Commission order, with or without notice or hearing, upon recommendation by the Public Utility Division Staff. The Commission may also order suspension of proposed revisions on motion by an aggrieved party, after notice and hearing.

(b) To lift the suspension of any filing or submission made by a payphone service provider pursuant to this Chapter, whether the application has been subsequently amended after the suspension or not:

(1) The applicant shall file a motion pursuant to OAC 165:5-9-2(b), which requests that the suspension be lifted, giving notice to the Oklahoma Attorney General and to all parties of record; or,

(2) The application may be set for hearing on the merits at a time to be agreed upon by the Public Utility Division and the applicant.

(c) If the application is scheduled for hearing pursuant to (b)(2) of this Section and the time for filing an objection to the amended filing has not elapsed, the Notice of Hearing shall be sent to the Oklahoma Attorney General and to any party(ies) of record.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 19 Ok Reg 2015, eff 7-1-02; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-7-7. Objections

Any entity wishing to object to an initial tariff filed pursuant to this Chapter may file objections with the Commission's Court Clerk within fifteen (15) days after the proposed tariff is filed. Any such objection shall comply with the requirements of OAC 165:5, the Commission's Rules of Practice, and this Chapter, and must contain a specific description of the basis for the objection and all information necessary to allow evaluation of the objection. The objecting entity shall promptly serve its objection on the payphone service provider which filed the proposed initial tariff, the Director of the Public Utility Division, any Intervenors, and the Oklahoma Attorney General.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-7-8. [RESERVED]

165:58-7-9. Changes to local coin rates

(a) The charge for a local coin call was deregulated pursuant to the FCC's Order 96-338, issued September 20, 1996, Order 96-439, issued November 8, 1996, and Order DA97-678, issued April 4, 1997, in the FCC's Docket 91-35 and Docket 96-128 and became effective October 7, 1997.

(b) The payphone service provider is required to provide, to the Public Utility Division, its local coin rate(s) on a separate local coin rate page or letter which will be included behind the approved regulated tariff for informational purposes only.

(c) The payphone service provider is allowed to change the rate charged for a local coin call without Commission approval, but only after the following conditions have been met:

(1) Signage on all affected payphones shall be revised to reflect the revised local coin rate.

(2) Provide, by letter to the Director of the Public Utility Division, the requested information and an attestation that states that the signage on all affected payphones has been changed to reflect the revised local coin rate.

[Source: Added at 15 Ok Reg 3106, eff 7-15-98]

SUBCHAPTER 9. MISCELLANEOUS PROVISIONS

165:58-9-1. Notification when a payphone service provider withdraws from business [REVOKED]

165:58-9-2. Responsibilities and Penalties

165:58-9-1. Notification when a payphone service provider withdraws from business [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Revoked at 15 Ok 3601, eff 7-15-98]

165:58-9-2. Responsibilities and penalties

(a) Each payphone service provider is responsible for abiding by all applicable Oklahoma statutes, Commission rules, regulations and orders, and telecommunications service provider's tariffs. Penalties for failure to comply with this requirement may include, but are not limited to, immediate disconnections of service and revocation of the payphone service provider's Certificate of Convenience and Necessity to provide payphone service or other type of authority to provide payphone service authorized by this Commission, after notice and hearing.

(b) Violation of OAC 165:58-3-5, by either the payphone service provider or the telecommunications service provider who is providing the access line, will subject one or both providers to fines and/or penalties including, but not limited to, denial or revocation of its Certificate of Convenience and Necessity, by the Commission, after notice and hearing.

(c) The Commission may suspend or revoke a PSP's Certificate of Convenience and Necessity for up to one year for repeat violations of Commission rules.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 16 Ok Reg 2333, eff 7-1-99]

SUBCHAPTER 11. OBLIGATIONS OF TELECOMMUNICATIONS SERVICE PROVIDERS**Section**

165:58-11-1. Obligations of telecommunications service providers to facilitate the provisioning of payphone service

165:58-11-1. Obligations of telecommunications service providers to facilitate the provisioning of payphone service

(a) A listing, or no listing, in the local telephone white page directory will be provided to the payphone service provider on request, at no charge, for each line utilized by the payphone service provider.

(b) Access for payphone service providers must be available in all exchanges and service areas where facilities are available.

