

NCUC RULES TABLE OF CONTENTS

Last updated 6/10/98.

Rules and Regulations of the North Carolina Utilities Commission

Chapter 13. Provision of Pay Telephone Service.

Rule R13-1. Definitions.

Rule R13-2. PSP access line or trunk.

Rule R13-3. Certificate.

Rule R13-4. Required notice.

Rule R13-5. General requirements — Service and equipment.

Rule R13-6. Special rules for service within confinement facilities.

Rule R13-7. Automated collect capability.

Rule R13-8. Facsimile service.

Rule R13-9. Charges.

Rule R13-10. Semipublic service.

Rule R13-1. Definitions.

(a) *Access Line Provider (ALP)*. The provider of PSP access lines or PSP trunks for PSP instruments as authorized by G.S. 62-110(c) or as otherwise provided by Commission rule or the North Carolina General Statutes.

(b) *Automated Collect Call*. A call placed and billed to the called telephone number without the assistance or intervention of a human operator.

(c) *Confinement Facility*. Any local, state, or federal facility, including juvenile facilities, for the confinement of criminals and persons accused or convicted of crimes.

(d) *Cut-Off Switch or Key*. An item of terminal equipment which enables a PSP instrument to be easily connected or disconnected from the exchange network. A cut-off switch or key does not have the capability of switching a given PSP instrument from one PSP access line or PSP trunk to another. Cut-off switches or keys may be used only in confinement facilities and only at the request of the administration of the confinement facility.

(e) *End User*. The person initiating a call from a pay telephone instrument.

(f) *Facsimile*. The device or process by which information on documents is converted to an electronic format, conveyed over the telephone network, and reconverted into documentary form. A facsimile device which does not incorporate a telephone is a "voiceless-facsimile device."

(a) *Local Sent-paid.* Pursuant to Federal Communications Commission preemption of state authority over local coin rates, PSPs are permitted to charge market-based rates for local coin calls.

(b) *Directory Assistance.* Pursuant to Federal Communications Commission preemption of state authority over intrastate directory assistance charges, PSPs are permitted to charge market-based rates for intrastate directory assistance calls.

(c) *Intrastate, InterLATA Sent-Paid Station-to-Station.* The end user of a PSP instrument may not be charged at a rate higher than the rate that could be charged by AT&T for the carriage and completion of an intrastate, interLATA toll call of the same type.

(d) *Intrastate, IntraLATA Sent-Paid Station-to-Station.* The end user of a PSP instrument may not be charged at a rate higher than the rate that could be charged by the local exchange company for the carriage and completion of an intrastate, intraLATA toll call of the same type.

(e) *0+ Other Than Automated Collect.* The end user of a PSP instrument may not be charged by the PSP for a 0+, 10xxx-0+, 101xxx0+, or 950 local or toll call billed to a calling card, to a third number, or to the called party (collect).

(f) *0+ Automated Collect Station-to-Station.* The recipient of an automated collect station-to-station call may not be charged more for the call than would have been charged by the local exchange company for a local or intraLATA collect station-to-station call or by AT&T Communications for an interLATA collect station-to-station call.

(g) *0- Calls.* All PSP instruments outside of confinement facilities must allow access to the access line provider operator at no charge. The PSP may not impose a charge on the end user for completion of 0- local and toll calls billed to a calling card, a third number, or the called number (collect).

(h) *8XX (Toll Free Number) Calls.* The end user of a PSP instrument may not be charged for the carriage and completion of any 8XX (toll free number) call. (NCUC Docket No. P-100, Sub 84, 3/28/86; 11/17/87; 2/8/88; 2/11/88; 10/11/88; 6/14/89; 6/16/89; 8/31/89; 1/12/90; 3/29/90; 8/13/92; 7/2/96; NCUC Docket No. P-100, Sub 84a, 10/7/97; 5/28/98.)

Rule R13-10. Semipublic service.

(a) Any semipublic service subscribed to from a LEC or LEC-affiliated PSP on or before October 7, 1997, must be allowed to continue until April 7, 1998. During this period, the semipublic service must be provided to the subscriber under the same monthly rates and conditions that applied immediately prior to detariffing of the service. On April 7, 1998, the monthly rates and conditions for service provided under this provision shall cease to be subject to Commission regulation.

(b) The monthly rates and conditions for semipublic service initially subscribed to after October 7, 1997 are not subject to Commission regulation.

(c) Rules R13-1 through R13-9 shall apply to the provision of any semipublic service. (NCUC Docket No. P-100, Sub 84a, 10/7/97.)

