

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

PUBLIC SERVICE COMMISSION

OPERATOR SERVICE PROVIDERS

(By authority conferred on the public service commission by sections 213 and 317 of Act No. 179 of the Public Acts of 1991, as amended, being SS484.2213 and 484.2317 of the Michigan Compiled Laws)

R 484.101 Applicability of rules.

Rule 1. These rules apply to any person who provides operator service in Michigan through a method other than as specified in section 102(t)(i), (ii), or (iii) of Act No. 179 of the Public Acts of 1991, as amended, being S484.2102(t)(i), (ii), or (iii) of the Michigan Compiled Laws.

History: 1996 AACS.

R 484.102 Definitions.

Rule 2. As used in these rules:

(a) "Caller" or "end user" means an individual who attempts to complete a call through use of an operator service provider.

(b) "Commission" means the Michigan public service commission.

(c) "Customer" means a person who owns or controls a telephone, system, or network over which operator services are provided in Michigan.

(d) "Emergency services" means police, fire, or ambulance services.

(e) "Operator service" means a telecommunication service that includes automatic or live assistance to an end user to arrange for completion and billing of a telephone call originating within this state that is specified by the end user through a method other than 1 of the following:

(i) Automatic completion with billing to the telephone from which the call originated.

(ii) Completion through an access code or a proprietary account number used by the end user, with billing to an account previously established with the provider by the end user.

(iii) Completion in association with directory assistance services.

(c) "Operator service provider" or "OSP" means a provider of operator service.

(d) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(e) "Telecommunication provider" or "provider" means a person, or an affiliate of the person, who, for compensation, provides 1 or more telecommunication services.

(f) "Telecommunication service" or "service" includes regulated and unregulated services offered to end users for the transmission of 2-way interactive communication and associated usage.

(g) "Toll service" means the transmission of 2-way interactive switched communication between local calling areas. Toll service does not include individually negotiated contracts for similar telecommunication services or wide area telecommunications service.

History: 1996 AACS.

R 484.103 Registration required.

Rule 3. An operator service provider shall not provide operator services in Michigan without first registering with the commission.

History: 1996 AACS.

R 484.104 Registration; required information.

Rule 4. An operator service provider registration shall include all of the following information and documentation:

- (a) The name of the operator service provider.
- (b) The address of the operator service provider's principal office.
- (c) If the operator service provider is not located in Michigan, the address of the registered office and the name of the registered agent.
- (d) The name and the telephone number of the employee who has been designated by the operator service provider to respond to inquiries made by the commission or its staff.
- (e) A copy of any sticker, card, or other form of information that the operator service provider is required by these rules to furnish to every entity with which it contracts to provide operator service.
- (f) A listing of the toll-free customer service telephone number that the operator service provider is required by these rules to maintain.
- (g) A complete schedule of the operator service provider's current rates and charges to end users.
- (h) Verification in the form of a sworn affidavit by an officer of the operator service provider that the operator service provider's current and future rates and charges will not be more than 300% of the state average rate for any operator or toll service that is supplied by providers of regulated toll service.
- (i) Verification in the form of a sworn affidavit by an officer of the operator service provider of the actions that the operator service provider has taken to ensure that the stickers, cards, or other forms of information that the operator service provider is required to distribute have actually been distributed and physically affixed to, or displayed near, each telephone in Michigan that has access to its operator service.

History: 1996 AACS.

R 484.105 Payment of registration fee.

Rule 5. A registration filed by an operator service provider shall be accompanied by an annual registration fee of \$100.00.

History: 1996 AACS.

R 484.106 Effective date of registration.

Rule 6. A registration filed by an operator service provider is effective immediately upon filing with the commission and the payment of the registration fee and shall remain in effect for 1 year from its effective date.

History: 1996 AACS.

R 484.107 Renewal; failure to renew.

Rule 7. (1) A registration filed by an operator service provider may be renewed for 1 year by filing a renewal registration with the commission on a form provided by the commission, and paying a renewal fee of \$100.00.

(2) An operator service provider that fails to file a renewal registration form and renewal fee before the expiration of its registration shall not provide operator service in Michigan until it complies with the requirements of subrule (1) of this rule.

History: 1996 AACS.

R 484.108 Contracts.

Rule 8. An operator service provider shall offer and perform operator service pursuant to a contractual arrangement with a customer that is subject to the laws of Michigan regarding contract formalities and enforceability.

History: 1996 AACS.

R 484.109 Mandatory contractual provisions; information.

Rule 9. (1) A contract between an operator service provider and a customer to whom the operator service provider has agreed to provide operator service shall require that the customer display a sticker, card, or other form of information furnished by the operator service provider, or prepared by the customer and containing the same information, on or near each of the customer's telephones that access the operator service.

(2) The sticker, card, or other form of information required under subrule (1) of this rule shall include all of the following information:

- (a) The name of the operator service provider.
- (b) A toll-free customer service telephone number.
- (c) A statement that charges imposed by the operator service provider on end users are available by calling the operator toll-free using the instructions posted on the telephone, or by calling the toll-free telephone number.
- (d) A statement that a caller can reach emergency services without charge by dialing 9-1-1, if available, or by calling the operator.

History: 1996 AACS.

R 484.110 Provider duties before connection of call.

Rule 10. Before the connection of each call, the operator service provider shall do all of the following:

- (a) Announce the operator service provider's name.
- (b) Quote, at the caller's request and without charge, the rate and any other fees or surcharges applicable to the call charged by the operator service provider.
- (c) Allow a caller to choose the provider of his or her choice by doing either of the following:
 - (i) If the rate for the call will not be calculated on the basis of the actual origination and destination points of the call, then, after informing the caller of that fact and after receiving the caller's consent, transfer the caller to the provider of his or her choice, without charge.
 - (ii) Instruct the caller how to reach his or her provider of choice by dialing the provider's 950, 1-800, or 10-XXX access service number.
- (d) Allow callers to the operator service provider to reach emergency services without charge.

History: 1996 AACS.

R 484.111 Excessive rates prohibited.

Rule 11. Except as otherwise authorized by the commission, an operator service provider shall not charge a rate for operator service or toll service that is more than 300% of the state average rate for operator or toll service by providers of regulated toll service.

History: 1996 AACS.

R 484.112 Discontinuation of basic local exchange service prohibited.

Rule 12. A provider shall not discontinue basic local exchange service because a caller has not paid an operator service provider charge.

History: 1996 AACS.