

STATE OF FLORIDA

ORIGINAL

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# Public Service Commission

July 22, 2004

COMMISSION  
CLERK

JUL 22 PM 4:41

RECEIVED-FPSC

Mr. Scott Boyd, Executive Director  
Joint Administrative Procedures  
Committee  
Room 120 Holland Building  
Tallahassee, Florida 32399-1300

Re: Docket No. 040167-TP – Commission Rules 25-4.082, 25-4.083, 25-24.490, and 25-24.845.

Dear Mr. Boyd:

Enclosed are the notices of change, which will be published in the Florida Administrative Weekly on July 30, 2004, and the statement of changes for proposed Rules 25-4.082, 25-4.083, and 25-24.490.

We plan to file Rules 25-4.082, 25-4.083, and 25-24.490, as well as Rule 25-24.845 for adoption on August 20, 2004.

Sincerely,

Samantha Cibula  
Associate General Counsel

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
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- OPC \_\_\_\_\_
- MMS \_\_\_\_\_ 040167JAPC.smc.doc
- RCA \_\_\_\_\_ Enclosure
- SCR \_\_\_\_\_ cc: Division of the Commission Clerk and Administrative Services
- SEC   1
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

08005 JUL 22 2004

FPSC-COMMISSION CLERK

## STATEMENT OF CHANGES

The Commission published its Notice of Proposed Rulemaking in the May 7, 2004, Florida Administrative Weekly. US LEC of Florida Inc. and XO Florida, Inc., provided comments on proposed Rules 25-4.082 and 25-24.490. Specifically, the companies asked the Commission to clarify what a “working number” is under subsection (2) of Rule 25-4.082 and subsection (4)(b) of Rule 25-24.490. At its July 20, 2004, agenda conference, the Commission voted to change these rules to include an example of a working number under the rules – a telephone number that is fully functional the customer.

By letter dated June 4, 2004, the staff of the Joint Administrative Procedures Committee (JAPC) provided comment on Rule 25-4.083. Specifically, JAPC staff asked for the meaning of “appropriately qualified” in subsection (6)(c) of Rule 25-4.083. At its July 20, 2004, agenda conference, the Commission voted to delete those words from subsection (6)(c) of Rule 25-4.083.

FLORIDA PUBLIC SERVICE COMMISSION

OFFICE OF THE GENERAL COUNSEL

DOCKET NO. 040167-TP

RULE NO:

RULE TITLE:

25-4.082

Number Portability

25-4.083

Preferred Carrier Freeze

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 30, Number 19, May 7, 2004, issue of the Florida Administrative Weekly. The changes have been made to the proposed rules to address comments made by US LEC of Florida Inc., XO Florida, Inc., and the staff of the Joint Administrative Procedures Committee.

Paragraph (2) of Rule 25-4.082 is changed as follows:

(2) A working number (e.g., a telephone number that is fully functional to the customer) shall be ported regardless of whether a balance is owed.

Paragraph (6)(c) of Rule 25-4.083 is changed as follows:

(c) An ~~appropriately qualified~~ independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm the PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider

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or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

FLORIDA PUBLIC SERVICE COMMISSION

OFFICE OF THE GENERAL COUNSEL

DOCKET NO. 040167-TP

RULE NO:

RULE TITLE:

25-24.490

Customer Relations

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 30, Number 19, May 7, 2004, issue of the Florida Administrative Weekly. The change has been made to the proposed rule to address comments made by US LEC of Florida Inc. and XO Florida, Inc.

Paragraph (4)(b) of Rule 25-24.490 has been changed as follows:

(b) The serving IXC shall not disconnect a subscriber's working toll free number (e.g., a telephone number that is fully functional to the customer) after receiving a service transfer request from another IXC.