

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: REVISIONS TO CHAPTER 25-24, F.A.C.

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: July 29, 2004

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-24.455, 25-24.465, 25-24.470, 25-24.4701, 25-24.471, 25-24.472, 25-24.473, 25-24.474, 25-24.475, 25-24.480, 25-24.485, 25-24.490, 25-24.491, 25-24.600, 25-24.610, 25-24.640, 25-24.835, 25-24.840, 25-24.900, 25-24.905, 25-24.910, 25-24.915, 25-24.920, 25-24.930, 25-24.940, Florida Administrative Code, to amend provisions relating to certification of interexchange companies (IXCs).

The attached Notice of Proposed Rule Development will appear in the August 6, 2004, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at the time and place shown below:

September 2, 2004 – 9:30 a.m.
Betty Easley Conference Center, Room 152
4075 Esplanade Way
Tallahassee, Florida

The request must be submitted in writing to Marlene Stern, Appeals, Rules & Mediation Section], Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, and should be submitted for receipt by the Commission no later August 20, 2004.

Any person requiring some accommodation at this workshop 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 using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

A copy of the proposed rule revisions is attached to this notice.

DOCUMENT NUMBER-DATE

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By DIRECTION of the Florida Public Service Commission, this 29th day of July,
2004.


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

(SEAL)

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RULE TITLE:	RULE NO.
Scope and Waiver	25-24.455
Terms and Definitions; Rule Incorporated	25-24.465
Registration <u>Certificate of Public Convenience and Necessity</u> Required	25-24.470
Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited	25-24.4701
Application for Certificate	25-24.471
Improper Use of a Certificate	25-24.472
Application for Approval of Assignment or Transfer of Certificate	25-24.473
Cancellation of a Certificate <u>Registration</u>	25-24.474
Company Operations <u>and Customer Relations</u> ; Rules Incorporated	25-24.475
Records and Reports; Rules Incorporated	25-24.480
Tariffs	25-24.485
Customer Relations; Rules Incorporated	25-24.490
Notice to Customers Prior to Increase in Rates or Charges	25-24.491
Application and Scope	25-24.600
Terms and Definitions; Rules Incorporated	25-24.610
Service Requirements for Call Aggregators	25-24.640

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Rules Incorporated	25-24.835
Service Standards	25-24.840
Scope	25-24.900
Terms and Definitions	25-24.905
<u>Registration or Certificate of Public Convenience and Necessity Required</u>	25-24.910
Tariffs or Price Lists	25-24.915
Standards for Prepaid Calling Services and Consumer Disclosure	25-24.920
Adequacy of Service	25-24.930
Penalties	25-24.940

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Elimination of the need to certificate interexchange companies (IXCs).

SPECIFIC AUTHORITY: Section 350.127(2), 364.337, 364.3376, and 427.704, F.S.

LAW IMPLEMENTED: Sections 350.113, 350.127(1), 364.01, 364.016, 364.02, 364.03, 364.035, 364.04, 364.051, 364.057, 364.07, 364.08, 364.09, 364.10, 364.14, 364.15, 364.183, 364.19, 364.27, 364.285, 364.32, 364.33, 364.335, 364.336, 364.337, 364.3376, 364.345, 364.602, 364.603, 364.604, and 427.704, F.S.

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IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW.

DATE AND TIME: September 2, 2004 - 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL
THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO MARLENE STERN, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK BLVD., TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT IS: NANCY PRUITT, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, 850-413-6127.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

25-24.455 Scope and Waiver.

(1) This ~~Part~~ applies only to Intrastate Interexchange Companies (IXCs). As provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapters 25-4, 25-9, or 25-14, F.A.C., shall apply to IXCs~~Interexchange Companies~~, except as provided by this part.

~~(2) — To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, telephone companies subject to this Part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.337, Florida Statutes.~~

~~(3) — Any interexchange company may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.~~

(24) An IXC~~interexchange company~~ may petition for a waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:

~~(a) — The factors enumerated in Section 364.337(4), Florida Statutes;~~

(ab) The extent to which competitive forces may serve the same function as, or obviate the necessity for, the provision sought to be waived; and

(be) Alternative regulatory requirements for the company which may serve the purposes of this part.

~~(5) — Any statutory exemptions or rule waivers granted prior to the adoption of this rule are void, and to the extent not covered in this rule, must be renewed.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02 ~~364.337~~ FS.

History—New 2-23-87.

25-24.465 Terms and Definitions; Rule Incorporated.

(1) For purposes of this Part, the term “Company” means an IXC Interexchange Company .

