

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of The Citizens of the State of Florida to initiate rulemaking which will require telephone companies to give customers reasonable notice before customers incur higher charges or change in services, and allow them to evaluate offers for service from competing alternative providers.

DOCKET NO. 010774-TP  
ORDER NO. PSC-02-1409-NOR-TP  
ISSUED: October 10, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-24.491, Florida Administrative Code, relating to notice to customers prior to increase in rates and charges.

The attached Notice of Rulemaking will appear in the October 18, 2002 edition of the Florida Administrative Weekly. If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 8, 2002.

DOCUMENT NUMBER DATE

10996 OCT 10 2

FPSC-02-1409-NOR-TP CLERK

ORDER NO. PSC-02-1409-NOR-TP  
DOCKET NO. 010774-TP  
PAGE 2

By ORDER of the Florida Public Service Commission, this 10th  
day of October, 2002.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

SMC

ORDER NO. PSC-02-1409-NOR-TP  
DOCKET NO. 010774-TP  
PAGE 3

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010774-TP

RULE TITLE:

RULE NO.:

Notice to Customers Prior to  
Increase in Rates or Charges

25-24.491

PURPOSE AND EFFECT: To require interexchange telecommunications companies to provide reasonable prior notice to their customers of any increase in price or changes in terms and conditions of service that would increase the customers' cost of service.

SUMMARY: The proposed rule requires that interexchange telecommunications companies give reasonable prior notice to their customers of any increase in price or changes in terms and conditions of service that would increase the customers' cost of service. The proposed rule provides flexibility in the way such notice may be given and also provides circumstances in which the notice will be presumed reasonable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal

ORDER NO. PSC-02-1409-NOR-TP  
DOCKET NO. 010774-TP  
PAGE 4

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, 364.0252, 364.19, F.S.

LAW IMPLEMENTED: 364.0252, 364.19, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6199.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.491 Notice to Customers Prior to Increase in Rates or Charges

(1) All interexchange telecommunications companies shall provide reasonable notice of any increase in intrastate telecommunications rates, or any changes in terms or conditions that would cause a material increase in customer charges, to each

of their affected residential and single-line business retail subscribers, prior to implementation of the increase.

(2) The notice shall be clear and conspicuous, shall be identified with the heading: "Notice of Price Increase," or "Notice of Price Change," if the change will result in a price increase for some customers and a price decrease for some customers, and shall be presumed reasonable if provided in any of the following manners:

a) First class mail postmarked at least 15 days prior to the effective date of the increase in rates or charges to the customer;

b) A bill insert or bill message mailed to the customer no later than one billing cycle prior to the effective date of the increase in rates or charges to the customer;

c) For those customers who have elected to receive electronic billing, an electronic message sent at least 7 days prior to the effective date of the increase in rates or charges to the customer;

or

d) Pursuant to a written contract that specifically and conspicuously prescribes a method for notice of price increases.

NAME OF PERSON ORIGINATING PROPOSED RULE: Office of Public Counsel

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

ORDER NO. PSC-02-1409-NOR-TP  
DOCKET NO. 010774-TP  
PAGE 6

DATE PROPOSED RULE APPROVED: October 1, 2002.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27,  
Number 27, July 6, 2001

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).