

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 252 – Public Interest Payphone Program

SUMMARY: This Chapter defines the Public Interest Payphone program in Maine.

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§ 1 PURPOSE

The purpose of this Chapter is to implement 35-A M.R.S.A. §§7104(6) and 7508 by establishing the criteria the Commission will use to approve requests for Public Interest Payphones. It also defines the requirements that must be met for a telephone to be considered a Public Interest Payphone, the procedures for applicants to request a Public Interest Payphone, and the means by which Public Interest Payphone Providers and local exchange carriers will be compensated for their costs associated with Public Interest Payphones.

§ 2 DEFINITIONS

For the purposes of this Chapter, the following terms have the following meanings:

A. 800-style call. “800-style call” means a telephone call to a toll-free NPA (Numbering Plan Area) code such as 800, 877, and other numbers established as widespread toll-free numbers.

B. n11 call. “n11 call” means a telephone call to a 211, 311, 411, 511, 611, 711, 811, or 911 number or successor numbers used for similar purposes.

C. Applicant. “Applicant” means a person, business, organization, agency, or any other entity that submits an application to obtain a Public Interest Payphone pursuant to this Chapter.

D. Commission. “Commission” means the Maine Public Utilities Commission.

E. LEC. “LEC” means a local exchange carrier.

F. Public Interest Payphone (PIP). “Public Interest Payphone” means a publicly available telephone installed and funded pursuant to authority granted under 35-A M.R.S.A. §§ 7104(6) and 7508.

G. PIP instrument. “PIP instrument” means the apparatus and station equipment associated with a PIP.

H. PIP access line. (PAL) “PIP access line” means the loop, switching and other equipment necessary to provide a connection from the PIP apparatus to the public switched network.

I. PIP Free Calling Area. “PIP Free Calling Area” means wire centers within the Basic Service Calling Area of the exchange where the PIP is located.

J. PIP Provider. “PIP Provider” means an entity chosen pursuant to Subsection 4(C) to provide PIP service in Maine.

§ 3 PIP REQUIREMENTS

A PIP must conform to the following requirements:

A. Type of Telephone.

1. A PIP instrument located inside a building shall be a standard tone dial telephone (wall or desk type) that is capable of being used to make or receive telephone calls. All inside PIP instruments shall be of a uniform appearance, as determined by the Commission, that renders the PIPs easily distinguishable from other telephones. A standard distinctive sign shall be installed within reasonable proximity of the PIP.

2. A PIP instrument located outside a building shall be a metal enclosed telephone instrument with an armored head set cord that is capable of being used to make or receive telephone calls. All outside PIP instruments shall be of a uniform appearance, as determined by the Commission, that renders the PIPs easily distinguishable from other telephones. A standard distinctive sign shall be installed within reasonable proximity of the PIP.

3. A PIP instrument shall be coinless.

B. Calling Capabilities.

1. A PIP shall be capable of being used to make direct dialed local, n11, and 800-style calls. A PIP shall also be capable of making interexchange calls (with all available interstate interexchange carriers) with the use of a prepaid calling card, credit, and calling card and collect (reverse charge) service.

2. The caller shall not be charged for calls to telephones within the PIP Free Calling Area, n11 calls, and 800-style calls. Any other calls must be made using prepaid calling cards, credit or calling cards, as collect calls, or through other billing methods.

3. A PIP shall be rendered incapable of receiving telephone calls if the applicant makes such a request of the PIP provider and the Commission determines that the request is reasonable.

§ 4 RESPONSIBILITIES

A. Responsibilities of the Local Exchange Carrier

1. The LEC shall provide a PIP Access Line at its tariffed PAL rate applicable to PIP access lines.

2. A PIP Access Line tariff must be a fixed, per-month rate, without any usage or per-call charges.

B. Responsibilities of a PIP Provider

1. PIP Providers shall install, maintain, and service all PIPs in Maine according to the terms of an RFP issued pursuant to Subsection 4(C).

2. A PIP Provider shall arrange for the installation of a PIP access line and shall compensate the LEC at its tariffed rate established pursuant to Subsection 4(2).

C. Selection of the PIP Providers

PIP providers shall be selected through the State's purchasing procedures. If the Commission is unable to obtain the services of a PIP provider or PIP providers at a cost that it deems reasonable, it may contract separately for individual services and it may perform some or all of the services itself.

D. Source of Compensation. Compensation required by this Subsection shall be made from the state universal service fund established pursuant to 35-A M.R.S.A. § 7104(3).

§ 5 APPLICATION PROCEDURES

A. PIP Application Form. The Commission shall establish and make available on its web page a standard PIP application form. The form shall include:

1. Name or names of applicant;
2. Location of the requested PIP;
3. Whether the PIP will be inside or outside;
4. A narrative stating the reasons why a PIP is desirable at the requested location;
5. All information necessary for the Commission to evaluate and rank the application pursuant to Section 6; and
6. Any other information the Commission determines is necessary to administer the PIP program.

B. Annual Application Period. The Commission shall establish an annual application period of one month each year during which applicants may submit to the Commission requests for new PIPs for the following year.

C. Ranking and Approval. No later than two months after the close of the annual application period, the Commission shall approve and rank all submitted applications using the criteria established in Section 6. The applications will be approved in rank order until all of the funding determined by the Commission to be available to fund the program for the year is fully expended.

D. Additional Applications. Applicants may submit to the Commission requests for PIPs at any time outside the annual application period. If the Commission determines that sufficient funds are available, it shall approve such additional applications using the criteria established in Section 6.

E. PIP Installation. The Commission shall notify each applicant of the approval or rejection of the applicant's requested PIP. Each successful applicant shall notify its PIP Provider to arrange installation of the PIP.

F. Discontinuing a PIP. The Commission may, at its own discretion or upon petition of an interested person, order the removal of a PIP.

G. Notice to Public Telephone Providers. The Commission shall post a list of approved PIPs on its website. If any public telephone provider notifies the Commission within 20 days of the posting that it has installed a public telephone within 1,000 feet of a proposed PIP's location, the approved PIP will not be installed at that location.

§ 6 PIP SELECTION

A. Ranking Criteria. The Commission may consider, but shall not be limited by, the following criteria when approving and ranking PIP requests.

1. Public welfare, health and safety considerations;
2. Cost of providing the requested PIP service;
3. Availability of wireless service in the area;
4. Residential telephone service penetration in the area;
5. Average income of the area; and
6. Financial ability of the applicant to provide public telephone Service.

B. Proximity Limitation. A PIP will not be installed if another publicly available telephone is located within 1,000 feet of the PIP's location, unless the Commission determines that the PIP is nonetheless needed pursuant to the criteria in Section 6(A).

§ 7 WAIVER OR EXEMPTION

Upon the request of any person subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Finance, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Order Adopting Rule, Docket No. 2005-771 issued on May 3, 2006. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 104, 111, 7104(6) and 7508.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on **5/10/06**. It was filed with the Secretary of State on **5/11/06** and will be effective on **5/16/06**.