(2) Rule 25-4.003, Definitions The following rule is incorporated herein by reference.

Portions not

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
25-4.003	Definitions	Subsection (8)

Specific Authority 350.127(2)

FS. Law Implemented ~~364.01, 364.02, 364.337~~ FS.

History—New 2-23-87, Amended 3-13-96.

25-24.470 Registration ~~Certificate of Public Convenience and Necessity~~ Required.

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(1) No person shall provide intrastate interexchange telephone service without first filing an initial tariff containing the rates, terms, and conditions of service and providing the company's current contact information with~~obtaining a certificate of public convenience and necessity from the Division of the Commission Clerk and Administrative Services. Services may not be provided, nor may deposits or payment for services be collected until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.~~

(2) An original and three (3) copies of the company's initial tariff shall be filed. The tariff filing shall conform to the requirements of Rule 25-24.485, F.A.C.

(3) The company's contact information shall be provided using Form PSC/CMP 31 (xx/xx), entitled "IXC Registration Form" which is hereby incorporated into these rules. A copy of the form may be obtained from the Commission's website, www.floridapsc.com, or by contacting the Commission's Division of Competitive Markets and Enforcement.

(4) Each IXC shall file and update, within 10 days after any change, the following contact information with the Division of the Commission Clerk and Administrative Services:

(a) Official company name, including any fictitious names, as filed with the Department of State, Division of Corporations; and

(b) Mailing address, including street name and address and post office box, city, state, and zip code.

(c) Name, address, telephone number, and e-mail address and FAX number, where applicable, of the individual who is to serve as primary liaison with the Commission in regard to ongoing operations of the company within the state.

Specific Authority 350.127(2) FS.

Law Implemented 364.02, 364.04 364.32, 364.33, 364.335, 364.337 FS.

History--New 2-23-87.

25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

(1) ~~Each certificated interexchange company shall, within the general section of its intrastate tariff, or in the sections applicable to services that it expects may be resold or rebilled, include language which states that customers reselling or rebilling such services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.~~

(2) ~~Each certificated interexchange company shall implement procedures to identify and report those customers whom it believes are reselling or rebilling interexchange telecommunications service on an intrastate basis in Florida. Each certificated interexchange company shall, within thirty days of a written request by the Commission staff, submit a complete list of such customers' names and addresses to the Commission.~~

~~(3) — The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.07, 364.19, 364.27 FS.

History—New 1-12-92, Repealed.

25-24.471 Application for Certificate.

~~(1) — An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMP 31 (12/96), which is incorporated into this rule by reference. Form PSC/CMP 31 (12/96), 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 Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 must accompany the filing of all applications.~~

~~(2) — An original and 12 copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.~~

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~~(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, end user dialed 0+ local and all 0- calls shall be initially routed to the serving local exchange company or competitive local exchange company. When operator services are provided by the competitive local exchange company, the competitive local exchange company must also provide access to emergency service, busy line verification, and emergency interrupt service to the end user on at least the same level as that provided by the local exchange company. Call aggregators and IXCs shall not change or augment the dialing pattern of end users for 0+ local or 0- calls.~~

~~(b) — Minor interexchange companies are not required to provide service throughout their certificated service area, but must accept customers on a nondiscriminatory basis.~~

~~Companies deemed major interexchange companies on December 31, 1994, are required to provide service in any exchange that is not equal access capable to all customers in that exchange making a request for service.~~

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

~~(d) — A certificate to provide interexchange service does not carry with it the authority to provide local exchange, shared tenant, alternative access, competitive local exchange, or pay telephone service. A separate application must be made for such authority.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History—New 2-23-87, Amended 5-8-91, 11-20-91, 12-22-92, 10-10-94, 3-13-96, 12-9-96

Repealed.

25-24.472 Improper Use of a Certificate.

~~No certificate of public convenience and necessity authorizing interexchange service may be sold, assigned or transferred by the holder to another, nor used as collateral for any purpose, without prior Commission approval.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History—New 2-23-87, Repealed.

25-24.473 Application for Approval of Assignment or Transfer of Certificate.

~~(1) — A person desiring to obtain a certificate by assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Commission Form~~

~~PSC/CMP 31 (3/96), which is incorporated into this rule by reference. Form PSC/CMP 31 (3/96), 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 Competitive Services.~~

~~(2) — An original and 12 copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.~~

~~(3) — An application for assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.~~

~~(4) — A certificate may be assigned or transferred only as a whole.~~
Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History—New 2-23-87, Amended 11-20-91, 3-13-96, Repealed.

