**65-407 PUBLIC UTILITIES COMMISSION**

**Chapter 25: COIN-OPERATED TELEPHONE SERVICE**

SUMMARY: This rule, adopted pursuant to 35-A M.R.S.A. §§ 104, 111, 301, 307, 704, 1301, 1306-1308, 2101, 2102, 2105, 2110, 7101, 7301, and 7503, establishes the minimum requirements for the provision of public and semi-public Customer-Owned Coin-Operated Telephone (COCOT) service and Local Exchange Carrier Coin-Operated Telephone (LECCOT) service. Because the Commission finds that the existence of competition in the pay telephone market furthers the public convenience and necessity, the rule streamlines the COCOT certification process. The rule also provides the procedural requirements for disconnection or termination of COCOT service.

1. **Definitions**.

 A. **COCOT**. A COCOT is a customer-owned coin-operated telephone. For the purposes of this Chapter, a COCOT also means a customer-owned credit card-operated telephone.

 B. **LECCOT**. A LECCOT is a local exchange carrier coin-operated telephone. For the purposes of this Chapter a LECCOT also means a local exchange carrier credit card-operated telephone.

 C. **Public Location**. A public location is one on public property or a thoroughfare or one to which entry by members of the public is generally not monitored or restricted. The COCOT or LECCOT instrument shall be available for general use of a primarily transient nature. Some examples include transportation terminals, schools, common areas of shopping centers, and lobbies of multiple unit office or apartment buildings. LECCOT service at a public location is offered at the initiative or option of the local exchange carrier, subject to the requirements of section 3(D).

 D. **Semi-Public Location**. A semi-public location is one inside a single business or establishment, or on private property, to which access by the public may be restricted. Access is by the consent of and under the control of the property owner or his agent. The primary use of a COCOT or LECCOT in a semi-public location is intended to be by the customer, the customer's employees, and patrons or guests, with any transient public use occupying a secondary role. Some examples include bars, restaurants, movie theaters, service stations, retail stores, and other business establishments. Semi-public LECCOT service is provided at the request of the customer.

 E. **Central Office Implemented Service**. Central office implemented service, or coin service, is that service which requires the use of TSPS (Traffic Service Position System) or TOPS (Traffic Operator Position System) equipment or operators on local exchange carrier premises in conjunction with a terminal device that provides coin insert tones and engages in an electrical protocol exchange with central office equipment to control coin deposits.

 F. **Instrument Implemented Service**. Instrument implemented service is that service which utilizes devices that contain all the circuitry required to execute coin acceptance and other coin-related and/or credit card-related functions within the telephone instrument itself, without central office involvement, without line polarity reversal, and without TSPS or TOPS equipment or operator intervention. This equipment connects to regular subscriber Public Access Line services, rather than to central office implemented service lines.

 G. **Local Service**. Local service is that service provided within the local calling area of the serving exchange, plus the calling area within the serving exchange's extended area service (EAS), if any has been established by tariff.

2. **General Requirements for COCOTs and LECCOTs**

 A. All COCOTs in both public and semi-public locations shall provide instrument implemented service, and shall be connected to the telephone network through a tariffed Public Access Line. LECCOTs in public and semi-public locations may provide either central office implemented service or instrument implemented service.

 B. All COCOTs and LECCOTs in both public and semi-public locations shall be required to be registered under Part 68 of the Rules and Regulations of the Federal Communications Commission (47 C.F.R. § 68). In lieu of this a COCOT provider may connect a COCOT instrument to the network through an FCC-registered coupler.

 C. All COCOT and LECCOT instruments shall be hearing aid compatible.

 D. All COCOTs and LECCOTs shall be installed in compliance with the NARUC generally-accepted telecommunications industry standards, applicable local codes, and the current National Electric Code and National Electric Safety Code.

 E. All COCOT instruments, and all LECCOT instruments in exchanges served by electronic switching equipment, shall provide emergency access to a local exchange company operator and 911 service (where available), free of charge and without use of a coin or credit card.

 F. All COCOT and LECCOT sites shall provide either a legible, current local exchange directory, or free directory assistance. However, at sites where the local calling area includes out-of-state points, current directories covering the entire local calling area shall be provided.

