

54-8b-13 Rules governing operator assisted services.

- (1) The commission shall make rules to implement the following requirements pertaining to the provision of operator assisted services:
 - (a) Rates, surcharges, terms, or conditions for operator assisted services shall be provided to customers upon request without charge.
 - (b) A customer shall be made aware, prior to incurring any charges, of the identity of the operator service provider handling the operator assisted call by a form of signage placed on or near the telephone or by verbal identification by the operator service provider.
 - (c) Any contract between an operator service provider and an aggregator shall contain language which assures that any person making a telephone call on any telephone owned or controlled by the aggregator or operator service provider can access:
 - (i) where technically feasible, any other operator service provider operating in the relevant geographic area; and
 - (ii) the public safety emergency telephone numbers for the jurisdiction where the aggregator's telephone service is geographically located.
 - (d) No operator service provider shall transfer a call to another operator service provider unless that transfer is accomplished at, and billed from, the call's place of origin. If such a transfer is not technically possible, the operator service provider shall inform the caller that the call cannot be transferred as requested and that the caller should hang up and attempt to reach another operator service provider through the means provided by that other operator service provider.
- (2)
 - (a) The Division of Public Utilities shall be responsible for enforcing any rule adopted by the commission under this section.
 - (b) If the Division of Public Utilities determines that any person, or any officer or employee of any person, is violating any rule adopted under this section, the division shall serve written notice upon the alleged violator which:
 - (i) specifies the violation;
 - (ii) alleges the facts constituting the violation; and
 - (iii) specifies the corrective action to be taken.
 - (c) After serving notice as required in Subsection (2)(b), the division may request the commission to issue an order to show cause. After a hearing, the commission may impose penalties and, if necessary, may request the attorney general to enforce the order in district court.
- (3)
 - (a) Any person who violates any rule made under this section or fails to comply with any order issued pursuant to this section is subject to a penalty not to exceed \$2,000 per violation.
 - (b) In the case of a continuing violation, each day that the violation continues constitutes a separate and distinct offense.
- (4) A penalty assessment under this section does not relieve the person assessed from civil liability for claims arising out of any act which was a violation of any rule under this section.

Amended by Chapter 324, 2010 General Session