25-24.474 Cancellation of a Certificate Registration.

(1) The Commission may on its own motion cancel a company’s registration certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rule or order; or
- (c) Violation of Florida Statutes.

(2) If a ~~registered-certificated~~ company desires to cancel its ~~registration-certificate~~, it shall request cancellation from the Commission in writing and shall provide the following with its request:

- (a) Statement of intent and date to pay Regulatory Assessment Fee.; and
- ~~(b) — Statement of why the certificate is proposed to be cancelled.~~
- (be) A statement on treatment of customer deposits and final bills.
- ~~(d) — Proof of individual customer notice regarding discontinuance of service.~~

(3) Cancellation of the IXC registration ~~Cancellation of a certificate~~ shall be granted ~~ordered~~ subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.02, 364.285, ~~364.337, 364.345~~ FS.

History—New 2-23-87, Amended 3-13-96.

25-24.475 Company Operations and Customer Relations.; ~~Rules Incorporated.~~

(1) For intrastate toll calls received from the relay service, each IXC shall offer discounts as required by Rule 25-4.0160(1), F.A.C.

(2) Each IXC shall comply with the requirements of Rule 25-4.110, F.A.C.; Customer Billing, subsections (14), (15), (17), (18), and (20).

(3) Each IXC shall comply with the requirements of Rule 25-4.118, F.A.C.; Local, Local Toll, or Toll Provider Selection. For the purpose of this subparagraph, the words

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“certificate” or “certificated” in Rule 25-4.118, F.A.C. shall be substituted with the word “registered.”

(4) When operator services are provided by an IXC for calls placed from pay telephones or confinement facilities, Part XIII of Chapter 25-24, F.A.C., shall apply for such calls.

(5) Each IXC shall respond to Commission inquiries within 15 days.

(1) ~~The following rules are incorporated herein by reference and apply to Interexchange Companies. In these rules, the word “local” should be omitted or interpreted as “toll”, as they shall apply only to interexchange and not local service.~~

		Portions
<u>Section</u>	<u>Title</u>	<u>Applicable</u>
25-4.022	Complaint—Trouble Reports, etc.	All
25-4.036	Design and Construction of Plant	All
25-4.038	Safety	All
25-4.039	Traffic	All
25-4.071	Adequacy of Service	Subsection (5)
25-24.515	Pay Telephone Service	Subsection (20)
25-4.077	Metering and Recording Equipment	All
25-4.160	Operation of Telecommunications Relay Service	Subsection (1)

(2) — ~~A company may act as an agent of the customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service rendered.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.02, 364.04, 364.603, 364.604 ~~364.01(4), 364.07, 364.16, 364.17, 364.185, 364.19, 364.30, 364.337, 364.3375, 364.345, 364.386, 427.704~~ FS.

History—New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96, 2-1-99.

25-24.480 Records and Reports; Rules Incorporated.

Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-4.0161, F.A.C.

(1) — ~~The following rules are incorporated herein by reference and apply to interexchange companies. In these rules, the word “local” should be omitted or interpreted as “toll”, as they shall apply only to interexchange and not local service.~~

PORTIONS NOT

<u>SECTION</u>	<u>TITLE</u>	<u>APPLICABLE</u>
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of Records	Subsections (1), (3)
25-4.023	Report of Interruptions	Subsection (1)
25-4.043	Inquiries	None
25-4.0161	Regulatory Assessment Fees	None

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~~25-4.079 — Hearing/Speech Impaired Persons — Subsections (1), (2), (3), and (5)~~

~~25-4.115 — Directory Assistance — Subsections (1) and (2)~~

~~(2) — Each company shall file updated information for the following items with the Division of Competitive Markets and Enforcement and the Division of the Commission Clerk and Administrative Services within 10 days after such changes occur:~~

~~(a) — The address of the certificate holder's main corporate and Florida offices (if any), including street name and address and post office box, city, state and zip code.~~

~~(b) — Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company.~~

~~(3) — Each company shall file form PSC/CMP 38 (date) with the Division of Competitive Markets and Enforcement by January 31 of each year. Form PSC/CMP 38 (date), entitled IXC Annual Report Form, is incorporated by reference into this rule and may be obtained from the Division of Communications.~~

~~Specific Authority 350.127(2) FS.~~

~~Law Implemented 350.113, 350.115, 350.117, 364.01(4), 364.02, 364.336, 364.17, 364.18, 364.185, 364.337, 427.704 FS.~~

~~History—New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-22-92, 12-27-94, 3-13-96, 10-1-96.~~

25-24.485 Tariffs.

