

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: REVISIONS TO CHAPTER 25-4, FLORIDA ADMINISTRATIVE CODE

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 25-4.003, 25-4.044, 25-4.079, 25-4.115, 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 following time and place:

September 2, 2004, 9:30 A.M.
Betty Easley Conference Center, Room 152
4075 Esplanade Way
Tallahassee, Florida

The request for a workshop must be submitted in writing to Marlene Stern, Appeals, Rules & Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0863, and should be submitted for receipt by the Commission no later than 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.

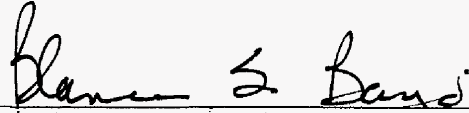
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By DIRECTION of the Florida Public Service Commission, this 29th day of July,
2004.

A handwritten signature in cursive script, reading "Blanca S. Bayo".

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

(SEAL)

MKS

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:	RULE NO:
Definitions	25-4.003
Private Line/Special Access Cost Manual	25-4.044
Hearing/Speech Impaired Persons	25-4.079
Directory Assistance	25-4.115

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), F.S.

LAW IMPLEMENTED: Sections 364.01, 364.01(4), 364.02, 364.025, 364.03, 364.04, 364.07, 364.08,, 364.14, 364.17, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, and 364.604, F.S.

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

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THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO MARLENE STERN, 2540 SHUMARD OAK BLVD., TALLAHASSEE, FL 32399-0863.

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 ABOVE.

25-4.003 Definitions.

For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

(1) “Access Line” or “Subscriber Line.” The circuit or channel between the demarcation point at the customer’s premises and the serving end or class 5 central office.

~~(2) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.~~

(23) “Average Busy Season-Busy Hour Traffic.” The average traffic volume for the busy season busy hours.

(34) “Billing Party.” Any ~~telecommunications company~~ entity that bills an end user ~~consumer~~ on its own behalf or on behalf of an originating party.

(45) “Busy Hour.” The continuous one-hour period of the day during which the greatest volume of traffic is handled in the office.

(56) “Busy Season.” The calendar month or period of the year (preferably 30 days but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

(67) “Call.” An attempted telephone message.

(78) “Central Office.” A location where there is an assembly of equipment that establishes the connections between subscriber access lines, trunks, switched access circuits, private line facilities, and special access facilities with the rest of the telephone network.

(89) “Commission.” The Florida Public Service Commission.

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(940) “Company,” “Telecommunications Company,” “Telephone Company,” or “Utility.” These terms may be used interchangeably herein and shall mean “telecommunications company” as defined in Section 364.02 (1342), Florida Statutes.

(10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

(11) “Completed call.” A call which has been switched through an established path so that two-way conversation or data transmission is possible.

(12) “Disconnect” or “Disconnection.” The dissociation or release of a circuit. In the case of a billable call, the end of the billable time for the call whether intentionally terminated or terminated due to a service interruption.

(13) “Drop or Service Wire.” The connecting link that extends from the local distribution service terminal to the protector or telephone network interface device on the customer’s premises.

(14) “Exchange.” The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

(15) “Exchange (Service) Area.” The territory of a local exchange company (LEC) within which local telephone service is furnished at the exchange rates applicable within that area.

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(16) “Extended Area Service.” A type of telephone service whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other exchanges or areas without toll charges, or complete calls to one or more other exchanges or areas without toll message charges.

(17) “Extension Station.” An additional station connected on the same circuit as the main station and subsidiary thereto.

(18) “Foreign Exchange Service.” A classification of LEC exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.

(19) “Information Service.” Telephone calls made to 900 or 976 type services, but does not include Internet services.

(20) “Intercept Service.” A service arrangement provided by the telecommunications company whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued, or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of conditions such as system blockages, inability of the system to complete a call as dialed, no such office code, and all circuits busy.

~~(21) “Interexchange Company (IXC).” Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDAs as defined in subsection (37) of these definitions.~~

(2122) “Inter-office Call.” A telephone call originating in one central office but terminating in another central office, both of which are in the same designated exchange area.

(2223) “Interstate Toll Message.” Those toll messages which do not originate and terminate within the same state.

(2324) “Intertoll Trunk.” A line or circuit between two toll offices, two end offices, or between an end office and toll office, over which toll calls are passed.

