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## NOTICE OF PROPOSED RULEMAKING

TO: (a) Legislative Counsel – State of Georgia
(b) Affected Commission Staff
(c) All Parties on the Commission's Rulemaking Mailing Lists

FROM: Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

**Docket No. 56199: Notice of Proposed Rulemaking to Repeal Rule 515-12-1-.31 Payphone Service Providers**

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated ("O.C.G.A.") § 50-13-4) that the Georgia Public Service Commission ("Commission") intends to consider repealing rule 515-12-1-.31 Payphone Service Providers.

**BY THE COMMISSION:**

At its regularly scheduled May 6, 2025 Administrative Session, the Commission issued this Notice of Proposed Rulemaking ("NOPR"). Commission Rule 515-12-1-.31 Payphone Service Providers shall be considered for repeal at the Commission's regularly scheduled Administrative Session on **June 17, 2025** at 9:30 a.m., which will be held either at the Commission's offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

If adopted, the repeal of this rule shall become effective as provided for by law twenty (20) days after their adoption by the Commission and subsequent filing with the Secretary of State.

## I. NOTICE OF PROPOSED RULEMAKING

### A. Introduction and Jurisdiction

The Commission is governed by the Administrative Procedure Act, O.C.G.A. § 50-13-1 *et seq.* The Commission has the exclusive power and authority to prescribe rules and regulations for the operation, maintenance, location, and deployment of public pay telephones within this state. O.C.G.A. § 46-5-6.

### B. Synopsis and Explanation of Proposed Rules

Payphones were once ubiquitous in Georgia. However, due to the rise of cellular phone service, payphones have become increasingly rare outside of correctional facilities and are now largely obsolete. Consequently, the Commission seeks to repeal its rules regarding payphone service providers. Repeal of these rules will not impact the Commission's regulation of payphones in correctional facilities.

## II. PROPOSED RULE

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A.§ 50-13-4(a)(1), the Commission intends to repeal the rule previously adopted in Chapter 515-12-1-.31 of the Commission Rules. The full text of the rule that is being proposed for repeal is set forth below.

**RULES OF GEORGIA PUBLIC SERVICE COMMISSION**

**Subject 515-12. TELEPHONE SERVICE**

~~**Rule 515-12-1-.31. Payphone Service Providers (PSPs)**~~

~~(1) **Registration:**~~

~~(a) PSPs telephones must be connected to the network of a Company certified by the Georgia Public Service Commission ("Commission").~~

~~(b) The caller must be able to access an Operator of a Company certified by the Commission to provide local exchange service or alternate operator service, 911 (at no charge) where available, and Local Directory Assistance (411) of a Company certified by the Commission.~~

~~(c) Emergency numbers (operator assistance and 911) must be clearly posted on each location of a PSP telephone.~~

(d) Information must be displayed on each PSP telephone consisting of an address and telephone numbers (Toll Free) where a caller can obtain assistance in the event the telephone malfunctions in any way and procedures for obtaining a refund from the PSP.

(e) The telephone number must be displayed on each PSP telephone, unless otherwise prohibited by the Commission.

(f) The PSP shall ensure that the telephone complies with regulations regarding impaired and handicapped access in accordance with the American Disabilities Act (ADA).

(g) Each PSP telephone shall be installed in compliance with all accepted telecommunications industry standards and the current National Electric Code and the National Electric Safety Code.

(h) The charge to a user of a PSP telephone for placement of a local call shall be in compliance with the Order of the Federal Communications Commission in Docket 96-128 and shall be clearly displayed on each PSP telephone.

(i) All PSP telephones in service must return the coins to the user in the event of an incomplete call.

(j) Any limit on the duration of any call (Local or Toll) made from any PSP telephone shall be in compliance with the Order of the Federal Communications Commission in Docket 96-128 and of this Commission.

(k) The rates charged the caller for any 1+ intraLATA/intrastate and interLATA/interstate call made from PSP telephones shall not exceed $2.85 for the 1st minute and $0.35 for each additional minute.