A3. BASIC LOCAL EXCHANGE SERVICE

A3.9 Operator Assisted Local Calls (Cont'd)

A3.9.1 Operator Assisted Charges (Cont'd)

- B. Local dial call: The call must be dialed and completed without the assistance of a Company operator and must be billed to the originating telephone when a charge is applicable.
- C. The following service charges for operator assisted local calls apply in addition to the local dial rate applicable.¹
 - 1. Station-to-Station customer dialed credit card local call²

	Nonrecurring Charge	USOC
(a) Each	\$.35	NA
2. Station-to-Station operator assisted sent-paid, collect, third number, and non-customer-dialed calling card calls		
(a) Each	.80	NA
3. Person-to-Person operator assisted local call		
(a) Each	1.85	NA

- D. The following Operator Assisted Local Calls are exempted from the service charge:
 - 1. Calls to designated Company numbers for official telephone business.
 - 2. Emergency calls to recognizable authorized civil agencies.
 - 3. Those cases where a Company operator provides assistance to:
 - a. Re-establish a call which has been interrupted after the calling number has been reached.
 - b. Reach the calling telephone number where facility problems prevent customer dial completion.
 - c. Place a non-coin, sent-paid call for a calling party who identifies himself as being handicapped and unable to dial the call because of his handicap.

A3.10 Verification and Emergency Interrupt Service

A3.10.1 General

Verification and Emergency Interrupt Service is furnished where and to the extent that facilities permit. The customer shall identify and save the Company harmless against all claims that may arise from either party to the interrupted call or any person.

A. Verification

- 1. The Company furnishes Verification Service for the purpose of aiding subscribers with legitimate call completion problems. Upon request the operator will verify and provide the line status condition of a local subscriber line.
- 2. A subscriber originated request for verification of a local number is a chargeable verification request if a Company operator determines that the line is in use. No charge applies if the line is out of order.

[Note 1: The local dial rate applicable for operator-assisted local non-sent paid calls originated from an *Access Line Service For Payphone Service Provider* line or SmartLine® Service line and processed by a Company operator is \$.2427.] (C)

GENERAL SUBSCRIBER SERVICES TARIFF

CENTRAL TELEPHONE COMPANY
NORTH CAROLINA

Section 3
Thirteenth Revised Page 10
Cancels Twelfth Revised Page 10
EFFECTIVE: September 15, 1998

3. BASIC LOCAL EXCHANGE SERVICE

3.10 OPERATOR-ASSISTED LOCAL CALLS

3.10.1 OPERATOR-ASSISTED CHARGES

- a. All types of local exchange service have local calling areas and may have expanded local calling areas as specified in this Tariff within which local calls can be made on a flat rate basis (no charge for individual calls), a usage-sensitive basis or on a local coin call rate basis. Operator-Assisted Service Charges for calls placed to Expanded Local Calling Area Exchanges from PSP access lines are charged for at the established Long Distance (Local Toll) Charges as specified in Section 18.3.1h.(2) of this Tariff.
- b. Local Dial Call: The call must be dialed and completed without the assistance of a Company operator and must be billed to the originating telephone number when a charge is applicable.
- c. Service Charges for operator-assisted local calls terminating in the Home Exchange, EAS Exchanges or the Expanded Local Calling Area Exchanges apply as shown below, in addition to the local dial rate* or any applicable Usage Charges. (For Value Caller subscribers, Usage Charges as specified in Sections 3.4.4b. and c. preceding apply for operator-assisted calls to Expanded Local Calling Area Exchanges.)

	<u>Nonrecurring Charge</u>	
(1) Station-to-Station Customer-Dialed Calling Card Local Call, each	\$.30	(I)
(2) Station-to-Station Operator-Assisted Sent-Paid, Collect, Third Number, and Non-Customer-Dialed Calling Card Calls, each	.65	(R)
(3) Person-to-Person Operator-Assisted Local Call, each	1.80	(I)

d. The following Operator-Assisted Local Calls are exempt from the Service Charge:

- (1) Calls to designated Company numbers for official telephone business.
- (2) Emergency calls to recognizable authorized civil agencies.
- (3) Those cases where a Company operator provides assistance to:
 - (a) Re-establish a call which has been interrupted after the calling number has been reached.
 - (b) Reach the calling telephone number where facility problems prevent customer-dial completion.
 - (c) Place a non-coin, sent-paid call for a calling party who identifies himself as being handicapped and unable to dial the call because of this handicap.

e. Operator-Assisted Charges apply for services provided in all exchanges.

* The local dial rate applicable for operator-assisted local non-sent paid calls originating from a PSP access line and processed by a Company operator is \$0.20.

GENERAL EXCHANGE TARIFF

3. BASIC LOCAL EXCHANGE TARIFF

3.6 OPERATOR ASSISTED LOCAL CALLS (Cont'd)

3.6.1 OPERATOR ASSISTED CHARGES (Cont'd)

C. Service charges for operator-assisted local calls terminating in the Home Exchange, EAS Exchanges, or the Expanded Local Calling Area Exchanges apply as shown below, in addition to the local dial rate or any applicable usage charges. (For Frequent Caller subscribers, usage charges as specified in Section 3.7.4.A.1. and A.2. apply for operator-assisted calls to Expanded Local Calling Area Exchanges.) Operator-assisted service charges for calls placed to Expanded Local Calling Area Exchanges from Public, Semi-public, or PTAS exchange lines are charged for at the established operator services charges as specified in Section A18.3.1.H.2 of BellSouth Telecommunication's General Subscriber Services Tariff, in which this Company concurs.