(1) All initial tariffs filed as part of the registration process in Rule 25-24.470 shall ~~must~~ be filed with the Division of the Commission Clerk and Administrative Services ~~Commission~~, using the following guidelines, before becoming effective.

~~(1) — General:~~

(a) Each IXC ~~company~~ shall maintain on file with the Commission tariffs which set forth all of the rates and charges for customer services, the different services available to subscribers and the conditions and circumstances under which service will be furnished. ~~Interexchange carriers are authorized to provide services to other certificated telephone companies by individually negotiated contract rates in addition to filing and providing those services to end users pursuant to tariffs. When an interexchange carrier chooses to utilize such individually negotiated contract rates for services to other certificated telephone companies, and in any other instances in which the Commission has authorized contract rates for specific offerings, the conditions under which such contracts may be offered shall be clearly stated in the company's tariff but the contracts themselves need not be part of the tariff. The contracts must, however, be available for Commission review. The tariff shall not include charges for customer premises equipment.~~

~~(b) — Each Company shall provide support to accompany any proposed changes as outlined in subsection (4).~~

(be) The tariff will be Florida-specific and all rates, charges, and service descriptions shall be for intrastate usage, unless interstate rates are necessary to compute the intrastate portion

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of a customer's monthly bill; then, the interstate rates, charges, and service descriptions shall also be quoted in the tariff to the extent necessary to compute the intrastate portion of a customer's bill.

(~~cd~~) The tariff must be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms so that the customer will understand that for which he is contracting.

(~~de~~) ~~The tariff shall be written in a manner such that service will be provided on a non-discriminatory basis.~~ No public statement of service quality, rates, or service offerings or billings should be misleading or differ from those stated in the tariff.

(~~f~~) ~~— A printed notice shall be kept posted by each company in a public and conspicuous place in each office where application for service may be made stating that its tariff and standard contract and agreement forms are on file at that office and are open to examination by any person. The Company will also make available a list of the exchanges it serves.~~

(~~eg~~) All proposed changes to ~~an~~ the existing tariff shall be directed to the Director of the Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-085066. A filing must be received by the Division of Competitive Markets and Enforcement Services before 5:00 p.m. of a normal Commission workday in order for it to be "filed" on that day.

(~~fh~~) All tariff changes shall be submitted to the Division of Competitive Markets and Enforcement Commission in ~~triplicate~~quadruplicate in the form prescribed herein. ~~After the~~

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~~effective date, one copy stamped "received" will be returned to the company, which shall be the notice to the company that the filing has been received and is on file. If acknowledgement of the filing at the time of receipt is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.~~

(gi) Companies shall charge only the rates contained in their tariff. If a company desires to charge rates or charges at a lower level than is contained in an existing tariff and wishes to charge those lower rates only temporarily ~~and afterwards return to the existing tariff level,~~ it may, ~~instead of filing two tariff revisions to decrease and then later increase the rate,~~ file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name under which the promotional service is to be offered, a specific description of the tariffed service involved, including all applicable rates, terms, and conditions, specific tariff charges to be reduced, the temporary level of charges, a description of the customers who would be eligible for the decrease, the conditions under which customers would receive a decrease, include the heading "Promotion," and the beginning and ending dates of the reduction. ~~The tariff page(s) describing the terms and rates of the temporary reduction shall immediately precede the permanent tariff pages for the service in the same section of the tariff.~~

(hj) The requirements of the following subsections shall apply on a prospective basis from the effective date of this rule. Existing tariffs on the effective date of this rule need not be amended to comply with the following except upon Commission staff request.

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(2) ~~Effective Date.~~

(a) The initial tariff will become effective on the ~~effective~~ date of the company's registration pursuant to Rule 25-24.470, F.A.C. ~~required Certificate of Public Convenience and Necessity, unless the company requests a later effective date.~~

~~(b) — For all companies, Changes~~ changes to an existing tariff will become effective on the day following the day it is filed with the Division of Competitive Markets and Enforcement unless the company requests a later effective date, ~~or the Commission suspends or denies the filing prior to the effective date.~~

(3) Tariffs shall comply with the following format requirements: ~~Format.~~

(a) All tariffs ~~filed~~ shall be submitted in loose leaf form on 8 1/2" × 11" sheets, typewritten on a good grade of white ~~three-hole~~ paper of durable quality, using one side of the paper only. All copies must be clear and legible. Sufficient margin shall be allowed on each sheet for a left-hand binding edge so that when the tariff book is open all printed matter will be in view.

(b) Every sheet in the tariff shall be numbered.