(2425) “Intra-office Call.” A telephone call originating and terminating within the same central office.

(25) “Intrastate Interexchange Company (IXC)” Any entity that provides intrastate interexchange telecommunications services.

(26) “Intrastate Intra-state Toll Message.” Those toll messages which originate and terminate within the same state.

(27) “Invalid Number.” A number comprised of an unassigned area code number or a non-working central office code (NXX).

(28) “Large LEC.” A LEC certificated by the Commission prior to July 1, 1995, that had in excess of 100,000 access lines in service on July 1, 1995.

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(29) “Local Access and Transport Area (LATA)” or “Market Area.” A geographical area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which a LEC may transport telecommunication signals.

(30) “Local Exchange Telecommunications Company (LEC).” Any company certificated by the Commission to provide local exchange telecommunications service in this state on or before June 30, 1995. Any telecommunications company, as defined in Section 364.02(6), Florida Statutes.

(31) “Local Provider (LP).” Any telecommunications company providing local telecommunications service, excluding pay telephone providers and call aggregators.

(32) “Local Service Area” or “Local Calling Area.” The area within which telephone service is furnished subscribers under a specific schedule of rates and without toll charges. A LEC’s local service area may include one or more exchange areas or portions of exchange areas.

(33) “Local Toll Provider (LTP).” Any entity telecommunications company providing intraLATA or intramarket area long distance telecommunications service.

(34) “Main Station.” The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by a an individual or party line circuit or channel.

(35) “Message.” A completed telephone call.

(36) “Mileage Charge.” A tariff charge for circuits and channels connecting other services that are auxiliary to local exchange service such as off premises extensions, foreign exchange and foreign central office services, private line services, and tie lines.

~~(37) “Multiple Location Discount Aggregator (MLDA).” An entity that offers discounted long distance telecommunications services from an underlying IXC to entities. An entity is a MLDA if one or more of the following criteria applies:~~

~~(a) It collects fees related to interexchange telecommunications services directly from subscribers;~~

~~(b) It bills for interexchange telecommunications services in its own name;~~

~~(c) It is responsible for an end user’s unpaid interexchange telecommunications bill;~~

~~or~~

~~(d) A customer’s bill cannot be determined by applying the tariff of the underlying IXC to the customer’s individual usage.~~

~~(3738) “Normal Working Days.” The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone companyutility.~~

~~(3839) “Optional Calling Plan.” An optional service furnished under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.~~

~~(3940)~~ “Originating Party.” Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term “originating party” does not include any entity specifically exempted from the definition of “telecommunications company” as provided in Section 364.02~~(13)~~(13)(a) through (f), ~~Florida Statutes~~(12), Florida Statutes.

~~(4041)~~ “Out of Service.” The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber’s line. “Out of Service” shall not include:

- (a) Service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages;
- (b) Interruptions caused by a negligent or willful act of the subscriber; and
- (c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

~~(4142)~~ “Outside Plant.” The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers’ locations or between central offices of the same or different exchanges.

~~(4243)~~ “Pay Telephone Service Company.” Any telecommunications company that provides pay telephone service as defined in Section 364.3375, Florida Statutes.

(4344) “PC-Freeze.” (Preferred Carrier Freeze) A service offered that restricts the customer’s carrier selection until further notice from the customer.

(4445) “Provider.” Any telecommunications company providing service, excluding pay telephone providers and call aggregators (i.e., local, local toll, and toll providers).

(4546) “Service Objective.” A quality of service which is desirable to be achieved under normal conditions.

(4647) “Service Standard.” A level of service which a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(4748) “Small LEC.” A LEC certificated by the Commission prior to July 1, 1995, which had fewer than 100,000 access lines in service on July 1, 1995.

(4849) “Station.” A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending or receiving telephone messages.

(4950) “Subscriber” or “Customer.” These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telecommunications company.

(5051) “Subscriber Line.” See “Access Line.”

(5152) “Switching Center.” Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

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(5253) “Toll Connecting Trunk.” A trunk which connects a local central office with its toll operating office.

(5354) “Toll Message.” A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(5455) “Toll Provider (TP).” Any ~~entity~~telecommunications company providing interLATA long distance telecommunications service.

(5556) “Traffic Study.” The process of recording usage measurements which can be translated into required quantities of equipment.

