

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: November 23, 2004

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Office of the General Counsel (Stern) MKS
Division of Competitive Markets & Enforcement (Pruitt, Watts) DS
Division of Economic Regulation (Hewitt) CBH

RE: Docket No. 041017-TI – Revisions to intrastate interexchange telecommunications company rules in Chapters 25-4 and 25-24, F.A.C., to reflect 2003 statutory changes.

AGENDA: 12/07/04 – Regular Agenda – Rule Proposal - Interested Persons May Participate

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\041017.RCM.DOC

Case Background

During the 2003 Regular Session, the Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Act) which took effect May 23, 2003. Pursuant to the Act, intrastate interexchange companies (IXCs) are no longer included in the definition of a telecommunications company and are no longer bound by many sections of Chapter 364, Florida Statutes including Section 364.337, Florida Statutes, pertaining to IXC certification. Section 364.3376, Florida Statutes, was also amended in 2003 to exclude operator services provided by an IXC from the jurisdiction of the Commission, unless the Commission finds it to be in the public interest.

According to Section 364.02(13), Florida Statutes, as amended in 2003, IXCs are still liable for taxes under Chapters 202 (Communications Services Tax), 203 (Gross Receipts Tax) and 212 (Tax on Sales, Use, and Other Transactions), Florida Statutes. The companies must still pay any fees subject to Sections 364.025 (Universal Service) and 364.336 (Regulatory Assessment Fees), Florida Statutes. In addition to the taxes and fees, IXCs are still subject to:

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(1) intrastate switched network access rates, (2) tariff requirements, (3) penalties for violation of Commission rules and orders, or violation of applicable parts of Chapter 364, Florida Statutes, (4) underground excavation damage prevention, (5) anti-slamming procedures, (6) bill requirements, (7) pay per call blocking, (8) cramming restrictions, and (9) current company contact information.

At the July 15, 2003 Internal Affairs meeting, Commissioners approved a procedure for company registration in lieu of formal IXC certification. Staff proposes that the registration process, approved at the Internal Affairs meeting, be incorporated into the IXC rules. The majority of the rule revisions proposed in this recommendation concern the registration process. Staff also proposes that it is in the public interest for the operator services provided by IXCs at payphones and in confinement facilities to be under the jurisdiction of this Commission. Other proposed revisions remove requirements that are antiquated or no longer have statutory authority.

The Notice of Proposed Rule Development was published in the August 6, 2004 issue of the Florida Administrative Weekly. A workshop date was scheduled, but no one requested a workshop.

The Statement of Estimated Regulatory Cost (SERC) is in Attachment A, the proposed rule revisions are in Attachment B, and the IXC Registration Form, PSC/CMP 31, is in Attachment C.

Discussion of Issues

Issue 1: Should the Commission propose the rule revisions to Chapters 25-4 and 25-24, Florida Administrative Code, contained in Attachment B?

Recommendation: Yes, the Commission should propose the rule revisions because they implement the 2003 amendments to Chapter 364, Florida Statutes. (STERN, PRUITT, WATTS, HEWITT)

Staff Analysis: Numerous sections of Chapters 25-4 and 25-24, Florida Administrative Code, require revision as a result of the amendments to Chapter 364, Florida Statutes. The proposed revisions are summarized below.

- 25-4.003 Definitions - The definitions are revised for consistency with other parts of the rules. The only substantive changes are to the definitions involving IXCs.
- 25-4.044 Private Line/Special Access Cost Manual – Repealed. No longer required due to price cap regulations and elimination of statutory authority for IXCs.
- 25-4.079 Hearing/Speech Impaired Persons - Eliminates the IXC requirement of toll discount for TDD users due to elimination of statutory authority.
- 25-4.115 Directory Assistance – Eliminates the IXC requirement for 50 free directory assistance calls for the disabled due to elimination of statutory authority.
- 25-4.118 Local, Local Toll, or Toll Provider Selection – Moves the disclosure requirements of Rule 25-24.490(3) to this section so that all disclosure requirements are in the same section.
- 25-24.455 Scope and Waiver - This section was amended to eliminate reference to Section 364.337, Florida Statutes, which is no longer binding on IXCs.
- 25-24.465 Terms and Definitions; Rule Incorporated - Format change only.
- 25-24.470 Certificate of Public Convenience and Necessity Required – Changes the certification requirements to a registration procedure, which requires IXCs to provide a tariff and contact information on Form PSC/CMP 31.
- 25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited – Repealed.
- 25-24.471 Application for Certificate – Repealed.
- 25-24.472 Improper Use of a Certificate – Repealed.
- 25-24.473 Application for Approval of Assignment or Transfer of Certificate – Repealed.

