

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., WEST TOWER, SUITE 200  
WASHINGTON, DC 20005

**NOTICE OF FINAL RULEMAKING**

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION INTO  
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND  
PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to its authority under Sections 2-505 and 34-1831 of the District of Columbia Official Code,<sup>1</sup> of its final rulemaking action taken on January 25, 2008, in Order No. 14709, adopting amended Sections 601, 602, 604-609, 611, and adding a new Section 618 in Chapter 6, "Pay Telephones," of Title 15 of the District of Columbia Municipal Regulations ("DCMR").<sup>2</sup>

2. The Commission issued a Notice of Proposed Rulemaking, published in the *D.C. Register* on April 6, 2007, inviting the public to submit comments on the proposed rule revisions.<sup>3</sup> The Office of the People's Counsel ("OPC"), Verizon Washington, DC Inc. ("Verizon"), and the Chevy Chase Advisory Neighborhood Commission 3/4G ("ANC 3/4G") filed comments.<sup>4</sup> OPC's filing merely requests an extension of the comment period—which the Commission granted.<sup>5</sup> ANC 3/4G's comments express support for the two-year certification renewal requirement for pay telephone service providers,<sup>6</sup> and Verizon's comments suggest modifications to proposed Sections 605.4 and 618.3.<sup>7</sup>

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<sup>1</sup> D.C. Code, 2001 Ed. §§ 2-505, 34-320, and 34-1516.

<sup>2</sup> 15 DCMR § 600 *et seq.* (2001).

<sup>3</sup> 54 *D.C. Reg.* 3077-3083 (2007).

<sup>4</sup> See *Formal Case No. 712, In the Matter of the Investigation into the Public Service Commission's Rules of Practice and Procedure*, Motion of the Office of the People's Counsel for an Extension of Time for the Public to Present Written Comments on the Notice of Proposed Rulemaking Amending the Pay Telephone Rules, filed April 19, 2007 ("OPC Comments"); Letter from Jerry Levine, Chair, Chevy Chase Advisory Neighborhood Commission 3/4G to Dorothy Wideman, Commission Secretary, Re: Formal Case No. 712 Pay Telephones, filed May 2, 2007 ("ANC 3/4G Comments"); and Comments of Verizon Washington, DC Inc., filed June 7, 2007 ("Verizon Comments").

<sup>5</sup> OPC Comments at 1-3. See also Notice Extending Comment Period, 54 *D.C. Reg.* 5056 (2007).

<sup>6</sup> ANC 3/4G Comments at 1.

<sup>7</sup> Verizon Comments at 2-4.

3. On January 25, 2008, the Commission issued Order No. 14709, denying Verizon's request to modify Sections 605.4 and 618.3, and approving the proposed rule changes. The Commission believes that the rule changes will streamline and enhance the administration of the pay telephone program in the District by clarifying the existing sections regarding the suspension of PSPs' service for failure to adhere to the Commission's rules and by establishing tiers of finable offenses. The amended, new, and deleted sections, set forth hereinafter **in bold**, shall replace the former corresponding sections, where applicable, and become effective upon the publication date of the Notice of Final Rulemaking in the *D.C. Register*.

601 PAY TELEPHONE PROVIDER CERTIFICATION

**601.1 A Pay Telephone Service Provider ("PSP") seeking to provide pay telephone services within the District of Columbia ("District") shall be certified by the Public Service Commission of the District of Columbia. This certification shall be renewed by previously approved PSPs every two years on March 31 in the same manner as the initial certification.**

**601.3 The Completed Certification Application shall contain:**

- (a) The Applicant's D.C. Business Tax Registration Number issued by the D.C. Office of Tax and Revenue;**
- (b) A copy of the Applicant's license to do business in the District of Columbia issued by the D.C. Department of Consumer and Regulatory Affairs; and**
- (c) The name, address, telephone number, fax number, and email address of a District of Columbia Registered Agent if the PSP does not have its principal place of business in the District of Columbia.**

**601.5 The completed Certification Application shall be accompanied by a non-refundable check or money order in the amount of \$100.00, payable to the D.C. Treasurer. The completed Certification Renewal Application Form shall be accompanied by a non-refundable check or money order in the amount of \$50.00, payable to the D.C. Treasurer.**

602 CANCELLATION OF CERTIFICATE

**602.1 The Commission may cancel a PSP's certificate, after providing the PSP notice and an opportunity to be heard, for any of the following reasons:**

- (a) Failure to register any pay telephone with the Commission;**
- (b) Improper installation or relocation of any pay telephone;**

- (c) Any violation of applicable federal or local law or regulation;
- (d) Failure to maintain pay telephones in accordance with the provisions in § 609 of this Chapter.