	<u>Nonrecurring Charge</u>
1. Station-to-Station customer dialed calling card local call, each	5 .29
2. Station-to-Station operator assisted sent-paid, collect, third number, and non-customer-dialed calling card calls, each.....	.68
3. Person-to-Person operator assisted local call, each.....	1.65

Note 1: The local dial rate applicable for operator-assisted local non-sent paid calls originated from a Public Telephone Access Service line and processed by Company operator is \$.10.

(#) This material was previously shown on Sheet 4.

(Rule 1220-4-2-.56, continued)

- (21) If one or more of the term(s) or provision(s) of this Rule or the application thereof, to any extent, are held to be invalid or unenforceable, then the remainder of this Rule, shall not be affected thereby.

Authority: T.C.A. §§4-5-201 et. seq., 65-2-102, 65-2-106, 65-4-101, 65-4-104, 65-4-123, 65-4-125 and 47 U.S.C. § 258. Administrative History: Original rule filed December 15, 1994; effective April 30, 1994. Amendment filed September 14, 1999; effective November 26, 1999.

1220-4-2-.57 RULES AND REGULATIONS FOR RESELLERS OF TELECOMMUNICATION SERVICE.

- (1) Definitions:
- (a) "Access code" means a sequence of numbers that, when dialed, connect the caller to the provider of operator services associated with that sequence.
 - (b) "Aggregator" means any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for intrastate telephone calls using a provider of operator services.
 - (c) "Call Splashing" means the transfer of a telephone call from one provider of operator services to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call.
 - (d) "Consumer" means a person initiating any intrastate telephone call using operator service.
 - (e) "Equal access" has the meaning given that term in Appendix B of the Modification of Final Judgment entered by the United States District Court in *United States v. Western Electric*, 569 F. Supp. 990 (D.C.D.C.; 1983).
 - (f) "Reseller" is a common carrier of telephone services other than a facilities-based carrier. The term reseller includes, but is not limited to, operator service providers.
- (2) Resellers shall not provide intrastate telecommunications services in Tennessee without a certificate of convenience and necessity awarded by the Commission pursuant to state law and these rules. In determining whether or not to award a certificate, the Commission shall consider whether granting the certificate will service the present or future public convenience and necessity. The Commissioner may also consider the applicant's financial ability, character, and proposed rates, as well as such other matters as the Commission finds relevant.
- (3) Local exchange carriers (LECs) shall provide intrastate access or intrastate billing and collection only to resellers that have been granted a certificate by the Commission.
- (4) All resellers providing intrastate service at the time the rule becomes effective shall have 90 days to submit an application for a certificate of convenience and necessity. Resellers providing intrastate service on the date this rule becomes effective shall not be required to discontinue service pending the outcome of their applications.
- (5) APPLICATIONS FOR AUTHORITY. An application for a certificate of convenience and necessity, submitted by a reseller shall include the following information which must be certified as true and correct:
- (a) The name of the reseller, the address of the reseller's corporate headquarters, and the names and addresses of the reseller's principal corporate officers;

(Rule 1220-4-2-.57, continued)

- (b) If different than above, the name and address of all officers and corporate officers located in Tennessee and the name(s) and address(es) of employee(s) responsible for Tennessee operations;
 - (c) A certified statement from a principal corporate officer that the reseller is operating in compliance with all applicable federal and state laws and all FCC and Commission rules. If the reseller is an operator service provider, the statement must specifically reference T.C.A. *65-5-206;
 - (d) Information about the structure of the business organization and, where applicable, a copy of any articles of incorporation, partnership agreement or by laws of the resellers and any entity owning or controlling interest in the reseller, and a copy of a license to do business in Tennessee;
 - (e) An up-to-date balance sheet and income statement;
 - (f) The name, address, and telephone number of a Tennessee contact person responsible for and knowledgeable about the reseller's operations;
 - (g) Repair and maintenance information including the name, local address, and telephone number of the individual responsible for servicing customers and supplying refunds;
 - (h) For operator service providers, a proposed tariff containing all operator service rates, tolls, charges, classifications and rules in compliance with Rule 1220-4-1-.01 and 1220-4-1-.02;
 - (i) A list of other states where the reseller is authorized to operate and a list of those states which have denied the requested authority;
 - (j) A description of company procedures used to verify customer-ordered changes in preferred interexchange carriers;
 - (k) A \$50 registration fee; and
 - (l) Such other information as the Commission may require.
- (6) The Commission may grant or deny certificates based on the certified application subject to the right of any party to request a hearing. Falsification of, or failure to disclose, any information required in the application shall be grounds for denial or revocation of a reseller's certificate.
- (7) RATES AND TARIFFS:
- (a) Any operator service provider whose rates are equal to or less than the maximum rates of the predominant LEC or IXC for an equivalent call, as defined in T.C.A. Section 65-5-206(1) and (2), shall be deemed just and reasonable. Any operator service provider that desires to charge a higher rate or utilize a different pricing method than the predominant LEC or IXC shall file appropriate cost justification for the proposed charge.
 - (b) Within ten (10) days of a request from the Commission or its staff, a reseller shall provide a tariff containing requested rates, tolls, charges, classifications and rules.
- (8) All resellers shall recognize and give effect to customer-ordered requests made to the customers local exchange carrier that certain types of calls, such as collect, third party, and/or "900 calls, be blocked.
- (9) CONSUMER INFORMATION:

BELLSOUTH
 TELECOMMUNICATIONS, INC.
 TENNESSEE
 ISSUED: March 15, 2001
 BY: President - Tennessee
 Nashville, Tennessee

GENERAL SUBSCRIBER SERVICES TARIFF

Third Revised Page 55
 Cancels Second Revised Page 55

EFFECTIVE: April 16, 2001

A3. BASIC LOCAL EXCHANGE SERVICE

A3.14 Operator Assisted Local Calls And Local Calling Card Service Calls

This service is a Flex-Price service and is regulated under terms and conditions as described in A2.3.2.6 of this Tariff.

A3.14.1 General

- A. When the caller requests operator assistance and the call is completed within the local calling area, a service charge will be applied except as specified in A3.14.2.A.

A3.14.2 Application Of Charges

- A. The appropriate service charge for local operator assistance, as specified in A3.14.3, will be applied to each completed call except
 - 1. For calls to the Company for official telephone business;
 - 2. For emergency calls to agency type telephone numbers, such as to those agencies of the federal, state or local government which have the capability and legal authority to provide aid in emergency situations, and to any emergency medical number;
 - 3. When the caller identifies himself as being handicapped and unable to place the call due to his handicap; or
 - 4. When the caller advises he has had service trouble in reaching the terminating number
- B. The call may be billed to the originating individual line, local calling card number, third number, collect, or any other special Company-approved identification number.

A3.14.3 Service Charges

- A. A service charge will be applied for each "completed" local operator assistance call as follows:

1. Station-to-Station	Charge	USOC
(a) Dial Calling Card	\$.80	NA
(b) Operator	2.25	NA
2. Person-to-Person		
(a) Each	4.90	NA
B. The charge specified in 1. following, for Inmate Coin Service, will apply only to inmate calls. These calls are to be restricted to outgoing, collect, coinless generated calls made from Penal Institutions. The service charge will be applied for each "completed" local operator assistance call as follows:		
1. Station-to-Station		
(a) Operator (collect only)	.50	NA

A3.15 Local Operator Verification/Interruption Service

A3.15.1 General

Verification Service provides operator assistance in determining if a called line is in use. Interruption Service provides for operator interruption of a conversation in progress on a called line. The customer may request these services for a charge, where facilities are available, by calling the "O" Operator.

A3.15.2 Application Of Charges

- A. The charges specified in A3.15.3, following will apply to all requests except
 - 1. Emergency requests from official emergency agencies when the request is received on an agency line from agency personnel.
 - 2. Emergency requests in which the caller identifies that the request is to
 - a. an official public emergency agency,
 - b. an emergency medical number, or
 - c. privately endowed and operated suicide, drug, alcohol, or runaway crisis reporting center.
 - 3. Requests in which the operator encounters a trouble condition or has reason to believe a trouble condition exists.
 - 4. Requests from railroad companies where loss of property, including loss of employee wages, is involved. For the interruption charge to be waived, a listing of telephone numbers from which the interruptions originate must be on file with the Company prior to the call interruption.
- B. Verification: A charge applies each time the operator verifies a called line and hears voice communication.

TITLE 150
LEGISLATIVE RULE
PUBLIC SERVICE COMMISSION

SERIES 6
[RULES AND REGULATIONS FOR THE GOVERNMENT
OF TELEPHONE UTILITIES]

'150-6-1. General.

1.1. Scope. -- These rules govern the operation and service of telephone utilities subject to the jurisdiction of the Public Service Commission of West Virginia pursuant to W. Va. Code '24-2-1.

1.2. Authority. -- W. Va. Code '24-1-7, 24-2-1, 24-2-6, 24-2-8, 24-2C-1, 24-6-1, and 24-2E-1.

1.3. Filing Date. -- August 11, 2000.

1.4. Effective Date. -- October 10, 2000.

1.5. Policy.

The Public Service Commission of West Virginia and the regulated telephone companies have a joint responsibility to the citizens of West Virginia to ensure a quality of adequate communications services that meets the general need requirements of the public, provides the public with a high degree of reliability and convenience, and contributes substantially to the overall economic progress of the State of West Virginia.