- 25-24.474 Cancellation of a Certificate – Changes cancellation of a certificate to cancellation of registration for a rule, order or statute violation and provides for voluntary cancellation of registration.
- 25-24.475 Company Operations; Rules Incorporated - Combines all of the customer service rules from other rules into this rule. Cites rules on required relay discounts, billing, carrier selection, and preferred carrier freeze. Provides that operator services requirements in Part XIII of Chapter 25-24, Florida Administrative Code, shall apply to IXCs for calls from payphones and confinement facilities. Section 364.3376, Florida Statutes, was amended to require that in order for operator services requirements to apply to IXCs, the Commission had to find it in the public interest. Payphones are used by many persons as the sole form of telecommunications, therefore, staff recommends that the rate cap be retained. Inmates do not have a choice of carriers, therefore, staff also recommends that the rate cap be retained for confinement facilities.
- 25-24.480 Records and Reports; Rules Incorporated – Requires payment of regulatory assessment fees and provides for record keeping for Commission review and reimbursement for out-of-state travel. Eliminates references to rules that no longer apply to IXCs and eliminates references to rules that were moved to other sections.
- 25-24.485 Tariffs - Clarifies that initial tariffs must be filed with the Division of the Commission Clerk and Administrative Services. Eliminates reference to IXCs selling service to other carriers. Eliminates the requirement of posting notice in a public area of the IXC office that its tariff and services list is available for viewing. Updates the division name. The remaining changes reflect use of the term “registration” instead of “certificate,” and simplify the filing requirements for tariffs (e.g., eliminating the requirement that the tariff be filed on 3 hole paper, reducing the number of copies, eliminating required symbols for tariff changes, revising promotional requirements).
- 25-24.490 Customer Relations; Rules Incorporated – This section was replaced with the recently adopted Toll Free Number Transfers rule.
- 25-24.491 Notice to Customers Prior to Increase in Rates or Charges – Repealed due to elimination of statutory authority.
- 25-24.600 Application and Scope - Makes the rule applicable to IXCs, and eliminates the requirement that every company providing operator services must also comply with the rules in Part X of Chapter 25-24, Florida Administrative Code, (Rules Governing Telephone Service Provided by Interexchange Telephone Companies). Part X does not apply to competitive local exchange companies (CLECs) and local exchange companies (LECs).

- 25-24.610 Terms and Definitions; Rules Incorporated – Eliminates reference to rule concerning record retention that does not apply to IXC's or CLECs.
- 25-24.640 Service Requirements for Call Aggregators - Adds the term "registration" to the list of the types of names that can be used when posting the name of the operator service provider on the tent card in hotels and motels.
- 25-24.835 Rules Incorporated – Adds requirements for CLECs to update company information. This is not a new requirement. This was previously required through referencing Rule 25-24.480(2), FAC. Adds provisions for alternatives for staff reimbursement by CLECs for out-of-state travel to review CLECs' records.
- 25-24.840 Service Standards – Moves an operator service standard for CLECs from Rule 25-24.471(4), Florida Administrative Code, into this rule because staff proposes deletion of Rule 25-24.471(4).
- 25-24.900 Scope – Minor typographical change.
- 25-24.905 Terms and Definitions – Minor typographical change.
- 25-24.910 Certificate of Public Convenience and Necessity Required – Adds registration to the requirements for providing prepaid calling services.
- 25-24.915 Tariffs or Price Lists – Changes the requirement that tariffs for prepaid calling card service include the billing minute to instead require that they include the billing increment. Adds the requirement that the tariffs include all other rates terms and conditions.
- 25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure – Adds registered name to cards. Changes billing minute to billing increment and adds rates, terms, and conditions to the materials that the consumers can view prior to purchasing a card. Provides that the value of a card cannot be reduced by more than the charges specified in the tariff.
- 25-24.930 Adequacy of Service – Repealed. No statutory authority for IXC's.
- 25-24.940 Penalties – Minimum Repealed. Section 364.285, Florida Statutes provides for penalties for violations of Commission rules.

