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The basis for this amendment to these rules is a need for a more flexible regulatory treatment for providers of nonoptional operator services. The purpose of this amendment is to provide a form of relaxed regulatory treatment to all providers of nonoptional operator services. The statutory authority for this amendment is found at § 40-15-302, C.R.S.

RULE 1. APPLICABILITY. These rules apply to all public utilities and providers of telecommunications service which are regulated under Title 40, Article 15, Parts 2 and 3, C.R.S. Any provider of local exchange services that also furnishes nonoptional operator services by contracting with a regulated interexchange carrier and that concurs in the tariffed rates, terms, and conditions of that regulated interexchange carrier shall be exempt from these rules.

RULE 2. DEFINITIONS. For the purposes of these rules only, unless context otherwise requires:

2.1 Access Code means a sequence of numbers that, when dialed, connects the caller to the provider of operator services associated with that sequence.

2.2 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 telephone calls using a provider of operator services.

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2.3 Call Splashing means the transfer of a telephone call from one provider of operator services to another provider of operator services in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call and, because of such inability or unwillingness, is prevented from billing the call on the basis of such location.

2.4 Commission means the Colorado Public Utilities Commission.

2.5 Consumer means a person initiating any intrastate telephone call using nonoptional operator services.

2.6 Debit card - A method of paying for calls wherein the customer pays for the services prior to making any calls. As the customer makes calls using this service, that customer's charges are deducted from the value of the account on a real-time basis until the value of the account is exhausted.

2.7 Interexchange carrier means any regulated provider of Colorado intrastate public switched network services not included in basic local exchange service, and which are priced based upon usage.

2.8 Local calling area means the commission-approved local calling area for an exchange or wire center.

2.9 A local call is any call originating and terminating within the same local calling area.

2.10 Operator service provider means any provider of nonoptional operator services as defined in Rule 3, or any other person determined by the Commission to be providing nonoptional operator services.

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2.11 Person means any individual, firm, partnership, corporation, company, association, joint stock association, and other legal entity.

2.12 Presubscribed provider of operator services means the provider of operator services to which the consumer is connected when the consumer places a call using a provider of operator services without dialing an access code.

2.13 Public Utility is defined in § 40-1-103, C.R.S. and for purposes of these rules includes providers of telecommunications services which are regulated under Title 40, Article 15, Parts 2 and 3, C.R.S.

2.14 Travel card is defined as a method of placing a call exclusively using the interexchange service provider that issues the account rather than the presubscribed interexchange service provider at the originating location. The call is usually completed by dialing an access number or code, a personal account identification number or PIN, and the desired destination telephone number. The customer must have a prearranged account with the service provider. Standard telephone calling cards and commercial credit cards that may be accepted and billed by providers other than the desired interexchange service provider do not qualify as travel cards. Travel cards are also referred to as proprietary calling cards.

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RULE 3. NONOPTIONAL OPERATOR SERVICES.

3.1 Nonoptional operator services include, but are not limited to:

3.1.1 Calls made at coin-operated or coinless telephones, both public and semipublic, which require operator intervention or a synthesized message to advise the party of coins to be deposited or when the time has expired.

3.1.2 Calls made from telephone exchanges which do not allow for direct dialing, also described as Dial Station-to-Station calls, which require operator intervention to complete what would, otherwise be a direct-dialed call.

3.1.3 Calls made by inmates at penal institutions or other correctional facilities who are not permitted to use coins when placing calls at coin operated or coinless telephones or who are required to use an operator's services to complete a call because of the rules or regulations of said institutions or facilities.

3.1.4 Calls made by individuals who identify themselves as disabled to the extent that they are functionally unable to complete a call (for example, unable to use rotary dial or Touch-Tone pad) without operator assistance. These calls include those made with telecommunications devices for the deaf.

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3.1.5 Operator-assisted call reconnection for disconnection or poor transmission, and operator-handled credit requests.

3.1.6 Directory assistance, including calls to 1-411 or 1-555-1212.

3.1.7 Emergency services, including calls made to operators by customers seeking emergency assistance from authorized emergency agencies.

3.1.8 Credit card calls, also known as calling-card station-to-station calls. This includes credit card or calling-card calls made via 800 service, 950, or 10XXX access.

3.1.9 Collect local or long distance calls.

3.1.10 Local or long distance third party billing calls.

3.1.11 Person-to-person calls.

3.1.12 Operator services provided to customers where the use of an operator is required in order to obtain a particular service or in order to complete a call in order to complete a call and where no individualized or select call processing is provided.

3.2 Nonoptional operator services include the provision of those services through the use of synthesized voices rather than through a live operator.

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3.3 Nonoptional operator services provided by or through hotels, motels, or other lodging-type entities which resell intrastate toll and wide area telephone services (WATS) to their lodging patrons, nonoptional operator services provide by or through any other entities which resell to the general public long distance telephone services by using the tariff services and facilities of regulated telephone utilities collectively known as "resellers", or nonoptional operator services provided by or through any customer-owned or leased pay telephone terminal equipment which resells local exchange and toll service by using the tariff services and facilities of regulated telephone utilities known as COCOTs (Customer Owned Coin Operated Telephones) are regulated by the Commission.

RULE 4. OPTIONAL OPERATOR SERVICES.

4.1 Optional operator services provided by operators to customers which offer individualized and select call processing include, but are not limited to:

4.1.1 Foreign language operator services.

4.1.2 Operator services provided for conference calling.

4.1.3 Operator services provided for voice messaging or the taking of messages.

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4.1.4 Operator services provided for electronic mailing.

4.1.5 Debit card and travel card services.

4.2 Persons who provide optional operator services and who provide the nonoptional operator services described in Rules 3.1.4 through 3.1.7 at no additional cost to the user in order to support the public switched network, and incidental to the primary business of providing optional operator services, shall not be considered nonoptional operator service providers subject to the Commission's jurisdiction.

RULE 5. MANNER OF REGULATION.

5.1 Nonoptional operator services, the associated rates, and the provider of nonoptional operator services are regulated by the Commission.