

DOCKET NO. 990206-TI

CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

/x/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/x/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/x/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

/ (a) Are filed not more than 90 days after the notice; or

/ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;

/ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

/ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

- AFA \_\_\_\_\_ or
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
1999 AUG 27 PM 2:32  
FILED

DOCUMENT NUMBER-DATE

10366 AUG 30 1999

FPSC-RECORDS/REPORTING

the final public hearing on the rule; or

  / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

  / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

  / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

  / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

  / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

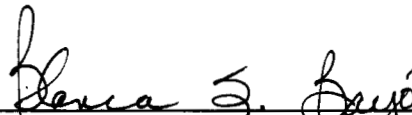
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-4.005

Under the provision of subparagraph 120.54(3)(e)6., F.S.,  
the rules take effect 20 days from the date filed with the  
Department of State or a later date as set out below:

Effective: Sept. 16 1999  
(month) (day) (year)

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records & Reporting

8

\_\_\_\_\_  
Number of Pages Certified

(S E A L)

MCE

1 25-4.005 Transfer of Certificate of Public Convenience and  
2 Necessity As to All or Portion of Service Area.

3 (1) Request for approval by the Commission of transfer of any  
4 certificate of public convenience and necessity (or portion  
5 thereof) shall be made by joint petition of the certificate holder  
6 and transferee after reasonable notice has been given to all  
7 subscribers affected by the proposed transfer. Requests for  
8 approval shall be accompanied by an affidavit that notice of  
9 intention to file the petition has been given:

10 (a) By mail or personal delivery to the governing bodies of  
11 the counties and municipalities affected, to the public counsel,  
12 and to the Commission,

13 (b) By a legal advertisement in a newspaper of general  
14 circulation in the area affected and published on two (2) separate  
15 occasions at least two (2) weeks prior to the filing of the joint  
16 petition on the proposed transfer, and

17 (c) By written notice subject to Commission approval, issued  
18 to each subscriber in the area to be transferred concurrent with  
19 the filing of the petition. ~~A complete lists, by telephone number~~  
20 ~~(numerical sequence), name, address, and class of service of all~~  
21 ~~subscribers sent a written notice shall be furnished the Commission~~  
22 ~~immediately following distribution.~~

23 (2) Upon approving a transfer of certificate, or portion  
24 thereof, the Commission will cancel same and reissue in the name of  
25 the transferee or amend the description of the service area or

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

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
1999 AUG 27 PM 3:37  
FILED

1 both.

2 (3) Such joint petitions shall include detailed descriptions  
3 of the affected boundaries; the number of subscribers, if any, in  
4 each petitioned area; changes in rates; service being provided by  
5 either petitioner in areas to be transferred; pending applications  
6 for service held by either petitioner; changes in calling scope;  
7 customers to be transferred; deposits and deposit interest; any  
8 financial exchange or consideration for the proposed change, and a  
9 list by name and telephone number of all customers who will be  
10 exempt from the proposed change.

11 (4) Any subscriber or group of subscribers of a telephone  
12 company may petition the Commission for transfer from the service  
13 area of such telephone company to that of another telephone company  
14 serving contiguous territory. ~~After public hearing, if one is~~  
15 ~~requested, the Commission may, on a finding of just cause, require~~  
16 ~~such transfer and amend the existing certificates of the telephone~~  
17 ~~companies involved or change the exchange service area maps to~~  
18 ~~reflect any changes found justified.~~

19 (5) If a customer survey is conducted by a telephone company  
20 among customers affected by the proposed transfer, return postage  
21 shall be paid by the company serving the affected customer and  
22 survey ballots shall be returnable to the Public Service  
23 Commission, Attention: Communications Department, for tabulation.

24 Specific Authority 350.127(2) FS.

25 Law Implemented 364.335 FS.

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

1 | History--New 12-1-68, Amended 5-4-81, XX-XX-XX, Formerly 25-4.05.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

**SUMMARY OF RULE**

The rule required that when a local exchange carrier (LEC) requests approval to transfer its certificate (or portion thereof), a written notice be issued to each subscriber in the area to be transferred and that a complete list of the noticed subscribers, by telephone number, name, address, and class of service, be submitted to the Commission. It also provided that after a public hearing on a subscriber's or group of subscriber's petition for transfer to another telephone company's service territory, the Commission might require the transfer and amend certificates or exchange service maps. The amendments to the rule delete the requirement that a complete list of subscribers be submitted to the Commission, and they delete the provision regarding the Commission's action after hearing. The amendment regarding lists of subscribers addresses concerns regarding privacy and confidentiality of that information, and the amendment regarding Commission action after public hearing deletes a provision that duplicated the statute, Section 364.335, F.S.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

Several rule waivers were granted on the grounds that

1999 AUG 27 PM 3:37  
DEPARTMENT OF STATE  
TALLAHASSEE  
FLORIDA  
FILED

detailed lists of customer related information was confidential. The proposed rule eliminates the requirement that companies provide such lists to the Commission. The proposed rule also eliminates a provision regarding public hearings that duplicated the public hearing provisions of the statute.