STATUTORY AUTHORITY

The specific legal authority for these rules is Section 350.127, Florida Statutes, which confers rulemaking authority on the Commission. The laws being implemented are Sections 364.02(13), 364.025, 364.336, 364.04, 364.10(3), 364.285, 364.163, 364.501, 364.603, and 364.604, Florida Statutes.

Docket No. 041017-TI
Date: November 23, 2004

STATEMENT OF ESTIMATED REGULATORY COSTS (SERC)

Small IXCs would have the same benefits as larger IXCs with reduced reporting and fewer rules to contend with. Small cities and counties should have no impact from the changes.

Docket No. 041017-TI
Date: November 23, 2004

Issue 2: Should the docket be closed?

Recommendation: Yes. If no request for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket should be closed.
(STERN)

Staff Analysis: If no request for hearing or comments are filed, the rules as proposed may be filed for adoption with the Secretary of State without further Commission action. The docket may then be closed.

MKS

Attachment

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: Novewmber 17, 2004

TO: Office of General Counsel (Stern)

FROM: Division of Economic Regulation (Hewitt)

RE: Statement of Estimated Regulatory Costs for Proposed Rule Amendments to Interexchange Company (IXC) Rules: 25-4.003, Definitions; 25-4.018, Local, Local Toll, or Toll Provider Selection; 25-4.044, Private Line/Special Access Cost Manual; 25-4.079, Hearing/Speech Impaired Persons; 25-4.107, Information to Customers; 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; 25-4.115, Directory Assistance; 25-4.118, Local, Local Toll, or Toll Provider Selection; 25-24.455, Scope and Waiver; 25-24.465, Terms and Definitions; 25-24.470, Certificate of Public Convenience and Necessity; 25-24.4701, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited; 25-24.471, Application for Certificate; 25-24.472, Improper Use of a Certificate; 25-24.473, Application for Approval of Assignment or Transfer of Certificate; 25-24.474, Cancellation of a Certificate; 25-24.475, Company Operations; 25-24.480, Records & Reports; 25-24.485, Tariffs; 25-24.490, Customer Relations; 25-24.491, Notice to customers Prior to Increase in Rates or Charges; 25-24.600, Application and Scope; 25-24.610, Terms and Definitions; 25-24.640, Service Requirements for Call Aggregators; 25-24.835, Rules Incorporated; 25-24.840, Service Standards; 25-24.900, Scope; 25-24.905, Terms and Definitions; 25-24.910, Certificate of Public Convenience and Necessity Required; 25-24.915, Tariffs and Prices Lists; 25-24.920, Standards For Prepaid Calling Services and Consumer Disclosure; 25-24.930, Adequacy of Service; 25-24.940, Penalties, F.A.C.

SUMMARY OF THE RULES

Rules 25-4.003 – 4.118, and 25-24.455 – 24.940, F.A.C., IXC Rules, contain the regulatory requirements for companies offering interexchange telecommunications service.

Chapter 364, Florida Statutes, was revised to reduce the Commission's regulatory authority over interexchange carriers. The proposed rule amendments and repeals would streamline the IXC rules and implement the legislative changes.

25-4.003 Definitions (amend)

- 25-4.044 Private Line/Special Access Cost Manual (repeal)
- 25-4.079 Hearing/Speech Impaired Persons (amend)
- 25-4.115 Directory Assistance (amend)
- 25-4.118 Local, Local Toll, or Toll Provider Selection (amend)
- 25-24.455 Scope and Waiver (amend)
- 25-24.465 Terms and Definitions, Rule Incorporated (amend)
- 25-24.470 Certificate of Public Convenience and Necessity (amend)
- 25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited (repeal)
- 25-24.471 Application for Certificate (repeal)
- 25-24.472 Improper Use of a Certificate (repeal)
- 25-24.473 Application for Approval of Assignment or Transfer of Certificate (repealed)
- 25-24.474 Cancellation of a Certificate ((amend)
- 25-24.475 Company Operations; Rules Incorporated (amend)
- 25-24.480 Records & Reports; Rules Incorporated (amend)
- 25-24.485 Tariffs (amend)
- 25-24.490 Customer Relations; Rules Incorporated (repeal)
- 25-24.491 Notice to customers Prior to Increase in Rates or Charges ((amend)
- 25-24.600 Application and Scope (amend)
- 25-24.610 Terms and Definitions; Rules Incorporated (amend)
- 25-24.640 Service Requirements for Call Aggregators (amend)
- 25-24.835 Rules Incorporated (amend)
- 25-24.840 Service Standards (amend)
- 25-24.900 Scope (amend)
- 25-24.905 Terms and Definitions (amend)
- 25-24.910 Certificate of Public Convenience and Necessity Required (amend)
- 25-24.915 Tariffs and Prices Lists (amend)
- 25-24.920 Standards For Prepaid Calling Services and Consumer Disclosure (amend)
- 25-24.930 Adequacy of Service (repeal)
- 25-24.940 Penalties (repeal)

