**20:10:24:05.  Alternative operator services.** Each telecommunications company providing alternative operator services (AOS) must do the following unless the commission grants a waiver to omit a requirement:

 (1)  Apply for a certificate of authority with the commission pursuant to SDCL 49-31-3 and § 20:10:24:02 before providing service in South Dakota;

 (2)  Utilize auditable service quality standards, including call processing time requirements, which must be made available to the commission upon request;

 (3)  Post on or in close proximity to the telephone in plain view of anyone using the telephone a notice in bold type which reads as follows:

SERVICES FROM THIS TELEPHONE MAY BE AT RATES DIFFERENT FROM YOUR LONG DISTANCE COMPANY. BEFORE PLACING YOUR CALL YOU HAVE THE RIGHT TO REQUEST INFORMATION REGARDING CHARGES FROM THE OPERATOR. INSTRUCTIONS FOR REACHING THE TELECOMMUNICATIONS COMPANY OF YOUR CHOICE ARE AVAILABLE FROM THAT COMPANY.

The notice must also include the name and address of the AOS company and a customer service toll-free telephone number for receipt of further service and billing information;

 (4)  Require operators to:

 (a)  Identify the AOS provider, audibly and distinctly, to the consumer at the beginning of each telephone call and before the consumer incurs any charge for the call;

 (b)  Permit the consumer to terminate the telephone call at no charge before the call is connected;

 (c)  Disclose immediately to the consumer, upon request and at no charge to the consumer, a quotation of the rates or charges for the call, the methods by which rates or charges will be collected, and the methods by which complaints concerning such rates, charges, or collection practices will be resolved; and

 (d)  Disclose, audibly and distinctly to the consumer, at no charge and before connecting any intrastate operator service call, how to obtain the total cost of the call, including any aggregator surcharge, or the maximum possible total cost of the call, including any aggregate surcharge, before providing further oral advice to the consumer on how to proceed to make the call. The oral disclosure shall instruct the consumer that the consumer may obtain applicable rate and surcharge quotations either, at the option of the provider of operator services, by dialing no more than two digits or by remaining on the line.

 (5)  Prohibit call blocking and explain the steps the company will take to ensure call blocking does not occur by its contracting entities. All AOS contracts with contracting entities must prohibit call blocking by the contracting entity. AOS companies may not knowingly pay commissions to any contracting entity which violates the blocking provisions of its contract with the AOS company;

 (6)  Immediately transfer emergency calls, 911 calls, or, if 911 service is unavailable in the calling area, local operator calls, to the local exchange company or to the applicable local emergency agency;

 (7)  For billing purposes, itemize, identify, and rate calls from the point of origination to the point of termination. No call may be transferred by an operator service provider to another carrier which cannot or will not complete the call unless the call can be billed in accordance with this subdivision;

 (8)  Not charge for incompleted calls;

 (9)  Bill for its services only;

 (10)  Disclose its name, address, and phone number on any bill which includes charges for services it has provided; and

 (11)  Certify that the company is complying with all federal requirements established under the Telephone Operator Consumer Services Improvement Act of 1990, 47 U.S.C. § 226 (April 1, 2007).

 Contracts between AOS companies and contracting entities must contain provisions for posting the information required in subdivision (3). The AOS companies are responsible for the form of the posting and must make efforts to assure implementation when the services are initiated from the telephone and when any changes occur in the information on the notice.

 **Source:** 16 SDR 106, effective December 27, 1989; 21 SDR 81, effective November 3, 1994; 22 SDR 107, effective February 18, 1996; 34 SDR 67, effective September 11, 2007

 **General Authority:** SDCL 49-31-3, 49-31-5(10).

 **Law Implemented:** SDCL 49-31-3, 49-31-5(10), 49-31-12.7.