(c) Until such time as an applicable payphone access line tariff is approved, access by payphone service providers to the incumbent LEC's network will be provided by means of a special service arrangement based on the incumbent LEC's business access line tariff rate.

(d) Incoming call screening and outgoing call screening must be provided where and when it is technically feasible, and in any event not later than July 1, 1998.

(e) The telecommunications service provider shall not initiate a billable maintenance service call or take any other billable action in response to a trouble report on a payphone until such time as requested by the payphone owner or authorized agent.

(f) Directory assistance provided to a payphone service provider by a telecommunications service provider shall be on the same terms, conditions and rates that the telecommunications service provider provides such service to itself or its payphone service affiliate or subsidiary. Telecommunications service providers shall not be required to provide such service to payphones accessible to inmates of confinement facilities.

(g) The telecommunications service provider must provide to payphone service providers who use automated call completion technology to complete operator service calls the same services and information that the telecommunications service provider provides to interexchange carriers, on the same rates, terms and conditions.

(h) Telecommunications service providers must offer direct dialed international call blocking (011+ and "101XXXX+011+") where technically feasible.

(i) The telecommunications service provider shall only provide access lines to the payphone service provider after a copy of the Certificate of Convenience and Necessity has been provided. Additionally, the telecommunications service provider shall only provide access lines to a payphone provider in the same name as that listed on the Certificate of Convenience and Necessity and that shall be the account billing name.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99]

SUBCHAPTER 12. NOTIFICATION OF CHANGES TO OWNERSHIP, CONTROL OR BUSINESS OPERATIONS

Section

- 165:58-12-1. Notification of transactions affecting the ownership or control of a payphone service provider
- 165:58-12-2. [RESERVED]
- 165:58-12-3. Cessation of business in Oklahoma

165:58-12-1. Notification of transactions affecting the ownership or control of a payphone service provider

(a) The parties to an agreement, the performance of which will result in the transfer of a Certificate of Convenience and Necessity, with or without the transfer of a tariff, from one legal entity to another legal entity shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and four (4) copies of a Notification of Transaction with the Commission's Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(b) The parties to an agreement, the performance of which will result in the merger of one or more legal entities with a surviving legal entity which is certificated to provide payphone services, shall, at least forty-five (45) days before the effective date of such proposed transaction, file an original and four (4) copies of a Notification of Transaction

with the Commission's Court Clerk, accompanied by the applicable filing fee, in order to notify the Commission of the transaction.

(c) This Section shall not require notification to the Commission of transactions which involve only changes in the ownership of the stock of a payphone service provider. Such transactions are not subject to regulation by the Commission.

(d) The Notification of Transaction shall include a copy of the agreement, with all exhibits and schedules, and set forth the following information, if applicable:

(1) The name of the acquiring entity and the acquired entity.

(2) Identification of the acquired assets.

(3) The anticipated completion date and the effective date (if different) of the transaction.

(4) The name of the entity(ies) which will be providing payphone services in Oklahoma subsequent to the effective date of the transaction (the "surviving entity").

(5) The name, address and telephone number of a contact person for purposes of the Notification of Transaction.

(6) The names and qualifications of the individuals who will serve as officers and management of the surviving entity.

(7) The name(s), address(es) and telephone number(s) of the representatives of the surviving entity who will be the contact(s) for the Public Utility Division and the Consumer Services Division and will be primarily responsible for:

(A) Providing customer service;

(B) Repair and maintenance;

(C) Answering complaints;

(D) Authorizing and/or furnishing refunds to customers;

(E) Tariff issues; and,

(F) Receiving Notices related to causes docketed at the Commission.

(8) An affidavit, including a financial statement, that states that the surviving entity possesses the financial ability to provide payphone services in the State of Oklahoma.

(9) Identification of any changes in services to be offered or tariffed rates to affected customers required by the transaction.

(10) A narrative and/or schematic description of the relationship between or among the acquired and acquiring entities and the surviving entity.

(11) An acknowledgment that any tariff revisions shall only be accomplished in a separate filing.

(e) At the time of filing the Notification of Transaction, the acquiring entity shall provide a copy of the Notification of Transaction, with all attachments thereto, to Oklahoma Attorney General.

