

Commissioners:
 JULIA L. JOHNSON, CHAIRMAN
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DIVISION OF APPEALS
 DAVID E. SMITH
 DIRECTOR
 (904) 413-6245

Public Service Commission

December 18, 1997

Mr. Carroll Webb
 Joint Administrative Procedures
 Committee
 120 Holland Building
 Tallahassee, Florida 32399

Re: Docket No. 971453-WS - Proposed Repeal of Rule 25-4.0041,
 F.A.C., Provision of Shared Services for Hire

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal standards statement.

ACK _____ 5. No statement of estimated regulatory costs was prepared.

AFA _____ If there are any questions with respect to this rule,

APP ~~please~~ do not hesitate to call on me.

CAF _____

CMU _____

CTR _____

EAG _____

LEG _____

LIN RPL0441.MRD

OPC Enclosures

RCH ~~Division~~ Division of Records & Reporting

SEC 1

WAS _____

Sincerely,

Diana W. Caldwell

Diana W. Caldwell
 Associate General Counsel

DOCUMENT NUMBER-DATE

12943 DEC 18 97

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BLVD • TALLAHASSEE, FL 32399-0850

1 25-4.0041 Provision of Shared Service for Hire.

2 ~~(1) The provision for hire of shared telephone service within a~~
3 ~~local calling area by other than the certificated local exchange~~
4 ~~company is prohibited except in those cases in which the Commission~~
5 ~~determines that no duplicative or competitive local exchange~~
6 ~~service is being provided.~~

7 ~~(2) The provision for hire of shared WATS Service shall be~~
8 ~~permitted only when the provider has been granted a certificate of~~
9 ~~public convenience and necessity by this Commission to do so.~~

10 ~~(3) The foregoing notwithstanding, until July 1, 1987, any person~~
11 ~~who is providing shared telephone service, is sharing telephone~~
12 ~~service or who has placed orders for shared telephone service on or~~
13 ~~before November 4, 1985 may continue to receive that service.~~
14 ~~Persons affected by this rule shall be notified by the local~~
15 ~~exchange companies of the content of the rule within 30 days from~~
16 ~~the effective date of this rule.~~

17 Specific Authority 350.127(2), 364.19 FS.

18 Law Implemented 364.02, 364.33, 364.335, 364.337, 364.345 FS.

19 History--New 12-22-85, Formerly 25-4.041, Amended 11-2-86, repealed

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

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 971453-TS

RULE TITLE:

RULE NO.:

Provision of Shared Service for Hire 25-4.0041

PURPOSE AND EFFECT: The purpose of this change is to repeal a rule that is obsolete. It is not expected to have any effect.

SUMMARY: The rule required the Commission to make a public interest determination before issuing certificates for the provision of shared tenant services and companies providing shared WATS service must be certificated. All rules for Shared Tenant Services are found in Chapter 25-24, Part XII, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because the rule had no effect no SERC was necessary.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 364.19 FS

LAW IMPLEMENTED: 364.02, 364.33, 364.335, 364.337, 364.345 FS

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

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 A.M., March 19, 1998

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0041 Provision of Shared Service for Hire.

~~(1) The provision for hire of shared telephone service within a local calling area by other than the certificated local exchange company is prohibited except in those cases in which the Commission determines that no duplicative or competitive local exchange service is being provided.~~

~~(2) The provision for hire of shared WATS Service shall be permitted only when the provider has been granted a certificate of public convenience and necessity by this Commission to do so.~~

~~(3) The foregoing notwithstanding, until July 1, 1987, any person who is providing shared telephone service, is sharing telephone service or who has placed orders for shared telephone service on or before November 4, 1985 may continue to receive that service. Persons affected by this rule shall be notified by the local exchange companies of the content of the rule within 30 days from the effective date of this rule.~~

Specific Authority 350.127(2), 364.19 FS.

Law Implemented 364.02, 364.33, 364.335, 364.337, 364.345 FS.

History--New 12-22-85, Formerly 25-4.041, Amended 11-2-86,
repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ann Shelfer

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: December 2, 1997

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
Volume 23, Number 32, August 8, 1997

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 Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

Rule 25-4.0041
Docket No. 971453-TS

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

Rules relating to the provision of shared tenant service have been substantially amended obviating this rule.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.