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§ 650.1 Requirements applicable to payphones

A provider of telephone service to end users by means of a currency or credit operated telephone, hereinafter a "payphone", shall be subject to the requirements set forth in this Part. The term "COCOT," as defined in Public Service Law Sections 90 and 92-c, shall be used interchangeably with the term payphone.

§ 650.2 Operational and service requirements

The following operational requirements shall apply to payphones:

(a) Access to intraLATA directory assistance shall be provided;

(b) Calls to the 911 emergency number, to an operator, and to relay centers providing service to persons with speech, hearing, or other disabilities shall be completed at no charge to payphone end users. When "9-1-1" is dialed from a payphone, the payphone must input a signal for a 911 call to the local exchange network with no perceptible delay. When a payphone end user dials "0", if no further digits are dialed within 5 seconds the call must be routed either to a local exchange carrier operator or to an operator services provider authorized by the commission to receive such calls. If additional digits are dialed by the caller within five seconds after dialing "0", the call may be routed at the discretion of the payphone service provider; and,

(c) Payphones, which are serviced by dedicated exchange access lines, shall be connected to the telephone network by means of a metered or measured service access lines, or a specially rated flat rate lines in situations where measured service is not available, offered pursuant to tariffs by local exchange carriers, an hereinafter referred to as "public access lines." Such public access lines are subject to the same regulatory requirements as other access line services provided by local exchange carriers.

§ 650.3 Access to interexchange or local exchange companies

(a) A payphone service provider shall not take any action or enter into any agreement which restricts an end user's access to any interexchange or local exchange carrier providing service to payphone callers within the local access and transport area (LATA) in which the payphone is located.

(b) A payphone service provider shall not take any action or enter into any agreement which restricts an end user's access to any interexchange or local exchange carrier providing interLATA long distance service to payphone callers.

§ 650.4 Notice requirements

(a) A payphone service provider shall conspicuously display on, or in the immediate vicinity of, its payphones the following information:

(1) the identity of the payphone service provider; when ownership of a payphone changes due to merger with or acquisition by another company, the identity of the new owner must be registered within 30 days with the local exchange carrier serving the payphone and be posted at the payphone within 60 days of the ownership change or when scheduled maintenance is performed, whichever is earlier.

(2) a statement indicating that calls can be made at no charge, and without need to deposit coins, use credit cards, or input any other information, to the 911 emergency number, relay centers for the disabled and an operator;

(3) specific dialing and coin deposit/return information, including instructions for accessing a telephone company operator and directory assistance service;

(4) local call charging information, including the timing of and rates applicable during the initial call period and the timing of and rates applicable during additional (overtime) call periods;

(5) the identity of the local exchange and long distance companies carrying calls from the payphone on an automated or presubscribed basis, and instructions for obtaining access to other long distance carriers;

(6) a notice stating the location surcharge, if any, that is imposed on an end user for placing a long distance call, unless such information is made available through an on-line audio notification system pursuant to Section 650.4(b) of this Part and instructions for accessing the system are posted;

(7) a toll-free number that an end user can dial to obtain information on the rates, surcharges, terms or conditions applicable to calls placed to the presubscribed carrier from the payphone, unless such information is made available through an on-line audio notification system pursuant to Section 650.4(b) of this Part and instructions for accessing the system are posted;

(8) a toll-free number that an end user can call to resolve, through the payphone service provider, billing and service quality complaints;

(9) a toll-free number that an end user can dial to reach the Department of Public Service for assistance in resolving an intrastate complaint;

(10) the rates charged for interLATA Directory Assistance calls placed to the presubscribed carrier; and

(11) the rates charged for intraLATA Directory Assistance calls placed to the presubscribed carrier.

(b) At payphones where on-line audio rate notifications are available from long distance carriers to callers who place interstate long distance calls, pursuant to *47 CFR 64.703 (a)(4) (1998)*:

(1) similar audio rate notifications must also be available to end users placing intrastate long distance calls.

(2) the notice requirements contained in Section 650.4(a)(6) and (7) of this Part are waived, provided instructions for accessing the on-line audio rate notification system are posted. (*47 CFR Section 64.703* is available for purchase from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328 and for inspection and copying at the Public Service Commission, 3 Empire State Plaza, Albany, NY 12223.)

#### § 650.5 Customer service requirements

(a) Every payphone service provider shall maintain adequate complaint handling procedures, including the:

(1) acceptance and processing of complaints in a simple manner and form; and

(2) prompt investigation and resolution of complaints.

#### § 650.6 Enforcement

(a) Any payphone which operates in violation of any provision contained in this Part is subject to discontinuance of public access line service by the local exchange carrier serving it; a refusal to install public access line service by other local exchange carriers; and, penalties imposed pursuant to paragraph 3 of Public Service Law, section 90(3). Provision of public access line services to all payphones owned by a person or entity or affiliate thereof may be discontinued by current local exchange carriers and refused by other local exchange carriers if that person or entity repeatedly violates the rules set forth in this Part.

(b) Every local exchange carrier providing public access line services to payphones, shall:

(1) maintain a list of payphones being served, and provide access to that list to the Department of Public Service;

(2) adopt, as part of its schedule of rates and charges, a provision stating that provision of public access line service to payphones may be terminated and refused for violation of the rules set forth in this Part; and

(3) discontinue provision of public access line service, or refuse to install public access line service, to payphones upon directive of the commission or a department director pursuant to the provisions of this Part.

(c) The Department of Public Service staff is authorized to conduct any investigation necessary to ensure compliance with Public Service Law, section 90(3) and the requirements set forth in this Part. Upon finding a violation, the staff shall issue a written citation to the payphone service provider, stating the penalty and the violation. Within 30 days, the payphone service provider must pay any fine assessed and correct the violation, or notify the department that the citation will be contested. Such notification shall include a statement of the grounds upon which the citation is being contested. Any citation that is contested shall be subject to an investigation, hearing and determination by the commission.

(d) Where the penalty prescribed in a staff citation issued pursuant to Section 650.6(c) of this Part, is discontinuance of service, and the citation has not been contested within 30 days of issuance, the staff shall direct the local exchange carrier currently providing public access line service to the payphone to discontinue the service, and all other local exchange carriers operating in the area not to install public access line service to the offending payphone.

(e) Where public access line service to a payphone has been discontinued pursuant to the provisions of this Part, an application for restoration of service may be made to the staff, demonstrating that the conditions which prompted the discontinuance of service will not recur. Within 60 days, the staff shall either deny the application or direct the local exchange carrier formerly serving the payphone that it shall restore public access line service and other local exchange carriers providing service in the area that they may install public access line service. If such an application is denied, the applicant may, within 30 days, contest the denial, in which case there will be an investigation, hearing and determination by the commission.

(f) Discontinuance of public access line service to a payphone pursuant to the provision of this Part shall not affect the right of an unaffiliated person or entity to apply directly to a local exchange carrier for installation of public access line service at or near the same location.

(g) A local exchange carrier instructed to disconnect, or to refuse to install, public access line service to a payphone owned or controlled by a non-affiliated company, pursuant to the provisions of the Part, shall not convey any information about such instruction to any affiliated payphone operation.