 G. All coin-operated COCOT and pre-pay LECCOT instruments shall possess the capability of returning, and shall return, deposited coins for uncompleted calls.

 H. All coin-operated COCOT AND LECCOT instruments shall accept coins of various denominations.

 I. All COCOTs in public and semi-public locations shall be posted with the name and a local or toll-free telephone number of the COCOT service provider. All LECCOTs in public and semi-public locations shall be posted with the name and a local or toll-free telephone number of the local exchange carrier.

 J. All COCOTs and LECCOTs shall be posted with operating instructions, the applicable rates, call time limits where applicable, and the particular instrument's Public Access line number.

 K. All COCOT and LECCOT instruments shall be posted with the method for reporting complaints and obtaining refunds in a cost-free manner. The office or individual hearing such complaints shall attempt to resolve them. If no resolution is achieved, the complainant shall be informed of the right to seek resolution of the dispute with the Public Utilities Commission's Consumer Assistance Division, and shall be provided that Division's toll-free number.

 L. When not in working order, all COCOT and LECCOT instruments shall be capable of giving an out-of-order message, or such a notice shall be posted at the COCOT or LECCOT location.

 M. All COCOTs and LECCOTs must bear a notice indicating whether the instrument is capable of receiving incoming calls.

 N. Except as specifically authorized by the Commission, a COCOT or LECCOT user shall not be charged for uncompleted calls.

 O. No extension(s) shall be connected to the COCOT or the COCOT Public Access Line which would enable third party access to conversations. However, one additional telephone without a coin collecting device may be installed in connection with LECCOT semi-public service when the station is essential to efficient use of the service; the terms of this semi-public extension telephone service must be set by tariff.

 P. All COCOT and LECCOT instruments shall comply with all applicable federal and state requirements as to accessibility to handicapped persons, including, without limitation, 25 M.R.S.A. § 2701(10) and 35-A M.R.S.A. § 7503.

3. **LECCOT Service**.

 A. Providers of LECCOT service shall be local exchange carriers under the regulatory jurisdiction of the Maine Public Utilities Commission.

 B. LECCOT instruments may be connected to a central office line furnished by the local exchange carrier franchised in the area in which the LECCOT instrument is located.

 C. LECCOTs in public locations shall conform to the requirements of sections 2 and 5 of this Chapter. LECCOTs in semi-public locations shall conform to the requirements of sections 2 and 6 of this Chapter.

 D. Every local exchange carrier in Maine shall provide at least one LECCOT in the area served by each central office, unless this requirement is waived by the Commission pursuant to section 8 of this Chapter.

 E. A notice shall be placed on or near each LECCOT informing the user that credit card service offering lower toll call charges may be available even if the user does not subscribe to individual telephone service.

4. **COCOT Service**.

 A. Prospective providers of COCOT service shall be required to undergo a Certification process as outlined in subsection H of this section.

 B. COCOT instruments may be connected only to a Public Access Line furnished by the local exchange carrier franchised in the area in which the COCOT instrument is to be located. However, upon request by a prospective COCOT provider to furnish a Public Access Line in a Public Location, the local exchange carrier may, at its discretion, choose to install a central office implemented public pay telephone in lieu of a Public Access Line; provided that installation of such telephone be completed within thirty (30) days from local exchange carrier's receipt of the COCOT/Public Access Line application.

 C. COCOTs in Public Locations shall conform to requirements of sections 2 and 5 of this Chapter. COCOTs in Semi-Public Locations shall conform to requirements of sections 2 and 6 of this Chapter.

 D. All COCOTs shall be connected to the network under a tariffs one-party uncapped COCOT Public Access Line measured service rate if measured service is available in that area. If unavailable, COCOTs may be connected under a tariffs Public Access Line one-party message rate if available; otherwise, COCOTs may be connected under a tariffs COCOT Public Access Line flat rate until measured service becomes available.

