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**ARKANSAS  
PUBLIC SERVICE COMMISSION  
UTILITIES DIVISION**  
1000 Center  
P.O. Box 400  
Little Rock, Arkansas 72203-0400  
<http://www.Arkansas.gov/psc>



John P. Bethel  
Director  
(501) 682-1794

March 23, 2007

Mr. Charlie Daniels  
Secretary of State  
State Capitol, Room 010  
Little Rock, AR 72201-1094

*Re: Telecommunications Providers Rule 16.01. Public Interest Payphone Service*

Dear Mr. Daniels:

In accordance with Ark. Code Annotated § 25-15-204 and Rule 12.04 of the Commission's Rules of Practice and Procedure, the Commission is filing herewith a certified copy of the above-referenced rule as amended by the Commission's Order No. 3, Docket No. 06-109-R on March 9, 2007, and a Financial Impact Statement for the aforementioned rules.

Also enclosed is the completed Arkansas Register Transmittal Sheet. The amended rule appears on the Commission's website at [www.Arkansas.gov/psc/](http://www.Arkansas.gov/psc/). The amended rule has been submitted by email to [register@sosmail.state.ar.us](mailto:register@sosmail.state.ar.us). If you need any additional information, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lori L. Burrows".

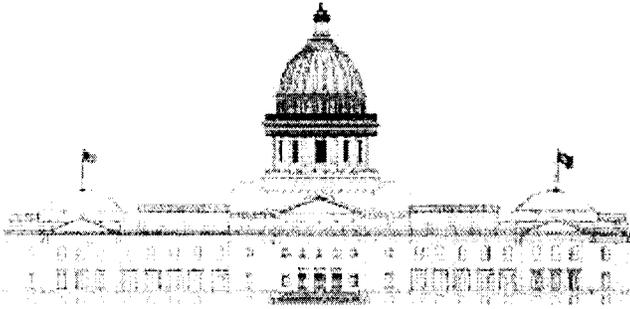
Lori L. Burrows  
Attorney for the Commission

Enclosure

cc: Diana Wilson, Secretary of the Commission (w/o enc.)

# ARKANSAS REGISTER

## Transmittal Sheet



Charlie Daniels  
Secretary of State  
State Capitol Room 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527

For Office Use Only: Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Public Service Commission

Department Utilities Division

Contact Diana Wilson E-Mail DianaW@psc.state.ar.us Phone 682-5782

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 23-2-301, 23-2-304(a)(3), 23-2-305, 23-3-102(e), 23-17-206

**Rule Title:** Telecommunications Providers Rule 16.01 Public Interest Payphone Service

Intended Effective Date \_\_\_\_\_ Date \_\_\_\_\_

Emergency Legal Notice Published..... January 5 & 12, 2007

10 Days After Filing Final Date for Public Comment..... February 6, 2007

Other Adoption by PSC (March 9, 2007) Reviewed by Legislative Council..... (to be reviewed)

Adopted by State Agency..... March 9, 2007

Electronic Copy of Rule Provided (per Act 1648 of 2001)

Electronic Copy of Rule to be e-mailed from: Lori L. Burrows LBurrows@psc.state.ar.us  
Contact Person E-mail Address

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

Diana K Wilson  
Signature

682-5782  
Phone Number

DianaW@psc.state.ar.us  
E-mail Address

Secretary of the Commission  
Title

March 23, 2007  
Date

**C E R T I F I C A T E**

The attached is a true and correct copy of Rule 16.01 of the Arkansas Public Service Commission Telecommunication Providers Rules approved by Order # 3 in docket # 06-109-R on March 9, 2007 and filed of record in my office.

**WITNESS** my hand and seal as Secretary under the official seal the ARKANSAS PUBLIC SERVICE COMMISSION on this 23<sup>rd</sup> day of March, 2007.



Diana K. Wilson  
Secretary of the Commission

seal

ARKANSAS PUBLIC SERVICE COMMISSION  
TELECOMMUNICATIONS PROVIDERS RULES

V. PUBLIC TELEPHONE SERVICE

SECTION 16. PUBLIC TELEPHONE SERVICE

Rule 16.01 Public Interest Payphone Service

To request that a public interest payphone be installed or operated in an exchange, an individual, municipality, governmental entity, nonprofit corporation or public service organization shall submit a written request to the Commission's General Staff identifying a specific public health, safety or welfare objective which will be served by installation or operation of a public interest payphone within the requested exchange. If the General Staff determines, after review and investigation of the written request, that the request is justified and should be granted, it shall notify the eligible telecommunications carrier serving the requested exchange of the pending request and its determination. Unless the eligible telecommunications carrier submits written notification to the General Staff challenging its determination of need within twenty (20) days of the receipt of the General Staff's notice, the eligible telecommunications carrier must ensure that at least one public interest payphone, providing continuous twenty-four (24) hour service in a well-lighted area, is accessible to the public at all times in the exchange designated by the requesting party.

If the eligible telecommunications carrier submits a written notification challenging the General Staff's determination of need, the General Staff shall request that the Commission commence a proceeding naming the eligible telecommunications carrier to resolve whether a public health, safety or welfare objective would be served by installing or operating a public interest payphone within the requested exchange.

Under no circumstances shall an eligible telecommunications carrier be required to install or operate a public interest payphone in response to such a request if it can demonstrate that:

- (1) Another telecommunications provider is already providing a payphone within the exchange, or
- (2) The installation and/or maintenance of a public interest payphone within the requested exchange would be an undue/costly burden on the eligible telecommunications carrier.

**FINANCIAL IMPACT STATEMENT**

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Arkansas Public Service Commission  
DIVISION: Utilities Division  
PERSON COMPLETING THIS STATEMENT: Lori L. Burrows  
PHONE NUMBER 501-682-5875 FAX NO. 501-682-5864 E-MAIL LBurrows@psc.state.ar.us

**FINANCIAL IMPACT STATEMENT**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE:**

*Telecommunications Provider Rule 16.01. Public Telephone Service*

1. Does this proposed, amended, or repealed rule have a financial impact?

Yes\*\*  No

***\*\*The proposed repeal of Telecommunications Provider Rule 16.01 will not have a financial impact on the Public Service Commission but will have a financial impact on the telecommunications companies otherwise subject to the rule as it is currently written. Repealing the rule could lower the operating costs of the telecommunications companies otherwise subject to the rule as currently written. The specific level of savings and the ultimate financial impact are not readily available and cannot be quantified with any accuracy.***

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.
3. If the purpose of this rule is to implement a federal rule, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue	<u>N/A</u>	General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>	Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>	Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>	Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>	Other (Identify)	<u>N/A</u>
Total	<u>N/A</u>	Total	<u>N/A</u>

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

<u>Current Fiscal Year**</u>	<u>Next Fiscal Year**</u>
\$0	\$0
\$0	\$0
\$0	\$0
\$0	\$0

*\*\*As stated above, the proposed repeal of Telecommunications Provider Rule 16.01 will not have a financial impact on the Public Service Commission but will have a financial impact on the telecommunications companies otherwise subject to the rule as it is currently written. Repealing the rule could lower the operating costs of the telecommunications companies otherwise subject to the rule as currently written. The specific level of savings and the ultimate financial impact are not readily available and cannot be quantified with any accuracy.*

5. What is the total estimated cost by fiscal year to the agency to implement this rule?

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
\$0	\$0
\$0	\$0