(c) Each sheet shall bear the name of the company, as registered with the Commission, in the upper left-hand corner of the sheet.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example: Original Sheet No. 1, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet(s) it replaces. As an example:

First Revised Sheet No. 1

Cancels Original Sheet No. 1

or

Fourth Revised Sheet No. 5.2;

Cancels Third Revised Sheet Nos. 5.2, 5.3 and

~~Second Revised Sheet 5.4~~

(f) ~~On the bottom of each sheet shall appear the~~ The name and title of the issuing officer shall be placed at the bottom of each sheet of the company. To the right of the issuing officer's name there shall appear "Effective: ~~11-21-95~~ _____."

(g) ~~In general, The~~ the filed tariffs of the companies shall contain the following in the order listed:

1. Title Page. The title page shall contain a brief description of the tariff and the services offered therein. ~~adequately identify the volume as the tariff, filed by the particular company with the Florida Public Service Commission, governing the sale of the specific company service provided, and shall be sheet number 1.~~

2. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. ~~In tariffs of less than 30 sheets, the table of~~

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~~contents may serve as subject index for the entire volume.~~ In tariffs of 30 sheets or more, each subsection will shall also be individually indexed by subject.

3. Symbols used in Tariff Filings. ~~The following S~~ymbols will be used in any proposed change to the existing tariff ~~shall in the manner described herein.~~ The symbols will appear in the right hand margin of each sheet on the same line(s) ~~into~~ into which any change has been made. If three or more consecutive lines are affected, ~~it shall be sufficient to place one symbol shall be placed~~ on the first and last lines ~~of the group affected and with~~ a vertical line ~~drawn~~ connecting the two symbols. ~~In all such cases the pair of symbols will be the same. In the event more than one type of change occurs on the same line, T~~two or more types of symbols may denoting the changes shall be placed next to each other on the affected line. The symbol page shall identify all symbols used in the tariff. The following are the only letters allowed to denote the following types of change:

~~D—Delete or Discontinue~~

~~I—Change Resulting In An Increase to A Customer's Bill~~

~~M—Moved from Another Tariff Location~~

~~N—New~~

~~R—Change Resulting In A Reduction To A Customer Bill~~

~~T—Change in Text or Regulation but No Change to Rate or Charge~~

4. Technical Terms and Abbreviations. This section shall contain ~~full and concise information as to the meaning of~~ all technical and special terms and abbreviations used in the tariff.

5. Rules and Regulations. This section shall include all rules, regulations, practices, exceptions and conditions ~~made or observed relative to the company service furnished,~~ which are general and apply to all or many of the services offered. ~~It shall contain the company's credit rating requirements and its deposit requirements.~~ If a general regulation does not apply to a particular service, that fact should be clearly stated.

6. Description of Services Offered. This section shall describe all services available to end users in Florida.

a. ~~— This section shall contain a description of how a billable call is timed, when timing begins and ends, and the method used to make this determination.~~

b. ~~— This section shall also contain a description of how distance is measured for toll rating purposes and the formula used to compute it, as well as what points are used for origination and termination with respect to calculation of the distance between them.~~

c. ~~— This section shall contain a statement of the minimum call completion rate a subscriber can expect to encounter during the IXC's busy hour, expressed as a percentage, computed by dividing the number of calls completed by the number of calls attempted. The stated call completion rate for end-to-end Feature Group C & D service shall not be less than 90 percent.~~

~~d. — This section shall detail all relevant information which pertains to a particular type of service, and will be subdivided into subsections for each type of service offered.~~

7. Rates. All ~~standard rate schedules,~~ rates and charges for all services, and other data necessary to compute the customers' ~~monthly~~ bills for intrastate service shall be placed in this section. ~~If more than one type of service is offered, all information pertaining to an individual service shall be grouped together or clearly cross-referenced.~~

(4) Information to Accompany Tariff Filings.

(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet number and revision level) being transmitted and gives a brief description of all changes ~~included therein and the reasons for the changes.~~

(b) Along with each tariff filing the company shall include ~~three (3)~~four (4) copies of the tariff pages which contain proposed changes as they will appear in the approved tariff.

Specific Authority 350.127(2) FS.

Law Implemented ~~364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14, 364.27, 364.337,~~ FS.

History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96.

25-24.490 Customer Relations; Rules Incorporated.