 E. Each local exchange carrier in the State shall file COCOT Public Access Line (PAL) tariffs within fourteen (14) days of receipt of Commission notification that an application for COCOT PAL service has been received for that telephone company's service territory. COCOT PAL tariffs currently approved and in effect shall remain effective.

 F. Any and all costs for construction of outside plant necessitated by the introduction of COCOT service shall be borne by the COCOT service provider.

 G. All charges incurred by the COCOT line shall be the responsibility of the COCOT service provider. Screening services shall be available to COCOT service providers as an option offered by the local exchange company.

 H. **Certification**. Because the Public Utilities Commission finds that the existence of COCOTs serves the public convenience and necessity, the certification process shall be streamlined as follows:

 1. Providers of COCOT service must abide by applicable tariffs of the local exchange carrier, the applicable rules and regulations of the Public Utilities Commission, and Maine Public utility laws. Toward that end, authorization to provide COCOT service and a proposal for a change in rates pursuant to section 7 of this Chapter will depend on completion of application form by the COCOT provider.

 2. The application form shall be that appended to this Chapter, subject to modification by the Commission as necessary, and shall include:

 a. All information requested on the application form; and

 b. For COCOTs in semi-public locations, a description of the basis of those rates and how they relate to the cost of providing service, if service provided is proposed to be at rates which vary from those authorized for COCOTs in public locations.

 3. Two (2) copies of the application form for each installation shall be submitted to the Public Utilities Commission by the COCOT applicant after completion of all information required by Section (H)(1) and (2). The Commission, through the Technical Analysis Division, shall either approve or reject the application and shall return one (1) date-stamped copy to the COCOT service provider. If the application is approved, the applicant shall present this date-stamped copy to the local exchange carrier from which service is to be provided. If the local exchange carrier chooses to install a location, the carrier shall promptly notify the COCOT applicant and the Public Utilities Commission. If a Public Access Line is to be furnished as requested, the carrier shall then add to the application:

 a. The telephone number of the Public Access Line assigned to the COCOT instrument; and

 b. The central office and type of location in which the COCOT instrument is to be located; and shall forward the completed certificate to the Public Utilities Commission. This paragraph shall not apply to certificate filings for the amendment of rates. A revised certificate must be prepared and submitted to the Public Utilities Commission in the event of a change in any of the information contained in the certificate.

 I. **Disconnection Procedures for COCOT Service**.

 1. All COCOTs are subject to applicable tariffs of the local exchange carrier, and the rules of the Public Utilities Commission. Failure to comply with applicable tariffs or rules shall be grounds for disconnection.

 2. If the Public Utilities Commission finds that a provider of COCOT service is in non-compliance, it shall notify the local exchange company and request that such service be disconnected. Upon Commission request, or the local exchange company's own finding that its tariffs are being violated, the local exchange company shall mail to the COCOT provider a disconnection notice pursuant to paragraph 3 which indicates that unless the reason for non-compliance is removed within fifteen (15) days from the date of the notice, service to the COCOT location will be terminated unless the COCOT provider files a written protest with the Public Utilities Commission prior to such date. However, such notification requirements do not apply if continuation of the COCOT service would cause damage to the company's switched network, in which case the carrier may immediately disconnect to the extent necessary to protect the network. If the disconnection is due to nonpayment, such disconnection shall be made in accordance with the requirements of Chapter 86 of the Commission's Rules.

 3. The following constitute the minimum requirements of a disconnection notice to providers of COCOT service, where such notice is required by this Rule:

 a. The date on which the disconnection will occur.

 b. The exact reason(s) for the disconnection and methods by which the disconnection can be avoided (*e.g*., necessary modifications to bring such COCOTs in to compliance), and/or other information provided by the Commission.

 c. The necessary procedures for handling disputes, including:

 (1) The address and telephone number of the local office of the telephone company that the COCOT provider may contact in reference to his or her account; and

 (2) Notice that the provider may, if not satisfied with the resolution of the dispute proposed in the disconnection notice, file a complaint with, or seek mediation of the dispute from the Consumer Assistance Division of the Public Utilities Commission. The toll free telephone number of the Commission's Consumer Assistance Division (800-452-4699) shall be provided.

