

4901:1-6-18

Alternative operator services including secured inmate facility services.

(A) This rule applies to all telephone companies, including all incumbent local exchange carriers (ILEC) whether an ILEC is subject to a qualifying alternative regulation plan or not.

(B) Alternative operator service (AOS) and inmate operator service (IOS) are subject to the rate restrictions set forth in this rule, but otherwise shall be subject to the same regulatory treatment as applies to tier two services for purposes of this chapter.

(C) AOS parameters

(1) Except as exempted by paragraph (C)(2) of this rule, all AOS services shall be provided under the following parameters:

(a) The maximum amount of any operator assistance charge or call set up fee that may be applied by an AOS provider to any intrastate AOS call shall not exceed two dollars and seventy-five cents per call. The maximum rate of any usage sensitive charge that may be applied by an AOS provider to any intrastate AOS call shall not exceed forty-five cents per minute of use.

(b) Notice of any change in AOS rates, whether upward or downward, must be filed by the AOS provider with the commission in the form of a new pricing list, in accordance with commission-established tariff filing rules for tier two services.

(c) Upon request of the end user or billed party, and at no additional charge, the AOS provider must quote the actual intrastate price list rates for all components of the call to the end user. For live and automated operator-assisted calls, each AOS provider must brand its calls by having its operator identify the name of the AOS provider to the end user or billed party prior to the processing of the calls. After such notification and rate disclosure (if requested), the AOS provider must allow the end user or billed party an opportunity to decide not to utilize the AOS provider's service and reject the call without incurring any charges.

(d) AOS providers may not charge end users for uncompleted calls.

(e) Each AOS provider must post conspicuous notice on the telephone instrument through which the end user is placing the call utilizing the following format and language:

Operator services provided to this telephone by: (certified name of the AOS provider).

For information or to lodge a complaint call toll free: (a toll-free number to reach the AOS provider).

- (f) Each AOS provider must include in its contract with each of its customers language requiring that the customer permit the AOS provider to take whatever steps are necessary to ensure that the AOS provider is in compliance with all of the established requirements and restrictions pertaining to AOS.
- (g) AOS providers may not charge end users surcharges in addition to the AOS service charges set forth in their commission-approved tariff which, in turn, must comply with the per-minute and per-call rate caps set forth in paragraph (C)(1)(a) of this rule. This restriction means that no surcharges, including, but not limited to, bill rendering charges, nonsubscriber charges, property imposed fees (PIFs), and any additional charge which an AOS customer may request the AOS provider to bill an end user may be levied by the AOS provider on the end user. Any surcharges imposed by an AOS customer are to be billed separately by the AOS customer.
- (h) AOS providers may not assess end users backhauling charges regardless of the precise route the AOS providers must take in order to transport the calls.
- (i) Each AOS provider must provide to end users, through the end user's telephone instrument, access to all telecommunications service providers.
- (j) Upon request, each AOS provider must provide, as directed by the commission or its staff, information concerning its operations, including but not limited to, customer lists and call records.
- (2) AOS providers shall be exempt, on a per call basis, from paragraphs (C)(1)(a), (C)(1)(c) and (C)(1)(g) of this rule where the following service parameters are met:

 - (a) The AOS provider identifies itself at the beginning of the call before the end user incurs any charges.
 - (b) The AOS provider discloses to the end user who is charged for the call, at the beginning of the call before the end user incurs any charges, a quotation of the total cost of the call, including a breakdown of all charges imposed by the AOS provider and the applicability of any taxes.
 - (c) The AOS provider allows the end user to terminate at no charge before the

call is connected.

(d) The AOS provider retains an audio-recorded verification of the end user's acceptance of the quoted rates and charges of the call. Such verification, which must be provided to the commission or its staff upon request, shall at a minimum consist of an audio recording that preserves evidence of those portions of the call during which:

(i) The AOS provider discloses its rate charges to the end user in accordance with paragraph (C)(2)(b) of this rule.

(ii) The end user both identifies himself or herself and also affirmatively accepts the quoted rates and charges for the call before the call is completed and any charges are incurred. Such end user identification and acceptance may be accomplished on AOS calls when an end user enters his or her credit card or calling card number.

(D) IOS parameters

(1) The maximum rate of any usage sensitive charge that may be applied by an IOS provider to any intrastate IOS call shall not exceed thirty-six cents per minute of use. The maximum amount of any operator assistance charge or call set up fee that may be applied by an IOS provider to any intrastate IOS call shall not exceed two dollars and seventy-five cents

(2) Notice of any change in IOS rates, whether upward or downward, must be filed by the IOS provider with the commission in the form of a new pricing list, in accordance with commission-established tariff filing rules for tier two services.

(3) All IOS providers must furnish, on all intrastate IOS calls, at the beginning of the call before the end user incurs any charges, immediate and full rate disclosures that quote the actual intrastate price lists rates for all components of the call. However, IOS providers may allow end users an opportunity to affirmatively decline receiving the required rate quote.

(4) IOS providers may not charge end users surcharges in addition to the IOS service charges set forth in their commission-approved tariff which, in turn, must comply with the per-minute and per-call rate caps set forth in paragraph (D)(1) of this rule. This restriction means that no surcharges, including, but not limited to, bill rendering charges, nonsubscriber charges, PIFs, and any additional charge which an IOS customer may request the IOS provider to bill an end user, may be levied by the IOS provider on the end user. Any surcharges imposed by an IOS customer are to be levied separately by the IOS customer.

- (5) IOS providers may not charge for uncompleted calls.
- (6) Each IOS provider must include in its contract with each of its customers language requiring that the customer permit the IOS provider to take whatever steps are necessary to ensure that the IOS provider is in compliance with all of the established requirements and restrictions pertaining to IOS.
- (7) Upon request, each IOS provider must provide, as directed by the commission or its staff, information concerning its operations.
- (8) On all intrastate IOS calls, the IOS provider must allow the end user to terminate at no charge before the call is connected.

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Certification

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