(1) ~~The following rules are incorporated herein by reference and apply to IXCs.~~

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.110	Customer Billing	Subsections (11), (12), (14),

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	(15), (17), (18), and (20)
25-4.111 — Customer Complaint and Service Requests	All except subsection (2)
25-4.112 — Termination of Service by Customer	All
25-4.113 — Refusal or Discontinuance of Service by Company	All
25-4.114 — Refunds	All
25-4.117 — 800 Service	All
25-4.118 — Local, Local Toll, or Toll Provider Selection	All

~~(2) — An IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term.~~

~~(3) — Upon request, each company shall provide verbally or in writing to any person inquiring about the company's service:~~

- ~~(a) — Any nonrecurring charge,~~
- ~~(b) — Any monthly service charge or minimum usage charge,~~
- ~~(c) — Company deposit practices,~~
- ~~(d) — Any charges applicable to call attempts not answered,~~

~~(e) — A statement of when charging for a call begins and ends, and~~

~~(f) — A statement of billing adjustment practices for wrong numbers or incorrect bills.~~

~~In addition, the above information shall be included in the first bill, or in a separate mailing no later than the first bill, to all new customers and to all customers presubscribing on or after the effective date of this rule, and in any information sheet or brochure distributed by the company for the purpose of providing information about the company's services. The above information shall be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms.~~

Specific Authority 350.127(2), 364.604(5) FS.

Law Implemented 364.03, 364.14, 364.15, 364.19, 364.337, 364.602, 364.603, 364.604 FS.

History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03,
Repealed.

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 an 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~~

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~~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.~~

Specific Authority 350.127, 364.0252, 364.19 FS.

Law implemented 364.0252, 364.19 FS.

History—New 3-20-03, Repealed.

25-24.600 Application and Scope.

(1) The term “company” for the purpose of this Part also includes IXCs.

~~(2)~~ This Part applies to:

(a) Every company that provides operator services as defined in Section 364.02,

Florida Statutes,

(b) Every company that bills and collects in its own name for operator services provided by other entities, and

(c) Call aggregators as defined in this part.

~~(2) In addition to the rules contained in this Part, every company providing operator services shall also comply with the rules contained in Part X of Chapter 25-24, F.A.C.~~

(3) Each company subject to this Part may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under the authority of Section 364.01(4)(b)337, Florida Statutes.

Specific Authority 350.127(2), 364.3376(8) FS.

Law Implemented 364.01, 364.3376 FS.

History—New 9-6-93, Amended 9-10-97, 2-1-99.

25-24.610 Terms and Definitions; Rules Incorporated.

(1) For purposes of this Part, the following definitions apply:

(a) “Call aggregator” is any person or entity that provides telecommunications service to the transient public. Subject to the definition above, “call aggregator” includes but is not limited to the following:

1. Hotel as defined in Section 509.242(1)(a), Florida Statutes,
2. Motel as defined in Section 509.242(1)(b), Florida Statutes,
3. Resort condominium as defined in Section 509.242(1)(c), Florida Statutes,

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4. Transient apartment as defined in Section 509.242(1)(e), Florida Statutes,
5. Rooming house as defined in Section 509.242(1)(f), Florida Statutes,
6. Resort dwelling as defined in Section 509.242(1)(g), Florida Statutes,
7. ~~Schools required to comply with any portion of Chapters 228 and 246, Florida~~

~~Statutes, or Section 229.808, Florida Statutes, School dormitories,~~

8. Nursing home licensed under Section 400.062, Florida Statutes,
9. Assisted living facility licensed under Section 400.407, Florida Statutes,
10. Hospital licensed under Section 395.003, Florida Statutes,
11. Timeshare plan as defined in Section 721.05(374), Florida Statutes,
12. Continuing care facility certificated under Section 651.023, Florida Statutes, and
13. Homes, communities, or facilities funded or insured by the United States

Department of Housing and Urban Development (HUD) under 12 U.S.C.S. § 1701q (~~Law. Co-
op. 1994~~) that sets forth the National Housing Act program designed to aid the elderly.

(b) “Conversation time” is the time during which two-way communication is possible between the calling and called party.

(c) “End-user” means a person who initiates or is billed for a telephone call.

(d) “Person-to-person” is a service whereby the person originating the call specifies to the operator service provider’s operator a particular person to be reached.

(e) “Surcharge” means an amount billed to an end user by a call aggregator that is in excess of the rate information that may be obtained pursuant to Section 364.3376(5), Florida

Statutes. “Surcharge” includes any charge billed by a call aggregator that is associated with a call billed by another entity.

(2) In addition to the above, the following rules are incorporated herein by reference:

IXCs are exempt from the requirements of 25-4.019 and 25-4.020, F.A.C.

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
25-4.003	Definitions	All
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	(2)-and-(3)

Specific Authority 350.127(2), 364.3376(8) FS.

