

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1205

Session of  
1989

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APRIL 18, 1989

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AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 26, 1989

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## AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, requiring that alternative operator  
3 service providers make certain disclosures to customers  
4 before providing service; and regulating certain rates.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 66 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 2906. Rates and disclosures of ALTERNATIVE operator service <—  
10 providers.

11 (a) IntraLATA toll rates.--The rate charged by an operator <—  
12 assisted ALTERNATIVE OPERATOR service provider for an intraLATA <—  
13 toll call shall not exceed the retail tariff toll rate of the  
14 local exchange carrier serving the same call or, in the case of  
15 a coin telephone, the charge for using the telephone plus the  
16 retail tariff toll rate of the local exchange carrier serving  
17 the coin telephone for the same call.

1        (b) InterLATA toll rates.--The rate charged by an operator <—  
2 assisted ALTERNATIVE OPERATOR service provider for an interLATA <—  
3 toll call shall not exceed the highest retail tariff toll rate  
4 of any certificated interLATA telephone service provider in this  
5 Commonwealth for the same call or, in the case of a coin  
6 telephone, the charge for using the telephone plus the highest  
7 retail tariff toll rate of any certificated interLATA telephone  
8 service provider in this Commonwealth for the same call.  
9        (c) Disclosures.--Any telecommunications carrier ALTERNATIVE <—  
10 OPERATOR SERVICE PROVIDER, aggregator or owner, operator or  
11 lessee of a coin telephone offering or providing operator-  
12 assisted services in this Commonwealth shall, before providing  
13 the service, disclose to the customer the identity of the  
14 ALTERNATIVE operator service provider handling the operator- <—  
15 assisted call and UPON REQUEST PROVIDE the rates, terms and <—  
16 conditions for operator-assisted calls. These disclosures shall  
17 be displayed on, or in the immediate vicinity of, the telephone  
18 equipment owned or controlled by the aggregator, or by the  
19 ALTERNATIVE operator service provider if the ALTERNATIVE <—  
20 operator service provider owns or provides the telephone, or on,  
21 or in the immediate vicinity of the coin telephone.  
22        (d) Equal access.--The telecommunications carrier <—  
23 ALTERNATIVE OPERATOR SERVICE PROVIDER, aggregator or owner, <—  
24 operator or lessee of a coin telephone shall offer to switch a  
25 customer to any other carrier BACK TO THE ORIGINATING LOCAL <—  
26 EXCHANGE CARRIER offering operator-assisted services and inform  
27 the customer that the switch will be made without charge. A <—  
28 telecommunications carrier AN ALTERNATIVE OPERATOR SERVICE <—  
29 PROVIDER shall not enter into any contract or agreement with an  
30 aggregator or owner, operator or lessee of a coin telephone

1 which does not provide a customer, using either a telephone  
2 owned or controlled by the aggregator or ALTERNATIVE operator <—  
3 service provider or a coin telephone, with the means to access  
4 any other ~~operator service provider~~ certificated by the <—  
5 ~~commission and~~ CERTIFICATED INTERLATA TELEPHONE SERVICE PROVIDER <—  
6 operating in the relevant geographic area, through the access  
7 method chosen by the ~~operator~~ CERTIFICATED INTERLATA TELEPHONE <—  
8 service provider, or to access a local exchange carrier operator  
9 or emergency telephone number.

10 (e) Definitions.--As used in this section, the following  
11 words and phrases shall have the meanings given to them in this  
12 subsection:

13 "Aggregator." Every corporation, association, partnership or  
14 person that is not a ~~telecommunications carrier~~ PUBLIC UTILITY, <—  
15 and that, in the ordinary course of its business, makes  
16 telephones available to the public or to transient users of its  
17 business, including, but not limited to, a hotel, motel,  
18 hospital or university, and that provides operator-assisted  
19 services through an ALTERNATIVE operator service provider. <—

20 "ALTERNATIVE OPERATOR SERVICE PROVIDER." A NONFACILITIES <—  
21 BASED CARRIER THAT IS A RESELLER, THAT LEASES LINES FROM LOCAL  
22 EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS AND USING THESE  
23 LEASED FACILITIES ALONG WITH THEIR OWN OPERATORS, PROVIDES  
24 OPERATOR-ASSISTED SERVICE.

25 "Certificated interLATA telephone service provider." Any  
26 ~~telecommunications carrier~~ PUBLIC UTILITY which is certificated <—  
27 by the commission to provide INTERLATA toll service in this <—  
28 Commonwealth and provides service primarily through facilities  
29 it owns or leases.

30 "Coin telephone." A telephone which requires insertion of a

1 coin as a charge for using the telephone to make local or long  
2 distance calls.

3 ~~"Operator service provider." Every telecommunications~~ <—  
4 ~~carrier which provides operator assisted services.~~

5 "Operator-assisted service." Any telephone call which the  
6 customer initiates by dialing "0" and for which a fee is  
7 charged. These services may be provided by either human or  
8 mechanical operators and include, but are not limited to, all  
9 calls billed to credit cards or third parties and all collect or  
10 person-to-person calls.

11 Section 2. This act shall take effect in 90 days.