(f) The Public Utility Division Staff shall review the Notification of Transaction for the purpose of determining whether the proposed transaction should be approved and, in the case of mergers, whether the surviving entity should be allowed to provide telecommunications service in Oklahoma after the effective date of the transaction under the authority of any existing Certificate of Convenience and Necessity. The Public Utility Division shall act on a notification within thirty (30) business days of the date the notification is filed. No reportable transaction shall be consummated except by order of the Commission. Any person wishing to object to the proposed filing must file an objection with the Commission's Court Clerk no later than fifteen (15) days after the

proposed filing. The Oklahoma Attorney General shall be granted intervention in such proceeding, if requested.

(g) Within thirty (30) business days of the filing of the Notification of Transaction, the Public Utility Division Staff may file a Continuance of Review in the Cause stating that the Public Utility Division Staff has not completed its review of the transaction and shall require an additional specified time, not to exceed an additional thirty (30) calendar days, in which to complete such review. The Public Utility Division Staff shall accompany such a Continuance of Review with a specification of the additional information, if any, needed to complete this review.

(h) The Public Utility Division Staff may, if it determines appropriate, file a Notice in the Cause requiring the acquiring entity and/or the surviving entity to show cause that the proposed transaction and/or merger is lawful, fair to the customers and in the public interest. The filing of such Notice by the Public Utility Division Staff will not alone suspend the authority of any entity to operate under an existing Certificate of Convenience and Necessity. Simultaneously with the filing of any such Notice, the Public Utility Division Staff shall propose a procedural schedule, including a date for hearing which shall be held within ninety (90) calendar days of the date of the filing of the Notification of Transaction, unless otherwise ordered by the Commission. If such a Notice is filed by the Public Utility Division Staff, the acquiring entity and/or surviving entity shall have the burden of establishing that the proposed transaction(s) is lawful, fair to the customers and in the public interest.

(i) After approval of notification of transaction(s), and not later than thirty (30) days after transaction consummation, an original and two (2) copies of the approved tariffs, which conform to OAC 165:58-7-3, shall be provided to the Public Utility Division.

[Source: Added at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99; Amended at 19 Ok Reg 2015, eff 7-1-02; Amended at 35 Ok Reg 1063, eff 9-14-18]

165:58-12-2. [RESERVED]

165:58-12-3. Cessation of business in Oklahoma

(a) At least thirty (30) days before the effective date of the cessation of the provisioning of payphone services in the State of Oklahoma, a payphone service provider shall file an original and eight (8) copies of an application for withdrawal of its Certificate of Convenience and Necessity and cancellation of its tariffs and provide Notice of such filing to the Attorney General of the State of Oklahoma.

(b) An application for withdrawal shall include as attachments the following information, which must be certified as true and correct by an officer of any corporate applicant, or an authorized representative of an unincorporated applicant:

- (1) The contact person who will be responsible for concluding all outstanding business with the Commission and aggregators/location owners;
- (2) Information as to the procedure for any refunds due to customers; and
- (3) The date of withdrawal;

(c) Notice of discontinuance shall be sent by regular mail to all of the payphone service provider's aggregators/location owners. The notice shall be in a form approved by the Director of the Public Utility Division, and shall give the exact date that service will cease and contain information as to the procedure for any refunds due

aggregations/location owners.

(d) Unless provided otherwise in this Chapter, no withdrawal and/or cancellation of an existing Certificate of Convenience and Necessity and tariff shall be granted except by Order of the Commission, after such notice and hearing, if any, as directed by the Commission.

(e) The Commission Staff may file an application to cancel an existing Certificate of Convenience and Necessity and tariff, at the company's request and at the option of the Commission Staff. The company's request may be in the form of a letter to the Director of Public Utility Division. The letter will conform with subsections (b) and (c) of this Section.

[Source: Added at 15 Ok Reg 3106, eff 7-15-98; Amended at 16 Ok Reg 2333, eff 7-1-99]

SUBCHAPTER 13. FRAUD

Section

165:58-13-1. Obligations of telecommunication service providers and payphone service providers regarding fraud

165:58-13-1. Obligations of telecommunication service providers and payphone service providers regarding fraud

(a) Where call screening is available, the telecommunications service provider will not bill any call, including, but not limited to, third number billed, collect, 0+ or 0- calls, to a number which has been clearly identified to the operator, at the time of the call attempt, as a payphone. The telecommunications service provider will not be responsible for refunds or adjustments of charges for calls placed through another operator. However, the telecommunication service provider shall be responsible to the payphone service provider for any fraud if the telecommunication service provider's call screening, which is paid for by the payphone service provider, fails.