 J. **Discontinuance of Service**

 No COCOT provider shall discontinue service at an approved location unless it has informed the Commission at least thirty (3) days in advance of such discontinuance.

 K. A certificate to provide COCOT service will become invalid six (6) months after the date of issuance if the COCOT installation has not been accomplished by then. Reapplication for approval to operate will be necessary if the installation will occur after that time.

5. **Requirements for COCOT and LECCOT Service in Public** L**ocations**.

 A. All COCOT and LECCOT instruments in public locations shall be capable of receiving incoming calls and shall be equipped with a working ringer or audible signaling device, unless the owner of the premises specifically states he will not accept an instrument which receives incoming calls.

 B. All COCOT and LECCOT instruments in public locations shall provide access to all locally accessible long distance common carriers. This requirement may be satisfied by placement of instructions posted on the telephone to inform users how to reach the various available interstate long distance common carriers. If a locally accessible long distance carrier is accessible only through use of a toll-free number, the COCOT or LECCOT must provide such access.

6. **Requirements for COCOT and LECCOT Service in Semi-Public** **Locations**

 A. COCOT and LECCOT instruments in semi-public locations may, at the option of the owner, provide either local only, or both local and long distance service.

 B. If only local service is provided, notice of such calling limitation must be prominently displayed at or near the COCOT and LECCOT location.

 C. For COCOT instruments in semi-public locations, if the rates proposed to be charged for either local or toll service vary from those authorized for COCOTs in public locations, thirty (30) days' advance notice must be provided to the Public Utilities Commission of those rates. If the rates are not unreasonable and no suspension action is taken by the Commission, then those rates may become effective thirty (30) days after receipt by the Commission.

7. **Charges**.

 A. Charges for local calls from a COCOT:

 1. The charge for a local call from a COCOT in a public location, connected by a flat-rate Public Access Line, shall be the same as the charge for a local call from a local exchange carrier-provided pay telephone in that central office.

 2. The initial charge for a local call from a COCOT in a public location, connected by a measured Public Access Line, shall be the same as the charge for a local call from a local exchange carrier-provided pay telephone in that central office. However, an initial durational limit of five (5) minutes may be imposed, so long as a notice is given thirty seconds before the termination of such initial period, after which the COCOT user may be charged for each additional minute at the rate authorized.

 B. For toll calls placed from a COCOT in a public location, the toll rate shall be the same as the charge assessed by the long distance carrier handling the call, to include all surcharges assessed by that carrier. However, the COCOT provider may charge a premium for access not to exceed the charge for unmeasured use or initial charge for measured use for a local call made from a COCOT. Carrier service charges which are not assessed to a COCOT provider may not be passed through to COCOT users.

 C. Because of the requirement of 35-A M.R.S.A. § 7301, each local exchange carrier shall charge for local calls from all LECCOTs throughout its service territory according to one of the following arrangements:

 1. Flat rate. The charge for a local call shall be a single unlimited-duration charge, set by tariff.

 2. Measured rate. The initial charge for a local call shall be for a durational limit of five (5) minutes, so long as a notice is given thirty (30) seconds before the termination of such initial period, after which the LECCOT user will be charged for each additional minute. Both the initial charge and the rate for additional minutes shall be set by tariff.

 D. For toll calls placed from a LECCOT the toll rate shall be the intrastate Message Telecommunications Service rate approved by the Commission, or the same as that of the interstate long distance common carrier handling the call, plus any approved service charge. Charges for toll calls placed at a LECCOT which uses instrument implemented service shall not include public (coin) station-to-station service charges.

8. **Waiver**.

 Any local exchange carrier or COCOT provider may request that the Commission waive some of the requirements of this Chapter. The request may be granted if good cause is shown, and granting of the waiver would not be inconsistent with the intent of this Chapter.

STATUTORY AUTHORITY: 35 M.R.S.A. §§ 104, 111, 301, 307, 704, 1301, 1306-1308, 2101, 2102, 2105, 2110, 7101, 7301 and 7503.

EFFECTIVE DATE:

 This Rule was approved by the Secretary of State on **February 5, 1988** and will be effective on **February 10, 1988**.

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