These telephone service regulations are established to meet the objectives needed to provide the best possible telephone service consistent with modern technology.

1.6. Application. -- The telephone service rules promulgated herein shall apply to all telephone company operations in the State of West Virginia that are subject to the jurisdiction of the Commission.

1.6.a. The rules promulgated by the Commission shall establish reasonable standards to the end that quality service, i.e., that which is adequate and satisfactory, is rendered to the telephone using public in the transmission of both local and long distance messages.

1.6.b. If unreasonable hardship to a telephone user or telephone subscriber, or to the serving telephone company results from compliance with any Commission rules, application may be made to the Commission for modification of the rule, or for temporary exemption from its requirements.

1.6.c. The adoption of these rules by the Commission preserves the authority of the Commission to grant exceptions and exemptions to and from its regulations under available procedures. The definitions contained herein are an integral part of and are treated as regulations.

1.6.d. The rules promulgated herein shall in no way relieve the telephone company from any of its duties under the laws of the State of West Virginia or from any other rules or directives of the Commission.

the operator service provider advise the caller that the caller should hang up and try another calling method to obtain aid.

k. An operator service provider shall not receive "0-" calls from a telephone line unless that operator service provider has the capability of providing emergency call routing service for that telephone line's service location.

l. When a caller seeks to charge a call on a telephone company credit card identifiable as other than that issued by the operator service provider, the caller shall be informed that the operator service provider's rates will apply.

m. Full toll call detail billing shall not be required for operator service provider bills issued by entities other than regulated telephone utilities.

n. No operator service provider shall be allowed to bill a caller for any surcharges levied by the business establishment providing the telephone over which the operator services provider was contacted. Only tariffed charges shall be billed by the operator service provider or the operator service provider's billing entity.

o. Fraud Prevention.

1. An operator service provider may not bill an aggregator for calls which originated from the aggregator's line through the use of access codes (e.g., 10XXX+; 10XXX+01; 950-XXX) or toll-free prefixes (e.g., 1+800, 1+888), or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

2. An operator service provider may not bill a call aggregator for any charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

3. Any calls billed through the local exchange carrier in violation of 150-6-13.1.o.1 and 13.1.o.2. must be removed from the call aggregator's bill by the local exchange carrier upon identification. If investigation by the local exchange carrier determines that the pertinent call screening was operational when the call was made, the local exchange carrier may return the charges for the call to the operator service provider as not billable.

4. Any call billed directly by an operator services provider, or through a billing method other than the local exchange carrier, which is billed in violation of 150-6-13.1.o.1 and 13.1.o.2., must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the local exchange carrier. If the local exchange carrier, after investigation, determines that call screening was subscribed to by the call aggregator, but was not operational at the time the call was placed, the operator service provider shall bill the local exchange carrier for the call.

p. Operator service providers shall have the ability to perform line busy verification and call-in-progress interruption services or shall, upon request for such service and without charge to the caller, transfer the caller to an operator service provider who can perform such services.

' 150-6-14. Certification Requirements Applicable to All Intrastate Telecommunications Carriers.

Verizon West Virginia Inc.

OPERATOR ASSISTED LOCAL CALLS

C. RATES (Cont'd)

2. Rate Schedule (Cont'd)

a. Station-to-station (Cont'd)

(2) Operator Assisted (Cont'd)

	<u>Charge Per Call</u>
Operator Serviced (0+) (Customer dials the number)	
Coin or Collect	\$2.00
All Others	1.55
[Calling Card* or Inmate60]
b. Person-to-person.....	4.00
c. Directory Assistance Service	
Operator Serviced Calling Card60
All Other Calls	1.55

* The Operator Serviced Calling Card charge applies to operator completed calling card calls where operator serviced calls are not available.

RBOC/GTE/SNET PAYPHONE COALITION

“It is possible that state imposed rate ceilings might prevent PSPs in some states from being “fairly compensated” for some of the calls made from inmate payphones in those states. If this is the case, the FCC may appropriately be called upon to preempt those state rate ceilings.”

*RBOC/GTE/SNET Payphone Coalition
Comments, Page 1
June 21, 1999*

**FAILURE TO MEET SECTION 276 GOAL OF
FAIR COMPENSATION ON LOCAL COLLECT
CALLS PENALIZES CONSUMERS OF
INTER-STATE COLLECT CALLS**

We are unaware of any public policy reason why users of interstate operator services should be required to subsidize users of intrastate operator services.”

*Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77
Second Report and Order and Order on Reconsideration, FCC 98-9
Released January 29, 1998*

**What Message Will the FCC Send to
100's of Sheriffs Operating Small County Jails and
1000's of Inmates and Their Families**

Confinement Facility	Sheriff	City	STATE	ADP*	# of Phones	Local Collect Call Rate
Tyrrell County Jail	Fred Hemilright	Columbia	NC	2	2	\$0.85
Hyde County Jail	David T. Mason	Swan Quarter	NC	4	4	\$0.85
Jones County Jail	Robert R. Mason	Trenton	NC	4	4	\$0.85
Clay County Jail	Tony Woody	Hayesville	NC	6	3	\$0.95
Yancey County Jail	Kermit Banks	Burnsville	NC	6	3	\$0.95
Greer City Jail	Kenneth Westmortland**	Greer	SC	8	6	\$0.80
Ashe County Jail	James C. Hartley	Jefferson	NC	17	4	\$0.85
Clifton Forge City Jail	Todd L. Tyler	Clifton Forge	VA	18	5	\$1.25
Currituck County Jail	Susan D. Johnson	Currituck	NC	19	6	\$0.85
Washington County Jail	Stanley R. James	Plymouth	NC	19	4	\$0.85
Alleghany County Jail	C. E. Simpson	Covington	VA	20	4	\$1.25
Guilford Juvenile Detention Ctr.	B. J. Barnes	Greensboro	NC	21	5	\$1.05
Polk County Jail	David R. Satterfield	Columbus	NC	23	5	\$1.03
Chowan County Jail	Fred A. Spruill	Edenton	NC	24	4	\$0.85
Greene County Jail	Lemmie Smith	Snow Hill	NC	25	6	\$0.85
Yadkin County Jail	Michael C. Cain	Yadkinville	NC	25	7	\$0.85
Alexander County Jail	Ray Warren	Taylorville	NC	28	5	\$1.05
Alleghany County Jail	Mike Caudill	Sparta	NC	30	8	\$1.05
Pamlico County Jail	Daniel A. Miller	Bayboro	NC	30	5	\$0.85
Davie County Jail	William A. Whitaker	Mocksville	NC	31	5	\$0.85
Smith County Jail	Johnny C. Bane	Carthage	TN	34	8	\$0.85
Caswell County Jail	J. I. Smith, Jr	Yanceyville	NC	35	7	\$0.85
Page County Jail	David W. Presgraves	Luray	VA	35	11	\$1.25
Warren County Jail	Johnny M. Williams	Warrenton	NC	36	10	\$0.85
Chatham County Jail	Isaac L. Gray	Pittsboro	NC	38	2	\$0.85
Lincoln County Jail	Barbara A. Pickens	Lincolnton	NC	47	7	\$1.05
Stokes County Jail	Mike C. Joyce	Danbury	NC	49	2	\$0.85
Botetourt County Jail	Ronald N. Sprinkle	Fincastle	VA	50	8	\$1.25
Warren County Jail	Lynn C. Armentrout	Front Royal	VA	50	5	\$1.25
Wilkes County Jail	Dane C. Mastin	Wilkesboro	NC	53	11	\$0.85
Person County Jail	Dennis M. Oakley	Roxboro	NC	55	15	\$0.85
Surry County Jail	Connie R. Watson	Dobson	NC	80	12	\$0.85
				Average Rate:		\$0.95

* Average Daily Population of Inmates

**Administrator

50 State Nationwide Average Local Collect Call Rate: **\$2.22**

**After Five (5) Years Since The Telecom Act
With Rates That Do Not Cover Costs
The Provider Will Be Forced To Discontinue Service To Small County Jails.**

Office of the Sheriff



SHERIFF
WAYNE V. GAY

September 12, 2001

P.O. BOX 1666
WILSON, N.C. 27894-1666
252-237-2118
FAX 252-399-2871

The Honorable Michael K. Powell, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation Re: Inmate Remand CC Docket No. 96-128

Dear Chairman Powell:

We the undersigned sheriffs of North Carolina county jails are concerned about the long term availability of inmate telephone service in our state. Over 80% of the calls from county jails are local collect calls. The rates for these calls are capped by the North Carolina Utilities Commission at the rates set by the local telephone companies 20+ years ago. All but two of these local telephone companies have never provided inmate phone service and the major company that has, BellSouth, is now quitting. The major long distance carriers are not willing to provide service to our small jails.

The North Carolina Payphone Association attempted to have the issue of below cost rates resolved by the North Carolina Utilities Commission. The Commission turned down the request citing "healthy competition" in the market. Five years ago we had eight independent inmate phone service providers operating in North Carolina. Today we only have two companies still providing service to county jails. With local collect call rates that are less than one-half the national average rate of \$2.13 and the increasing costs of operating inmate phones, we are concerned that the remaining two providers will also abandon North Carolina.

We support low rates to consumers, but if the rates are so low that no company can afford to provide the service the inmates will be left with no regular means of talking with their families or attorneys. Because of security concerns, we will be left with unbelievable staffing problems to provide limited officer supervised calling.