(b) If a payphone service provider provides payphone service in a territory where call screening is not available, the payphone service provider shall be responsible to the provider(s) of telecommunication services who are adversely affected by fraudulent traffic from or to any of the payphones placed by the payphone service provider in such a territory, except that if a telecommunications service provider fails to comply with OAC 165:58-11-1(d), the telecommunications service provider shall be responsible to the providers of telecommunication services who are adversely affected by fraudulent traffic from or to payphones located in such territory.

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

**APPENDIX A. APPLICATION FORM FOR CERTIFICATE OF PUBLIC
&CONVENIENCE AND NECESSITY [REVOKED]**

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Revoked at 16 Ok Reg 2333, eff 7-1-99]

APPENDIX B. SAMPLE TARIFF FORMAT [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Revoked at 16 Ok Reg 2333, eff 7-1-99]

APPENDIX C. SAMPLE NOTICE OF FILING [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Revoked at 16 Ok Reg 2333, eff 7-1-99]

APPENDIX D. SAMPLE NOTICE OF APPLICATION AND HEARING [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Revoked at 16 Ok Reg 2333, eff 7-1-99]

**APPENDIX E. SAMPLE NOTICE OF STREAMLINE APPLICATION AND HEARING
[REVOKED]**

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98; Revoked at 16 Ok Reg 2333, eff 7-1-99]

APPENDIX F. APPLICATION FORM FOR CHANGES TO TARIFFS [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Revoked at 16 Ok Reg 2333, eff 7-1-99]

APPENDIX G. TECHNICAL AND COMPLIANCE INSPECTION FORM

PAY TELEPHONE INSPECTION FORM

Date inspection performed: _____

Payphone Service Provider: _____

Name of Location: _____

Address: _____

Tel. No. _____

	<u>Yes</u>	<u>No</u>	<u>Cost</u>
1. Can you complete a local call for the currently approved rate?	_____	_____	_____
2. Are there any call duration limits?	_____	_____	_____
3. Can you access a local operator free of charge? Who? _____	_____	_____	_____
4. Can you access local directory assistance, free of charge?	_____	_____	_____
5. If required, is a current local directory available?	_____	_____	_____
6. Can you access 911 without a charge or deposit of coins? A. If 911 isn't available, what is the emergency access number? _____ B. Are you able to reach this number without a charge?	_____	_____	_____
7. Does the instrument comply with all applicable federal, state and local laws/regulations concerning service to the disabled and hearing impaired? A. (the various laws/requirements will be listed here) B. C.	_____	_____	_____
8. Can you complete a 0+ call with a credit card?	_____	_____	_____
9. Can you complete a 1+ call with coins?	_____	_____	_____
10. Can you access IXC's, resellers & OSP's not presubscribed to this phone?	_____	_____	_____

		<u>Yes</u>	<u>No</u>	<u>Cost</u>
11.	Can you access long distance directory assistance?	___	___	___
12.	Is adequate lighting available to read the signage?	___	___	___
13.	Is the signage legible and in good condition?	___	___	___
14.	Is the following information provided on signage?			
	A. Name, address and toll free telephone number of provider.	___	___	___
	B. Method to report trouble/get refund.	___	___	___
	C. Instructions for using payphone, including instructions for accessing emergency services.	___	___	___
	D. If telephone does not accept incoming calls, that is stated.	___	___	___
	E. Information pertaining to CSD, including their toll free number, hours of operation.	___	___	___
	F. Display the physical address and phone number of the payphone service instrument.	___	___	___
	G. The name, address and toll-free number of the provider of operator services.	___	___	___
	H. The amount of any property surcharge applicable, billed and collected by the OSP or PSP.	___	___	___
	I. Disclosure that operator assisted rates are available upon request.	___	___	___
	J. Statement that end-users have the right to access to the carrier of choice.	___	___	___
	K. Instructions to contact local and long distance directory assistance.	___	___	___
15.	Are there any safety hazards? If so, specify. _____			

Comments: _____

Name of inspector: _____

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97]

APPENDIX H. AFFIDAVIT OF AUTHORIZED AGENT FORM

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF (Applicant's Name)) CAUSE NO. PUD _____
 FOR A CERTIFICATE OF PUBLIC)
 CONVENIENCE AND NECESSITY TO)
 PROVIDE PAYPHONE SERVICE)
 WITHIN THE STATE OF OKLAHOMA.)