Law Implemented 364.01, 364.016, 364.3376 FS.

History—New 9-6-93, Amended 9-10-97, 2-1-99.

25-24.640 Service Requirements for Call Aggregators.

(1) Every call aggregator shall:

(a) Allow end users to access, at a charge that is no greater than the amount the call aggregator charges for calls placed using the presubscribed provider of operator services, all locally available interexchange companies via all locally available methods of access, including 10XXX, 950-XXXX, and toll-free access codes such as 800 and 888;

(b) Allow end users to access the universal telephone number “911”, where operable, at no charge to the end user, and where not operable, allow end users to access the operator of the provider of local exchange telecommunications services at no charge;

(c) Route all end user dialed 0+ local and all 0- calls to the provider of local exchange telecommunications services unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 888, or 10XXX;

(d) Route all end user dialed toll calls to the preselected carrier unless the end user dials the appropriate access code for his carrier of choice, such as 950, 800, 888, or 10XXX; and

(e) Route all end user dialed 0- calls to the operator of the provider of local exchange telecommunications services when no additional digits are dialed after five seconds; and

(f) Place a written notice in plain view, in the immediate vicinity of each telephone served by the call aggregator, which meets the requirements of Section 364.3376(5), Florida Statutes, (1995) and also clearly states at least the following information:

1. Name of the company providing operator services as it appears on the registration list or certificate issued by the Commission;
2. Instructions on how to reach the operator of the provider of local exchange telecommunications services;
3. Instructions on how to reach emergency services;
4. Instructions on how to place local and long distance calls;
5. A toll-free number for refunds;
6. The amount of any surcharge for local calls, long distance calls, directory assistance, or any other surcharges to be billed and collected by the call aggregator;
7. If a surcharge applies whether or not the call is completed;

8. If rate information for a local or long distance call is posted, the rate information shall be clearly separated and identified from the surcharge;

9. The toll-free telephone number of the Florida Public Service Commission's ~~Division of Consumer Affairs.~~

(2) For the purpose of this Part, a resort comprised of one or more call aggregators under a consolidated management group shall be considered a single call aggregator.

(3) Each call aggregator shall reply to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission within 30 calendar days from the date of the Commission inquiry.

Specific Authority 350.127(2), 364.3376(5), (8) FS.

Law Implemented 364.01, 364.3376 FS

History--New 9-10-97.

25-24.835 Rules Incorporated.

The following rules are incorporated herein by reference and apply to competitive local exchange companies.

Section	Title	Portions Applicable
25-4.0161	Regulatory Assessment Fees	All
25-4.043	Response to Commission Staff Inquiries	All
25-4.036	Design and Construction of Plant	All
25-4.038	Safety	All

25-4.160 Operation of Telecommunications Relay Service All

~~25-24.480 Records and Reports; Rules Incorporated Subsection (2)~~

(1) Each company shall file updated information for the following items with the Division of the Commission Clerk and Administrative Services within 10 days after any changes to the following:

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.

Specific Authority 350.127(2), 364.337(2), 427.704(8) FS.

Law Implemented 364.183, 364.336, 364.337(2) FS.

History—New 12-27-95, Amended 4-8-98, 6-24-99.

25-24.840 Service Standards.

(1) Each provider of competitive local exchange telecommunications service shall make access to 911 emergency services available to each of its basic telecommunications service customers at a level at least equivalent to the service provided by the incumbent local exchange company.

(2) Access to 911 services shall be maintained for the duration of any temporary disconnection for non-payment of a residential subscriber's local service.

(3) Within 6 months of the effective date of this section, each Competitive Local Exchange Company shall:

Section Title Portions Applicable

(a) Provide billing name and address information of the end-user at a reasonable cost and in a timely manner to any telecommunications company that requests the information unless the CLEC has an active billing and collection agreement.

(b) Update account ownership information and appropriate toll restriction information directly into LIDB or contract with the appropriate local exchange company for daily updates.

(4) When operator services are provided by a competitive local exchange company, the competitive local exchange company shall provide access to emergency service, busy line verification, and emergency interrupt service to the subscriber on at least the same level as that provided by the incumbent local exchange company.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.035, 364.337, 364.3376, 364.345 FS.

History–New 5-6-97, Amended 4-7-03.

25-24.900 Scope.

(1) This Part applies to companies that provide prepaid calling services (PPCS) to the public using its own or resold telecommunications networks.

(2) Prepaid calling services provided without compensation are exempt from Part XVI.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.19, 364.337(4) FS.

History—New 3-26-98.