ESTIMATED NUMBER OF ENTITIES REQUIRED TO COMPLY AND
GENERAL DESCRIPTION OF INDIVIDUALS AFFECTED

The IXC telecommunications companies regulated by the Commission would be affected. There were 703 interexchange companies currently active as of June 30, 2004.

RULE IMPLEMENTATION AND ENFORCEMENT COST AND IMPACT ON REVENUES
FOR THE AGENCY AND OTHER STATE AND LOCAL GOVERNMENT ENTITIES

The usual rule implementation costs would be incurred with these rule changes. The certification rule repeal would mean a loss of revenue to the Commission of \$250 for each new IXC applicant, but is necessary because the IXCs are no longer subject to the certification requirement. Although there would be a loss of application revenues, there should be reduced time and cost required to review reports and monitor IXC activities.

There should be no impact on other state or local government entities.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES

Affected companies may have some minor transactional costs to comply with the changes but there should be a significant net benefit with reduced reporting requirements, elimination of location and preservation of records, plus clarified and streamlined rule language. The total potential savings are unknown. Added rule language requires companies to reimburse the Commission for reasonable travel expense incurred in out-of-state travel to review company records. The reimbursement requirement is currently required by statute and Commission policy and would not be a new cost to the companies.

IMPACT ON SMALL BUSINESSES, SMALL CITIES, OR SMALL COUNTIES

Small IXC businesses would have the same benefits as larger IXCs with reduced reporting and fewer rules to contend with. Small cities, and counties should have no impact from the changes.

cc: Mary Andrews Bane
Chuck Hill
Rick Moses
Hurd Reeves

SERC Summary

The proposed rule amendments would streamline the IXC rules and implement legislative changes. These changes should create net benefits with the decrease in the cost of regulation on IXCs through the reduction of required reports and regulatory oversight.

1 **25-4.003 Definitions.**

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

3 (1) "Access Line" or "Subscriber Line." The circuit or channel between the
4 demarcation point at the customer's premises and the serving end or class 5 central office.

5 ~~2) "Competitive Local Exchange Telecommunications Company (CLEC)." An~~
6 ~~company certificated by the commission to provide local exchange telecommunications services~~
7 ~~in Florida on or after July 1, 1995.~~

8
9 (23) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the
10 busy season busy hours.

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

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

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

17 (67) "Call." An attempted telephone message.

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

21 (89) "Commission." The Florida Public Service Commission.

22 (94) "Company," "Telecommunications Company," "Telephone Company," or
23 "Utility." These terms may be used interchangeably herein and shall mean "telecommunications
24
25

1 company” as defined in Section 364.02 (~~1312~~), Florida Statutes.

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

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

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

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

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

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

19 (16) “Extended Area Service.” A type of telephone service whereby subscribers of a
20 given exchange or area may complete calls to, and receive messages from, one or more other
21 exchanges or areas without toll charges, or complete calls to one or more other exchanges or
22 areas without toll message charges
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1 (17) "Extension Station." An additional station connected on the same circuit as the
2 main station and subsidiary thereto.

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

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

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

16 ~~(21) "Interexchange Company (IXC)." Any telecommunications company, as defined~~
17 ~~in Section 364.02(12), Florida Statutes, which provides telecommunications service between~~
18 ~~local calling areas as those areas are described in the approved tariffs of individual LECs. IXC~~
19 ~~includes, but is not limited to, MLDA's as defined in subsection (27).~~

20 ~~(2122)~~ "Inter-office Call." A telephone call originating in one central office but
21 terminating in another central office, both of which are in the same designated exchange area.