AFFIDAVIT OF AUTHORIZED AGENT

STATE OF _____)
) ss.
 COUNTY OF _____)

(Name of Authorized Agent), of lawful age, being first duly sworn, deposes and says as follows:

I am the (Title of Authorized Agent) of (Name of Applicant's Company), a (partnership, trust, corporation, etc) in (City), (State); this entity is seeking a Certificate of Public Convenience and Necessity to provide payphone service in the State of Oklahoma. I, as an authorized agent, and on behalf of (Name of Applicant), agree that if such Certificate of Public Convenience and Necessity to provide payphone service in the State of Oklahoma is granted, (Name of Applicant) will agree to comply with the rules and orders of this Commission; all federal, state and local laws; and specifically state and agree to:

- 1) Comply with all requirements of all applicable federal, state and local. laws and regulations concerning the provision of payphone service to the disabled and hearing impaired;
- 2) Comply with the National Electrical Safety Code;
- 3) Ensure that each payphone instrument belonging to or installed by this applicant is registered pursuant to FCC Part 68;
- 4) Pay its annually apportioned share of the Public Utility assessment fee levied pursuant to 17 O.S. Supp. 1994 Section 180.11, in a timely fashion, unless and until otherwise ordered by the Commission;
- 5) Contribute to the Oklahoma Universal Fund pursuant to OAC 165:59;
- 6) Refrain from providing any other telecommunications services regulated by the Commission, unless and until authorized to do so by the issuance of a Certificate of Convenience and Necessity;
- 7) Refrain from transferring its Certificate of Convenience and Necessity unless and until appropriate notification is provided to the Commission, in conformance OAC 165:58-7-5(e) or OAC 165:58-12-1.

- 8) Acknowledge understanding of the Commission's contempt authority and responsibility to enforce its rules and regulations.

(Signature of Authorized Agent)

Subscribed and sworn to before me this ___ day of _____, 199_.

(Seal)

Notary Public

My commission expires:

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 121261, eff 5-15-97; Amended at 15 Ok Reg 3106, eff 7-15-98]

APPENDIX I. ANNUAL REPORT [REVOKED]

[Source: Added at 14 Ok Reg 21, eff 9-30-96 (emergency); Amended at 14 Ok Reg 1261, eff 5-15-97; Revoked at 16 Ok Reg 2333, eff 7-1-99]

**APPENDIX J. TELECOMMUNICATIONS COMPLAINT REPORT FORM
COMPLAINT REPORT FORM**

Company Name _____

Date Complaint Received _____ Time of Call _____

Customer (or Account) Name _____

Telephone No. _____ Contact No. (if different) _____

Customer Address _____ City _____

Exchange _____

Name of Caller (if not customer) _____ Contact No. for Caller _____

Complaint Code _____

Nature of the Complaint:

Company findings and resolution:

Refund made, if applicable, Yes ___ No ___ Amount \$ _____

Date closed _____ Closed by _____

[Source: Added at 15 Ok Reg 3106, eff 7-15-98]

APPENDIX K. CUSTOMER COMPLAINT CODES**LIST OF CUSTOMER COMPLAINT CODES**

<u>Code</u>	<u>Description</u>	<u>Code</u>	<u>Description</u>
B	Billing, general	SOD	Service order delay
BCRM	Cramming	SOUT	Outage
BDA	Delinquent Account	SREF	Service refusal
BEBM	Miscellaneous	SRG	Better grade of service
BED	Early demand of toll	SRS	Repair service
BIA	Billing in advance	SUDO	Unable to dial out
BIB	Incorrect billing, other	SURC	Unable to receive calls
BLMG	Slamming	TOS	Disconnection of service
BRDB	Reseller-disputed bill		
BRNB	Did not receive a bill		
BSUR	Universal Service Fund Contribution Recovery Fee		
BTNC	Third number calls		
DEPF	Deposit refund		
DEPR	Deposit requested by company		
GP	General business practices		
ORR	Rules & regulations		
PX	Payment extension		
RISC	Installation charges		
RDAC	Directory assistance		
RLP	Late payment charges		
ROUB	Overbilling		
RT	Rates and tariffs		
SEAS	Extended area service		
SLMR	Service Line maintenance		
SNF	No facilities		
SNOL	Noise on the line		

[Source: Added at 15 Ok Reg 3106, eff 7-15-98]