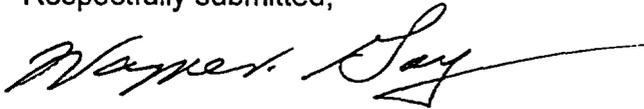
Five years after Congress mandated "fair compensation for each and every intra-state and inter-state call", why has the FCC failed to act? It is past time for the FCC to correct this problem. We respectfully ask you and your new administration to take prompt action to require the local telephone companies to update their tariffs. We support the change of the local call element for collect calls to a rate equal to the service provider's de-regulated local coin call rate.

"The sheriff shall keep and preserve the peace of his county."

Thank you for your time and attention to this very important matter.

As required by the Commission's rules, two copies of this ex parte presentation have been submitted to the Commission's Secretary.

Respectfully submitted,



Wayne V. Gay
Sheriff, Wilson County
Second Vice President
National Sheriffs Association

Enclosure

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Ms. Dorothy Attwood, Chief Common Carrier Bureau
Mr. Jeff Carlisle, Senior Deputy, Common Carrier Bureau
Ms. Jane Jackson, Chief Competitive Pricing Division
Ms. Magalie Roman Salas, Secretary
Congressman Richard Burr
Congressman Charles H. Taylor

Jim Hartley
Sheriff, Ashe County

R. Alan Jordan
Sheriff, Beaufort County

Roger L. Hutchings
Sheriff, Caldwell County

Ralph Thomas, Jr.
Sheriff, Carteret County

J. I. Smith, Jr.
Sheriff, Caswell County

I. L. Gray
Sheriff, Chatham County

Fred A. Spruill
Sheriff, Chowan County

Jerry G. Monette
Sheriff, Craven County

Susan D. Johnson
Sheriff, Currituck County

Bert Austin
Sheriff, Dare County

William A. Whitaker
Sheriff, Davie County

L. Glenn Jernigan
Sheriff, Duplin County

James L. Knight
Sheriff, Edgecombe County

Lemmie Smith
Sheriff, Greene County

Jeff Frazier
Sheriff, Halifax County

Larry C. Knott
Sheriff, Harnett County

Juan E. Vaughan, Sr.
Sheriff, Hertford County

David T. Mason
Sheriff, Hyde County

Robert R. Mason
Sheriff, Jones County

Billy A. Bryant
Sheriff, Lee County

Barbara Pickens
Sheriff, Lincoln County

Jimmy Grimes
Sheriff, Nash County

Wardie Vincent, Sr.
Sheriff, Northampton County

Daniel A. Miller
Sheriff, Pamlico County

Dennis M. Oakley
Sheriff, Person County

David R. Satterfield
Sheriff, Polk County

Dale B. Furr
Sheriff, Richmond County

Buck McCullen
Sheriff, Sampson County

Mike Joyce
Sheriff, Stokes County

Connie R. Watson
Sheriff, Surry County

Fred Hemilright
Sheriff, Tyrrell County

R. Thomas Breedlove
Sheriff, Vance County

Johnny M. Williams
Sheriff, Warren County

Stanley James
Sheriff, Washington County

Covey A. Winders
Sheriff, Wayne County

Dane Mastin
Sheriff, Wilkes County

Michael Cain
Sheriff, Yadkin County

Kermit Banks
Sheriff, Yancey County

Inmate Advocacy Groups Supporting Fair Compensation On Local Collect Calls

“For example, local inmate service rate ceilings in some states are so low that they cannot recover their costs. These rate ceilings threaten the availability of telephone service in county jails. Providers of jail telephone service (which is predominantly local service in states like North Carolina and Tennessee) have presented evidence to show they are forced to charge higher rates on their long distance calls in order to make up their losses on local calls. But, for many of the smaller service providers who have gone out of business in the last two years, even that was not enough. Without some adjustment, it seems likely that many more of these smaller carriers will be forced out of the market. Unless the Commission acts now, inmate services will likely be left in the hands of the large carriers that have proven themselves indifferent to the needs of inmates and their families.”

May 9, 2000 Letter to Dorothy Attwood
Chief Common Carrier Bureau
Federal Communications Commission
Michael S. Hamden, Executive Director
North Carolina Prisoner Legal Services, Inc.

“The FCC should enable providers of inmate phone service to county jails to charge a cost-justified rate for local calls – *provided that they commit to charge a cost-justified rate for long distance calls as well.* When inmate phone service providers are fairly compensated for local collect calls, this will remove the upward pressure on long distance rates that exists today in a number of states.”

October 27, 2000 Letter to Dorothy Attwood
Chief Common Carrier Bureau
Federal Communications Commission
Brian Stevenson, Director
Equal Justice Initiative of Alabama

“Today, the large, established carrier provide phone service to the majority of state prisons. These carriers have raised their long distance prisoner service rates to unconscionable levels. Although we are not endorsing the pending request, we do have concerns about the smaller telephone service providers. If these carriers are forced out of the market, service may be left in the hands of the large carriers that have proven themselves unresponsive to the needs of prisoners and their families.”

