

FLORIDA PUBLIC SERVICE COMMISSION  
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M E M O R A N D U M

April 25, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF APPEALS (CALDWELL) *Over*  
DIVISION OF COMMUNICATIONS (STAVANJA, GRUBWOLD) *WJ LG DC for DS*  
DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *GA AP*

RE: DOCKET NO. 960525-TI - PROPOSED AMENDMENTS TO RULE 25-24.471, F.A.C., APPLICATION FOR CERTIFICATE FOR INTEREXCHANGE CARRIERS

AGENDA: MAY 7, 1996 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

RULE STATUS: PROPOSAL MAY BE DEFERRED

SPECIAL INSTRUCTIONS: S:\PSC\APP\WP\960525.RCM

CASE BACKGROUND

On February 6, 1996, at the Regular Agenda, the Commission adopted proposed changes to Rules relating to Interexchange Carriers in Docket No. 951315-TI. On February 22, 1996, staff sent the changes to the Joint Administrative Procedures Committee (JAPC) for review and the Secretary of State for publication in the Florida Administrative Weekly. Inadvertently, the version of Rule 25-24.471, F.A.C., sent to JAPC and the Secretary of State was an earlier draft of the proposed rule and not the version proposed by the Commission. This rule is being brought back to the Commission for proposing because the time requirements of section 120.54, Florida Statutes, have expired.

DOCUMENT NUMBER-DATE  
04739 APR 25 96  
FPSC-RECORDS/REPORTING

DOCKET NO. 960525-TI  
DATE: April 25, 1996

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission adopt proposed Rule 25-24.471, Florida Administrative Code, Application for Certificate.

RECOMMENDATION: Yes.

STAFF ANALYSIS: This proposed rule is the same as the proposed and adopted rule in Docket No. 951315-TI. It incorporates the proposed changes by Time-Warner, JAPC, and staff.

Staff is aware of the withdrawal by GTE Florida Incorporated of its petition for a stay of Order No. PSC-95-0203-FOF-TP relating to intraLATA presubscription and will be proposing a rule revision implementing the Commission's order in a separate rulemaking proceeding.

Economic Analysis: Since the revisions would decrease Commission staff paperwork and no additional significant costs or adverse impact have been identified, there is no need for preparation of an EIS for the proposed rule changes.

ISSUE 2: If no requests for hearing or comments are filed, should the rule amendments as proposed be filed for adoption with the Secretary of State and the docket be closed?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Unless comments or requests for hearing are filed, the rules as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

Attachment

Rule 25-24.471, F.A.C.  
Form PSC/CMU 31 (3/96)  
Memorandum on Economic Impact Determination

25-24.471 Application for Certificate.

(1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMU 31 (XX/XX) ~~(4/91)~~, which is incorporated into this rule by reference. Form PSC/CMU 31 (XX/XX) ~~(4/91)~~, entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida," may be obtained by contacting the Commission's Division of Communications. A non-refundable An application fee of \$250.00 must accompany the filing of all applications. ~~This is a non-refundable fee to cover the costs of processing the application and it has no relevance on the approval or denial of a certificate.~~

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) Any authority granted to interexchange companies (IXCs) previously or hereafter is subject to the following:

(a) Toll authority granted to all companies is statewide. A company may provide toll service over its own or resold facilities. However, the local exchange company or alternative local exchange company shall be the sole carrier for 1+, 0+ and 0-intraLATA local and toll calls dialed by its end users. When operator services are provided by the alternative local exchange

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

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2 company, the alternative local exchange company must also provide  
3 access to emergency service, busy line verification, and emergency  
4 interrupt service to the end user on at least the same level as  
5 that provided by the local exchange company. Call aggregators and  
6 IXC's shall not change or augment the dialing pattern of end users  
7 for such calls. IXC's may only provide intraLATA toll services to  
8 end users with whom they have a prior and ongoing relationship or  
9 who dial the appropriate access code, e.g. 4-er, 950, 800, or  
10 10XXX, or autodial.

11 (b) Minor interexchange companies are not required to provide  
12 service throughout their certificated service area, but must accept  
13 customers on a nondiscriminatory basis ~~up to the limits of their~~  
14 ~~capacity from customers meeting the company's credit rating~~  
15 ~~requirements.~~ Companies deemed major interexchange companies on  
16 December 31, 1994, are required to provide service in any exchange  
17 that is not equal access capable to all customers in that exchange  
18 making a request for service. ~~Major interexchange companies are~~  
19 ~~required to provide service to all customers making a request for~~  
20 ~~service.~~

21 (c) Where only one interexchange carrier is available in a  
22 confinement facility, that interexchange carrier shall provide for  
23 completion of all inmate calls allowed by the confinement facility.

24 (d) A certificate to provide interexchange service does not  
25 carry with it the authority to provide local exchange, shared

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2 tenant, alternative access, alternative local exchange, or pay  
3 telephone service. A separate application must be made for such  
4 authority.

5 Specific Authority: 350.127(2), F. S.

6 Law Implemented: 364.03, 364.32, 364.33, 364.335, 364.337,  
7 364.345, F.S.

8 History: New 2/23/87, Amended 5/8/91, 11/20/91, 12/22/92,  
9 10/10/94, \_\_\_\_\_.

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MEMORANDUM

October 30, 1995

TO: DIVISION OF APPEALS (CALDWELL)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) ~~CBH~~ DR MEA

SUBJECT: ECONOMIC IMPACT STATEMENT FOR PROPOSED REVISIONS TO RULES 25-24.455, 25-24.465, 25-24.471, 25-24.473, 25-24.474, 25-24.475, 25-24.480, 25-24.485, AND 25-24.490, FAC; REPEAL OF RULES 25-24.460 AND 25-24.495, FAC, MAJOR/MINOR INTEREXCHANGE CARRIER RULES

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Currently, the interexchange carriers (IXCs) are designated as major or minor IXCs in the cited rules, with additional reporting and regulatory requirements for major IXCs. The proposed changes would remove the designation of major or minor and place every IXC under the same rules. The Federal Communications Commission has recently eliminated the major/minor designation. There are currently over three hundred IXCs competing in Florida to provide long distance services, which should ameliorate any impacts from the changes.

Florida Statutes require an agency to prepare an economic impact statement if a rule revision results in any "substantial increase in costs" or "significant adverse effects" to the parties directly affected, including state and local governmental entities. Since the revisions would decrease Commission staff paperwork and no additional significant costs or adverse impacts have been identified, there is no need for preparation of an EIS for the proposed rule changes.

Please keep my name on the CASR.

CBH:tf/e-memo95

cc: Mary Andrews Bane  
Hurd Reeves