

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1205

Session of
1989

INTRODUCED BY D. R. WRIGHT, J. L. WRIGHT, COY, STEIGHNER, VEON,
MICHLOVIC, DeLUCA, JAROLIN, RYBAK, ITKIN, MORRIS, ROBINSON,
BISHOP, HALUSKA, TRELLO, KUKOVICH, TIGUE, COWELL, MELIO,
JOSEPHS, PISTELLA, WOGAN, CORRIGAN, RAYMOND, MRKONIC, OLASZ
AND RITTER, APRIL 18, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 23, 1989

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
12 alternative operator service provider for an intraLATA toll call
13 shall not exceed the retail tariff toll rate of the local
14 exchange carrier serving the same call or, in the case of a coin
15 telephone, the charge for using the telephone plus the retail
16 tariff toll rate of the local exchange carrier serving the coin
17 telephone for the same call.

1 (b) InterLATA toll rates.--The rate charged by an
2 alternative operator service provider for an interLATA toll call
3 shall not exceed the highest retail tariff toll rate of any
4 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 alternative operator service provider,
10 aggregator or owner, operator or lessee of a coin telephone
11 offering or providing operator-assisted services in this
12 Commonwealth shall, before providing the service, disclose to
13 the customer the identity of the alternative operator service
14 provider handling the operator-assisted call and upon request
15 provide the rates, terms and conditions for operator-assisted
16 calls. These disclosures shall be displayed on, or in the
17 immediate vicinity of, the telephone equipment owned or
18 controlled by the aggregator, or by the alternative operator
19 service provider if the alternative operator service provider
20 owns or provides the telephone, or on, or in the immediate
21 vicinity of the coin telephone.

22 (d) Equal access.--The alternative operator service
23 provider, aggregator or owner, operator or lessee of a coin
24 telephone shall offer to switch a customer back to the
25 originating local exchange carrier offering operator-assisted
26 services and inform the customer that the switch will be made
27 without charge. An alternative operator service provider OR
28 CERTIFICATED INTERLATA TELEPHONE SERVICE PROVIDER shall not
29 enter into any contract or agreement with an aggregator or
30 owner, operator or lessee of a coin telephone which does not

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1 provide a customer, using either a telephone owned or controlled
2 by the aggregator or alternative operator service provider or a
3 coin telephone, with the means to access any other certificated
4 interLATA telephone service provider operating in the relevant
5 geographic area, through the access method chosen by the
6 certificated interLATA telephone service provider, or to access
7 a local exchange carrier operator or emergency telephone number.

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

11 "Aggregator." Every corporation, association, partnership or
12 person that is not a public utility, and that, in the ordinary
13 course of its business, makes telephones available to the public
14 or to transient users of its business, including, but not
15 limited to, a hotel, motel, hospital or university, and that
16 provides operator-assisted services through an alternative
17 operator service provider.

18 "Alternative operator service provider." A nonfacilities
19 based carrier that is a reseller, that leases lines from local
20 exchange carriers and interexchange carriers and using these
21 leased facilities along with their own operators, provides
22 operator-assisted service.

23 "Certificated interLATA telephone service provider." Any
24 public utility which is certificated by the commission to
25 provide interLATA toll service in this Commonwealth and provides
26 service primarily through facilities it owns or leases.

27 "Coin telephone." A telephone which requires insertion of a
28 coin as a charge for using the telephone to make local or long
29 distance calls.

30 "Operator-assisted service." Any telephone call which the

1 customer initiates by dialing "0" and for which a fee is
2 charged. These services may be provided by either human or
3 mechanical operators and include, but are not limited to, all
4 calls billed to credit cards or third parties and all collect or
5 person-to-person calls.

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