(l) Each PSP telephone must be capable of providing access to all carriers certified to provide long distance service in Georgia and who are in fact providing such service. Access to the carrier of choice must be permitted by means of the dialing sequence chosen by the carrier (e.g., 950-XXX, 1-800 or 10XXX). The dialing sequence chosen by the carrier should include the option of placing an 0+ call without operator intervention. A dialing sequence commencing with 00- shall provide the caller with access to the presubscribed long distance carrier or operator service provider under contract to provide service to the payphone. As to coinless public telephones, it will be necessary for certified Interexchange Carriers providing public telephone service and not reselling local or intraLATA service to make available the service to all Interexchange Carriers that can be reached by means of the dialing sequence chosen by the carrier.

(m) The PSP must register with the Georgia Public Service Commission in the form and manner as prescribed by the Commission before connection to the network of a Company certified to provide local exchange service shall be allowed. Holders of Regular Certificates of Authority for the provision of Payphone Service, as of the date of adoption of these rules, shall be exempt from this provision.

(n) Public Telephone Access Lines will only be provided as twoway service unless authorized by the Commission as set forth in (2) following; and there will be no charge imposed for incoming calls. Coinless Public Telephones do not have to receive incoming calls if the agent of the premises upon which such telephones are installed does not wish such calls to be received.

(o) All PSP telephones must be capable of completing local and toll calls.

(p) Payphone Service Providers may provision Payphone Service through the use of access lines, broadband, voice over Internet protocol ("VoIP"), or any other technically feasible means.

(q) All PSPs shall place on the telephone instrument, a clear and conspicuous disclosure of the presubscribed provider of operator and long distance services and the method by which the user may obtain the rates thereof.

(r) Operator services provided by a company certified by the Commission to provide local exchange service or local alternate operator services shall be accessed by dialing "O" from each PSP telephone.

(s) All PSPs shall provide to the Commission a list of all payphone access lines maintained in the State of Georgia. This list shall state the location and telephone number of each payphone maintained by the PSP within the State of Georgia. Such information may be filed under the Trade Secret provisions of this Commission. The first such list is due thirty (30) days from the date the Commission approves the PSP's registration. Thereafter, the list shall be updated annually with such update being due on or after January 31 of each year. All PSP's shall also be required to state under oath the total number of payphones currently deployed within the State of Georgia. Such information shall not be filed under the Trade Secret provisions of this Commission. This total shall be updated annually with such update being due on or before January 31 of each year.

(t) Each PSP in Georgia must provide such service in compliance with these Rules and any and all registration requirements of this Commission for the provision of PSP telephones in Georgia. In the event a PSP is found to be in violation of any Rule, Regulation, or registration requirement of the Commission, the Commission Staff will issue notice of said violation(s) by letter to the PSP. If said violation(s) are not corrected and the Commission notified of said corrections in writing within twenty (20) days from the date of the Commission Staff's letter, the Staff is authorized to issue a notice to disconnect service to all of the PSP's telephones in Georgia. In ac- cordance with the Commission's Letter Order dated May 16, 1989, in cases where PSP operated in multiple locations, corrections must apply to all locations. If a Disconnection Notice is issued by the Staff, said Order will require all PSP telephones operated by PSP in the State of Georgia to be disconnected.

(2) Waiver of Restriction Requiring Two-way Service.

(a) Definitions:

1. Outward only: A payphone that does not permit incoming calls.
2. Payphone Service Provider (PSP): The owner of the payphone instrument.
3. Location Provider: The owner of the premises on which a payphone is located

(b) **Outward Only**: A payphone may be restricted to outward only calling in the following circumstances and under the following conditions upon concurrence of the Payphone Service Provider:

1. An affidavit is signed by the location provider or a law enforcement official, an elected official of the political subdivision in which the payphone is located or the city/county manager of such political subdivision, stating that for safety and/or security reasons or in an attempt to deter potential criminal activity they are requesting the payphone to be restricted to outward only calling; or
2. Upon written request by the Georgia Public Service Commission and after notification to the location provider.