(5657) “Trouble Report.” Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(5758) “Trunk.” A communication channel between central office units or entities, or private branch exchanges.

(5859) “Valid Number.” A number for a specific telephone terminal in an assigned area code and working central office which is equipped to ring and connect a calling party to such terminal number.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00.

25-4.044 Private Line/Special Access Cost Manual.

(1) — Any person who requests a change in the rates, charges, terms or conditions of private line/special access service shall provide cost support for the request in accordance with the sample forms and methods prescribed by Form PSC/CMU 30 (12/86), which is incorporated into this rule by reference. However, changes in rates pursuant to such studies may only be implemented pursuant to a general revenue requirements proceeding. Form PSC/CMU 30 (12/86), entitled Private Line/Special Access Cost Manual, was effective on December 14, 1986 and may be obtained from the Commissions Division of Telecommunications. A person is not precluded from providing cost information of its choice in addition to that prescribed by Form PSC/CMU 30 (12/86).

(2) — A person subject to this rule may, in a particular case, request that the Commission waive the requirements of this rule in whole or part. Such a request may be granted when compliance would be impractical or would impose excessive cost, or where the requested change is of a nature that does not justify a cost analysis. The Commission may impose alternative requirements as a condition of a waiver. A telephone company with fewer than 1,750 private line/special access circuits may adopt a study previously filed with the Commission in lieu of providing its own study under Form PSC/CMU 30 or it may incorporate portions of a previously filed study into its own study.

~~(3) — The purpose of this rule is to provide the Commission with a measure of cost of private line/special access service. A study using Form PSC/CMU 30 is required whenever a local exchange or major interexchange company proposes a change involving existing service. This rule does not affect Commission policy regarding how rates, charges, terms or conditions of such service are prescribed.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.14, 364.17 FS

History—New 12-15-86, Repealed.

25-4.079 Hearing/Speech Impaired Persons.

- (1) The telephone directory published by each local exchange telephone company (LEC) shall:
 - (a) list, with other emergency numbers at the beginning of the directory, Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which shall be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an ear with a slash across it;
 - (b) list the company's business office TDD number, which shall also be denoted by said universal symbol, for communicating with hearing/speech impaired persons;
 - (c) at the option of and without charge to TDD users, have a special notation by each TDD user's number indicating TDD or TDD plus voice capability;

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(d) at the option of and without charge to hearing/speech impaired customers, not list the number of any hearing/speech impaired customer who requests that it not be published.

(2) Each LEC shall provide directory and operator assistance to TDD users. The numbers for these services shall be listed in the front of the directory and denoted by the universal symbol.

(3) Each LEC shall compile informational literature about the services it makes available to hearing/speech impaired persons and shall maintain this literature for public inspection in the company's business office. Each company shall send this literature at no charge to anyone requesting it and shall include this literature or a summary of it, once a year, in the company's informational mailings.

(4) Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all ~~interexchange carriers and~~ LECs.

(5) Each LEC shall, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each ~~LEC company~~ shall provide at least one type of each of the following categories of specialized CPE:

- (a) audible ring signalers;
- (b) visual ring signalers;

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- (c) TDDs;
- (d) volume control handsets.

Specific Authority 350.127(2) FS

Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS

History—New 4-5-88, Amended 6-3-90.

25-4.115 Directory Assistance.

(1) Directory assistance service provided by any telephone company shall be subject to the following:

(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and shall apply to the end-user.

(b) The tariff shall state the number of telephone numbers that may be requested by a customer per directory assistance call.

(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call and shall be subject to the following:

(a) There shall be no charge for directory assistance calls from lines or trunks serving individuals with disabilities. As used in this rule subpart and paragraph (3)(a) thereof, "disability" means, with respect to an individual – A physical or mental impairment that prohibits a customer from using the telephone directory.

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(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.

(c) The tariff shall state the number of calls per billing month per individual line or trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no charges will apply. The local exchange company shall charge for each local directory assistance call in excess of this allowance. The charge shall not apply for calls from pay stations.

(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850) 555-1212).

~~(3) Charges for intrastate calls to directory assistance outside of the caller's HNPA shall be at rates prescribed in the general services tariff of the interexchange companies and shall be subject to the following:~~

~~(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. See paragraph (2)(a) of this rule for the definition of "disability". The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.~~

Specific Authority 350.127 FS.

Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS.

History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95.