

**CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.**

**Subchapter N. PAY TELEPHONE SERVICE.**

**§26.346. Rates and Charges for Pay Telephone Service Providers.**

(a) **Rate structure.** Certificated telecommunications utility (CTU) rates for wholesale service must be designed on a flat access line and/or a local message usage rate basis. Multi-element measured rates are prohibited. In areas without measuring capabilities, the CTU may use a flat rate usage surrogate instead of a per call message rate. Measurement capabilities are defined as the capability in place to measure and bill pay telephone usage without incurring unreasonable expense. The charge or surcharge a CTU imposes for an access line used to provide pay telephone service (PTS) in an exchange may not exceed the amount of the charge or surcharge the CTU imposes for an access line used for regular business purposes in that exchange.

(b) **Charges.**

(1) A PTS provider must:

- (A) not impose on pay phone end users any charge for calls made under Chapter 771 or 772 of the Texas Health and Safety Code;
- (B) not impose a charge for "950-XXXX" calls, "1010XXX+0", or "1-800" or "1-888"-type calls to nonpresubscribed interexchange carriers (for example "1-800-COLLECT", "1-800-CALLATT", or "1-800-877-8000");
- (C) not impose a charge for local calls from pay telephones to the Telecommunications Relay Service (TRS);
- (D) for local calls which are collect, operator-assisted or paid by credit card or calling card, not impose a charge which exceeds the highest applicable rate for such calls of any of the four largest interexchange carriers operating in this state; and
- (E) for credit card, calling card, or live or automated operator-handled toll calls, not charge a rate or total charge that exceeds the authorized rates and charges listed in subparagraph (F) of this paragraph.
- (F) charge no more than these rate caps for intrastate long distance and operator-assisted calls at Texas pay phones:

<b>Mileage</b>	<b>1st Min.</b>	<b>Add'l Min.</b>
0 - 10	.2975	.2625
11 - 22	.3150	.2975
23 - 55	.3325	.3150
56 - 124	.3675	.3500
125 - 292	.4025	.3850
293 - Over	.4200	.4025
<b>Operator Service Charges:</b>		
Customer-Dialed Calling Card Station		\$2.50
Operator-Dialed Station		\$3.75
Person To Person		\$4.50
Long Distance Access Fee		\$1.00

- (2) The requirements of paragraph (1)(A) through (C) of this subsection do not apply to pay telephones accessible to inmates of confinement facilities.
- (3) The requirements of paragraph (1)(B) and (D) through (F) of this subsection do not apply to electing local exchange companies.