(c) **Time of Day Restriction**: A payphone may be restricted to operation during certain hours of the day in the following circumstances and under the following conditions upon concurrence of the Payphone Service Provider:

1. An affidavit is signed by the location provider and a law enforcement official, an elected official of the political subdivision in which the payphone is located or a city/county manager of such political subdivision, stating that for safety and/or security reasons or in an attempt to deter potential criminal activity, they are requesting the payphone hours of operation be restricted; or
2. Upon written request of the Georgia Public Service Commission and after notification to the location provider.
3. The Payphone Service Provider must ensure that access to emergency service (911, or 0 where 911 is not available) is accessible at all times.

(d) **Documentation**: Payphone Service Providers obtain the aforementioned affidavits containing the proper signatures prior to the restrictions of payphones in accordance to (b) and (c) above. This documentation must be maintained by the Payphone Service Provider for the duration of the restriction(s) and be made available for inspection by the Commission and/or its staff upon request.

(e) Signage:

1. Payphone Service Providers must provide proper notice on the instruction card and at a conspicuous location in clear view of payphone users, regarding **Outward Only** restrictions placed on the use of the payphone.
2. Payphone Service Providers must provide proper notice at a conspicuous location in clear view of payphone users, regarding **Time of Day Limitations.**

(f) **Complaints**: After a restriction is implemented, any person may call the Georgia Public Service Commission to complain and such complaint shall be investigated and a report made to the Commission for further action, if any. The Commission has the authority to remove any restriction(s) that have been placed on a payphone.

~~(g) **Disputes on Restrictions**: If the Payphone Service Provider, location provider, law enforcement official or elected official do not concur with implementation of any requested time of day restriction set forth in (2)(c) above, the party may, in writing, request an informal hearing before the Commission.~~

~~(h) The Commission (which may delegate such matter to its Staff) shall conduct an informal hearing thereon, at which it may take statements or other evidence from the Payphone Service Provider, the location provider, the applicable law enforcement official or elected official and/or Commission Staff. The Commission will then issue its determination of the time of day restriction, if any, it deems appropriate.~~

~~(i) **Applicability of Rules**: The above rules will apply to payphones that are restricted in the manner provided in Rules (b) and (c) after the effective date of these rules. Any payphones already restricted in any manner prior to the effective date of these rules will not be affected by these rules unless further restricted subsequent to the effective date of these rules.~~

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The Commission shall consider repealing this rule at its regularly scheduled Administrative Session held at 9:30 a.m. on **June 17, 2025**, at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments, or any other relevant matters in writing to the Commission concerning the proposed repeal of the Rules. Such written material must be delivered to the Commission no later than **May 27, 2025**. The Commission requests that, where possible, comments include specific proposed edits to the Rules.

Any written materials are to be filed with:

Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by **May 27, 2025**. If no request for oral hearing is made, the Commission shall consider only those written comments filed in accordance with the provisions of this notice. If oral hearing is requested, then the Commission shall hold oral hearings either virtually or in its First Floor Hearing Room at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334 immediately following the 9:30 a.m. committee meetings on **June 12, 2025.**

The general authority to repeal this Rule is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rule or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of this Rule and incorporating the reasons for overruling the consideration, if any, urged against its adoption.

* * * * *

**WHEREFORE IT IS ORDERED**, that the Commission hereby issues this Notice of Proposed Rulemaking for consideration of repealing Commission Rule 515-12-1-.31.

**ORDERED FURTHER**, that this Notice of Proposed Rulemaking shall be published in conformity with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4.

**ORDERED FURTHER**, that all interested parties shall file comments and proposed edits no later than 4:00 p.m. on May 27, 2025.

**ORDERED FURTHER**, that all persons interested in presenting views or arguments orally should present a written request for an oral hearing by May 27, 2025. If requested, the Commission will hold a hearing to receive oral comments immediately following the 9:30 a.m. committee meetings on June 12, 2025.

The above by action of the Commission in Administrative Session on the 6th day of May 2025.

Sallie Tanner
Executive Secretary

5-7-25
DATE

Jason Shaw
Chairman

5-7-25
DATE