

## **ACUTA ALERT:**

April 5, 2000

### **Definition of "Aggregator" and Applicability to Colleges and Universities**

The purpose of this communication is to clarify for ACUTA members the definition of telecommunications "aggregator" and how this term applies to colleges and universities. The Legislative/Regulatory Affairs Committee believes it is very important for all institutions to be aware of this definition, and the resulting obligations for institutions that fall within the definition of aggregators.

In Federal law, specifically the "Telephone Operator Consumer Services Improvement Act of 1990" (TOCSIA), the term "aggregator" is defined as follows:

"(2) The term "aggregator" means any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for interstate telephone calls using a provider of operator services." (47 U.S.C. ? 226(a)(2))

[Please note that the term "person" as used in this definition is a legal term which also includes corporations.]

The full text of TOCSIA law as passed is available on the Internet, on the US Congress Web site. Go to <http://thomas.loc.gov>, and search for Public Law #101-435. (This was H.R. 971 adopted in 1990, in the 101st Congress.) The full text of the regulations, within which the TOSCIA law was applied and/or interpreted by the FCC, can be found in Part 64 of Title 47, Sections 64.703 through 64.708. The Code of Federal Regulations is available on the Web from the National Archives, at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>. ACUTA has placed the section pertaining to Operator Services and Aggregators on the ACUTA Web site, at <http://www.acuta.org/html/cfr1.cfm>

Most colleges and universities fall within the definition of aggregators. However, the following are exceptions that do not fall within the definition:

1. Colleges and universities that do not pre-subscribe an interexchange carrier on students' phones, requiring students to make their own arrangements, if any, for interstate inter-exchange carriers, and comply with #3 below.
2. Institutions that do not provide telephone service of any kind to students, requiring them to establish service directly with local and long distance carriers, and comply with #3 below.
3. Institutions that fall into either of the above two categories and do not provide telephones available to the public or transient users for interstate long distance calls using a provider of operator services (i.e., "courtesy phones"), including payphones.

As discussed in previous ACUTA Alerts, the Federal Communications Commission has determined that the requirements for accessibility of telecommunications equipment and services to persons with disabilities, in Section 255 of the FCC rules, apply to aggregators. (See <http://www.acuta.org/html/da1.cfm> for the full text of the ACUTA Alert on this matter.)

In addition, aggregators are required to provide equal access by toll free number or dial-around access to alternative operator service providers, and to post certain information on or near all

phones. (See <http://www.acuta.org/html/alert1.html> for the complete text of the 1996 ACUTA Alert on aggregator responsibilities.)

If you believe that there is some question requiring further analysis of whether your institution is an aggregator, we suggest that you work with the institution's legal counsel to study the facts of your particular case, the text of TOCSIA, and the FCC's rules.

Legislative/Regulatory Affairs Committee