604 PAY TELEPHONE REGISTRATION

604.9 If a Registration Application is approved, the Commission shall issue a Registration Number for each pay telephone to the PSP. A Registration Number may not be altered, reused, or transferred to another PSP or pay telephone.

604.11 If a Registration Application or Renewal Application contains incorrect information, a PSP shall submit an amendment to the Application within 30 days of the date of notification from the Commission of the error(s). All amendments must be signed by the PSP and notarized. If a PSP fails to submit the requested information within thirty (30) days of notification, the Commission shall deny the Application, and the Registration Application or Renewal Application fees shall not be refunded.

605 COMPLAINTS REGARDING THE INSTALLATION OF A PAY TELEPHONE

605.4 For a period of five (5) years, the Commission shall not approve a Registration Application for any pay telephone that is proposed to be located within a one (1) block radius of another pay telephone location against which a complaint is pending. When the Commission has ordered the removal of a pay telephone because the pay telephone has been found by the Commission, or its designee, to have constituted a public nuisance or significantly contributed to criminal activity in the surrounding community, the Commission shall not approve a Registration Application for any pay telephone that is proposed to be located within a one (1) block radius of the location of the removed pay telephone.

606 TWO-YEAR REGISTRATION RENEWAL

606.3 The completed Renewal Application Form shall list the telephone number(s), registration number(s), and location for the existing pay telephone(s). Renewal Applications shall also comply with § 604.11.

607 INSTALLATION

607.4 A pay telephone shall not be installed in an alley, in or in front of a vacant lot, or in front of an abandoned building, unless such installation is supported, in writing, by the local ANC.

608 REMOVAL

**608.4** A pay telephone owned by a non-certified company may have dial tone service suspended as soon as the phone is identified as non-certified by the Commission. A non-certified owner will not be afforded time for corrective action pursuant to § 618. All such equipment must be removed by the owner. The Commission will give thirty (30) days' notice to the pay telephone owners to remove their equipment. Equipment in place after the Commission gives notice may be removed by the District Department of Transportation.

609 PAY TELEPHONE SERVICES

**609.1** All pay telephones shall provide the following operational characteristics:

Section 609.8 is deleted.

Section 609.9 is deleted.<sup>8</sup>

Section 609.11 is deleted.<sup>9</sup>

611 COMPLAINTS REGARDING EXISTING PAY TELEPHONES

**611.2** Any interested person may file a complaint concerning the operation of a pay telephone. A complaint alleging that an existing pay telephone(s) is in violation of any of the Rules under this Chapter must be submitted to the Commission in writing stating the basis for the complaint and the location or address of the existing pay telephone(s).

618 SUSPENSION FOR VIOLATION

**618.1** If a PSP fails to adhere to the provisions of this Chapter, the Commission may suspend service to that instrument and may order the termination of service to the PSP's other pay telephones until such time as the pay telephone(s) is brought into compliance.

**618.2** For violation of both §§ 601.1 and 604.1 (an unregistered pay telephone by a non certified owner), the Commission will terminate service to the pay telephone immediately without prior notice to the owner.

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<sup>8</sup> The Commission deletes this section because a new section in this rulemaking entitled "Suspension for Violation" in new Section 618 captures all suspensions for violation of the pay telephone rules.

<sup>9</sup> *See id.*

- 618.3** For violation of § 604.1, the Commission will give the PSP thirty (30) days' notice to correct the problem before taking action to suspend service to the pay telephone.
- 618.4** For violation(s) of § 606.1, the Commission will give the PSP thirty (30) days' notice to correct the problem before taking action to suspend service to the pay telephone.
- 618.5** For violations(s) of two (2) or more operational infractions in § 609.1 or five (5) or more signage infractions in § 609.2, the Commission will give the PSP thirty (30) days' notice to correct the problem before taking action to suspend service to the pay telephone.
- 618.6** The Commission will take action to suspend service immediately unless the PSP notifies the Commission in writing that it has cured the violations before the expiration of the thirty (30) day notice period.
- 618.7** Notwithstanding § 618.5, all infractions listed in § 609.1 and § 609.2 must be cured by the pay telephone provider after receiving notice from the Commission of the violations. Failure to correct violations after the sixty (60) days' notice letter may result in suspension of dial tone to the pay telephone unless the PSP notifies the Commission in writing that the violations have been cured before the expiration of the sixty (60) day notice period.

4. Additional copies of this final rulemaking may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, D.C. 20005. Copies may also be obtained from the Commission's website at [www.dcpsc.org](http://www.dcpsc.org).