25-24.905 Terms and Definitions.

For purposes of this Part, the definitions to the following terms apply:

- (1) “Company” means any entity providing prepaid calling services to the public using its own or resold telecommunications network.
- (2) “Conversation time” is the time when two-way telecommunications is possible.
- (3) “Prepaid Calling Services (PPCS)” means any prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.
- (4) “Prepaid Calling Card” or “Card” means any object containing an access number and authorization code that enables an end user to use PPCS.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.03, 364.051, 364.335, 364.337(4) FS.

History—New 3-26-98.

25-24.910 Registration or Certificate of Public Convenience and Necessity Required .

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, competitive local exchange company, or registering as an interexchange company pursuant to Rule 24.470, F.A.C. The name used as

the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued or registration is made. A “doing business as” name may be used in lieu of the certificated or registered name if it is registered as a fictitious name with the Florida Division of Corporations, and reflected on the certificate or registration with the Commission before the name is used on the card.

Specific Authority 350.127(2) FS.

Law Implemented 364.02, 364.33, 364.335, 364.337(4) FS.

History—New 3-26-98.

25-24.915 Tariffs or Price Lists.

(1) This section applies to all companies as defined in subsection 25-24.905(1), F.A.C., ~~regardless of certificate type or other tariff or price list requirements.~~

(2) Each company shall file a tariff or price list for PPCS.

(3) Each company shall include in its tariff or price list the following information:

(a) Maximum amount a person will be charged per billing increment ~~minute~~ for PPCS, and

(b) Applicable surcharges.

(c) All other rates, terms, and conditions.

Specific Authority 350.127(2) FS.

Law Implemented 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.337 FS.

History–New 3-26-98.

25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.

(1) The following information shall be legibly printed on the card:

(a) The Florida certificated or registered name, or “doing business as” name as provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;

(b) Toll-free customer service number;

(c) Toll-free network access number; and

(d) Authorization code, if required to access service.

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

(a) Maximum charge per billing increment ~~minute~~ for PPCS;

(b) Applicable surcharges; and

(c) Expiration policy, if applicable.

(d) All other rates, terms, and conditions applicable to the use of the service.

The company must insure by contract with its retailers or distributors that the information is provided to the consumer.

(3) Each company shall provide through its customer service number the following information:

(a) Certificate number;

- (b) Rates and surcharges;
- (c) Balance of use in account; and
- (d) Expiration date or period, if any.

(4) Each company shall provide a live operator to answer incoming calls 24 hours a day, 7 days a week or shall electronically voice record end user complaints. A combination of live operators or recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of the recording.

(5) The rates displayed in accord with subsection (2) above shall be no more than those reflected in the tariff or price list for PPCS.

(6) A company shall not reduce the value of a card by more than the charges specified in the tariff or price list~~printed on the card, packaging, or visible display at the point of sale~~. The service may, however, be recharged by the consumer at a rate higher than the rate at initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff or price list and the consumer shall be informed of the higher charges at the time of recharge.

~~(7) The billing increment shall not exceed one minute.~~

~~(8) Each company shall only charge for conversation time plus applicable surcharges.~~

~~(9) Conversation time of less than a full minute shall not be rounded up beyond the next full minute.~~

~~(710)~~ Cards without a specific expiration period printed on the card, and with a balance of service remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged, from the date of the last recharge.

~~(811)~~ If PPCS are sold without a card or printed material, tariffed charges and surcharges shall be disclosed at the point of sale.

~~(12)~~ All cards sold by the company after July 1, 1998, must comply with this rule.

Specific Authority 350.127(2) FS

Law Implemented 364.01, 364.02, 364.03, 364.04, 364.19 FS.

History—New 3-26-98.

25-24.930 Adequacy of Service.

Each company shall ensure that:

~~(1) A minimum of 95 percent of all call attempts shall be completed to the called party.~~

~~Station busies will be counted as~~

~~completed calls.~~

~~(2) A minimum of 95 percent of all call attempts shall be completed to a company's toll-~~

~~free customer service number. Station~~

~~busies will not be counted as completed calls.~~

~~(3) A minimum of 97 percent (allowing for a one second variation) timing accuracy of conversation time shall be achieved.~~

Specific Authority 350.127(2) FS.

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Law Implemented 364.01, 364.19 FS.

History–New 3-26-98, Repealed

25-24.940 Penalties.

~~Where a penalty is imposed for a finding that an uncertificated has provided PPCS within the state of Florida, the penalty shall be no less than \$1,000.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.285 FS.

History–New 3-26-98, Repealed.