January 2, 2001 Letter to Dorothy Attwood
Chief Common Carrier Bureau
Federal Communications Commission
Elizabeth Alexander
Director National Prison Project
ACLUF

“I write in support of such measures as may be necessary to ensure continuation of telephone services to small local jails in North Carolina.” “In order to address the immediate threat to local service in jails, I ask that you give serious consideration to the short-term approach recently proposed by the Inmate Calling Service Providers Coalition and discussed with Commission staff. Under that approach, service providers could apply the deregulated local coin rate charged at their public payphones as the local calling element of the charge for a local collect call from an inmate telephone. I understand that such an approach has been successfully employed in some 30 states.”

July 12, 2001 Letter to Dorothy Attwood
Chief Common Carrier Bureau
Federal Communications Commission
Michael S. Hamden, Executive Director
North Carolina Prisoner Legal Services, Inc.

CONSUMER ISSUES

- **Are complaints up.....**
.....in the states?
.....at the FCC?
- **Are the states addressing the issue of call rates and commissions on prison long distance calls?**

CONSUMER COMPLAINTS ON INMATE SERVICE RATES IN 30 STATES*

**(WHERE THE LOCAL CALL ELEMENT WAS SET AT THE
PROVIDER MARKET BASED COIN CALL RATE
FOLLOWING THE TELECOM ACT)**

ARE COMPLAINTS DECREASING OR INCREASING?

**83% SAME OR DECREASING
17% INCREASING**

HOW MANY COMPLAINTS RECEIVED IN THE LAST YEAR?

**67% ZERO OR VERY FEW (0 - 10)
33% FEW (10 - 50?)
0% MANY (50 AND ABOVE)**

WHICH TYPE OF CALL RECEIVES THE MOST COMPLAINTS?

**100% LONG DISTANCE
0% LOCAL**

TELEPHONE SURVEY CONDUCTED WITH 20 OF 30 STATES RESPONDING JUNE 2001

***29 STATES WHERE THE LOCAL CALL ELEMENT IS SET AT PROVIDER MARKET BASED COIN CALL RATE, PLUS ONE STATE WITH NO RATE CAPS ON THE SURCHARGE OR THE LOCAL CALL ELEMENT.**

CONSUMER COMPLAINTS ON INMATE SERVICE RATES IN 22 STATES*

**(WHERE ALL RATES ARE DEREGULATED
WITH NO RATE CAPS)**

ARE COMPLAINTS DECREASING OR INCREASING?

**86% SAME OR DECREASING
14% INCREASING**

**HOW MANY COMPLAINTS RECEIVED IN THE LAST
YEAR?**

**64% ZERO OR VERY FEW (0-10)
36% FEW (10-50)
0% MANY (50 AND ABOVE)**

**WHICH TYPE OF CALL
RECEIVES THE MOST COMPLAINTS?**

**100% LONG DISTANCE
0% LOCAL**

TELEPHONE SURVEY CONDUCTED WITH 16 OF 22 STATES RESPONDING JUNE 2001

***22 STATES WHERE THE RATE FOR ALL INMATE COLLECT CALLS IS DEREGULATED**



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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:

October 23, 2001

NEWS MEDIA CONTACT:

Rosemary Kimball at (202) 418-0511

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FCC CONSUMER INFORMATION BUREAU RELEASES FIRST REPORT ON COMPLAINTS AND INQUIRIES PROCESSED

Data Will Help Commission, Companies and the Public To Track Trends

Washington, DC – The FCC's Consumer Information Bureau (CIB) has released the first of what will be quarterly reports on the numbers and types of complaints and inquiries the Bureau has received from the public. The attached report is a tabulation of the most common complaints and inquiries received at CIB's Consumer Centers during the third quarter of this year on broadcast, cable, wireless and wireline telecommunications issues.

The statistics illustrate that, for both wireline and wireless telecommunications services, billing-related complaints comprise the largest category.

While these data indicate the volume of complaints received at the Commission's Consumer Centers, they do not include complaints received by other FCC offices or complaints made to state agencies and the companies themselves. The data also indicate that the Commission receives mass mailings, which are classified as neither complaints nor inquiries but are considered in the Commission's decision-making processes.

Consumer Information Bureau Chief K. Dane Snowden said, "The statistics in this report will allow CIB to play a pro-active role in alerting the Commission to potential problems that may require further consumer education efforts or policy changes. They also help in the Commission's strategic goal of acting as a bridge between government, industry and consumers to ensure that consumers' voices are heard and their concerns are addressed. We are well aware, of course, that many of the complaints we receive do not involve violations of FCC rules and the existence of a complaint does not necessarily indicate any wrongdoing by the company involved."

Complaints are defined as correspondence received at the FCC from individuals who complain about the actions or omissions of entities regulated by the FCC. Inquiries are defined as correspondence received at the Commission from individuals seeking information on matters under the FCC's jurisdiction.