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§ 649.1 Regulations applicable

This Part shall apply to all telephone corporations as defined in the Public Service Law which provide intrastate operator assisted communications services by means of either human or automated call intervention, excluding local exchange telephone corporations to the extent that such corporations provide intrastate operator assisted communications services over their own or interconnected facilities and the rates and charges for such services are contained in rate schedules on file with the Commission.

§ 649.2 Basic requirements

A provider of intrastate operator assisted communications services must:

- (a) identify itself at the time the end-user accesses its services;
- (b) upon request, quote all rates and charges for its services to the end-user accessing its system;
- (c) arrange to have posted in plain view at each telephone location which automatically accesses the operator service provider's network and where its services are made available either to the public or transient end-users:
 - (1) the operator service provider's name and address;
 - (2) bill and service dispute calling information including the operator service provider's dispute resolution phone number;
 - (3) clear and specific instructions informing the end-user how to access a local exchange telephone company operator as an alternative available to the end-user; and
 - (4) notice concerning any and all amounts to be billed by the operator services provider on behalf of any host location or third party which will appear on the operator service provider's bill for services rendered.
- (d) in instances when the provider is unable to complete the call and it requires transfer to another telephone corporation which may affect the rates and charges applicable to the telephone bill, inform the caller of the transfer and its possible effect on the applicable rates and charges, before any charges are incurred; and
- (e) in the case of such a transfer, the telephone corporation or provider to which the call is transferred shall identify itself and inform the caller of the transfer's effect on the applicable rates and charges, before any charges are incurred.

§ 649.3 Rates and charges

(a) A provider of intrastate operator assisted communications services must file with the commission tariffs setting forth its rates, charges, rules and regulations.

(b) Whenever a provider files new tariffs or proposed changes in tariff rates previously effective, the provider shall file therewith an explanation of the rates or changes and of the basis therefor.

(c) Such tariffs shall not become effective for 75 days; and may, during that 75-day period, be suspended by the commission for a further period of up to eight months for investigation and hearing if the commission determines that the public interest so requires, unless the maximum rates and charges to be charged by a provider do not exceed the highest rates and charges authorized by the commission for use by a local exchange telephone corporation or a dominant inter-exchange telephone corporation in the State for similar kinds of operator assisted telephone calls.

§ 649.4 Exclusive agreements prohibited

Effective September 1, 1990, providers of intrastate operator assisted communications services shall not take any action or enter into any arrangement which restricts end-user selection among competing interexchange telephone corporations or end-user access to competing providers of intrastate operator assisted communications services, or pay any commissions or other compensation to any entity engaged in such action or arrangement.

§ 649.5 Enforcement

A provider of intrastate operator assisted communications services which violates any provision contained in this Part is subject to having its authority to provide such services revoked, its certificate of public convenience and necessity suspended, and commission actions pursuant to Public Service Law, sections 25 and 26.

§ 649.6 Emergency calls

(a) A provider of intrastate operator assisted communications services will be authorized by the commission to receive direct routing to it of calls initiated by dialing solely "0", upon its demonstration that it:

- (1) can process all emergency calls with a high degree of reliability;
- (2) can ensure that at the start of each call it will receive a signal enabling it to pinpoint the specific location of the calling telephone;
- (3) has internal procedures to police, monitor, and routinely test its ability to continuously process emergency calls with a high degree of reliability; and
- (4) can and will maintain the ability to reliably and promptly connect any "0" call which it cannot satisfactorily complete to the LEC operator in the area serving the calling location, in a manner such that the caller does not sense or believe that the call has been abandoned by the operator.

(b) Such authorization shall take the form of an amendment to the operator services provider's Certificate of Public Convenience and Necessity.

(c) Upon a finding by the commission that the provider is not in compliance with the requirements set forth in subdivision (a) of this section, such authorization shall be revoked and the provider shall notify the owners of all telephones it serves of the revocation.