22 ~~(2223)~~ "Interstate Toll Message." Those toll messages ~~which that~~ do not originate and

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

1 terminate within the same state.

2 (2324) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or
3 between an end office and toll office, over which toll calls are passed.

4 (2425) "Intra-office Call." A telephone call originating and terminating within the same
5 central office.

6 (25) "Intrastate Interexchange Company (IXC)." Any entity that provides intrastate
7 interexchange telecommunications services.

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

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

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

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

17 (30) "Local Exchange Telecommunications Company (LEC)." Any
18 telecommunications company, certificated by the Commission prior to July 1, 1995, to provide
19 local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.

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

22 (32) "Local Service Area" or "Local Calling Area." The area within which telephone

1 service is furnished subscribers under a specific schedule of rates and without toll charges. A
2 LEC's local service area may include one or more exchange areas or portions of exchange areas.

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

5 (34) "Main Station." The principal telephone associated with each service to which a
6 telephone number is assigned and which is connected to the central office equipment by a an
7 ~~individual or party line~~ circuit or channel.
8

9 (35) "Message." A completed telephone call.

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

13 (37) ~~"Multiple Location Discount Aggregator (MLDA)." An entity that offers~~

14 IXC

15
16 ~~entities. An entity is a MLDA if one or more of the following criteria applies:~~

17 ~~—— (a) — It collects fees related to interexchange telecommunications services directly from~~
18 ~~subscribers.~~

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

20 ~~—— (c) — It is responsible for an end user's unpaid interexchange telecommunications bill,~~

21 ~~or~~

22 ~~—— (d) — A customer's bill cannot be determined by applying the tariff of the underlying~~

23 ~~IXC to the customer's individual usage.~~

24
25 (3738) "Normal Working Days." The normal working days for installation and

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1 construction shall be all days except Saturdays, Sundays, and holidays. The normal working days
2 for repair service shall be all days except Sundays and holidays. Holidays shall be the days which
3 are observed by each individual telephone company~~utility~~.

4 (3839) "Optional Calling Plan." An optional service furnished under tariff provisions
5 which recognizes the need of some subscribers for extended area calling without imposing the
6 cost on the entire body of subscribers.

7
8 (3940) "Originating Party." Any person, firm, corporation, or other entity, including a
9 telecommunications company or a billing clearinghouse, that provides any telecommunications
10 service or information service to a customer or bills a customer through a billing party, except the
11 term "originating party" does not include any entity specifically exempted from the definition of
12 "telecommunications company" as provided in Section 364.02(13)(a) through (f), Florida
13 Statutes~~(12)~~, Florida Statutes.

14
15 (4041) "Out of Service." The inability, as reported by the customer, to complete either
16 incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

17 (a) Service difficulties such as slow dial tone, circuits busy, or other network or
18 switching capacity shortages;

19 (b) Interruptions caused by a negligent or willful act of the subscriber; and

20 (c) Situations in which a company suspends or terminates service because of
21 nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set
22 forth in approved tariffs or Commission rules.

23
24 (4142) "Outside Plant." The telephone equipment and facilities installed on, along, or
25 under streets, alleys, highways, or on private rights-of-way between the central office and

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1 subscribers' locations or between central offices of the same or different exchanges.

2 (4243) "Pay Telephone Service Company." Any telecommunications company that
3 provides pay telephone service as defined in Section 364.3375, Florida Statutes.

4 (4344) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the
5 customer's carrier selection until further notice from the customer.

6 (4445) "Provider." Any ~~telecommunications company~~ entity providing
7 telecommunication service, excluding pay telephone providers and call aggregators (i.e., local,
8 local toll, and toll providers).

9 (4546) "Service Objective." A quality of service which is desirable to be achieved under
10 normal conditions.

11 (4647) "Service Standard." A level of service which a telecommunications company,
12 under normal conditions, is expected to meet in its certificated territory as representative of
13 adequate services.

14 (4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995, which
15 had fewer than 100,000 access lines in service on July 1, 1995.

16 (4849) "Station." A telephone instrument consisting of a transmitter, receiver, and
17 associated apparatus so connected as to permit sending or receiving telephone messages.

18 (4950) "Subscriber" or "Customer." These terms may be used interchangeably herein and
19 shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or
20 governmental agency supplied with communication service by a telecommunications company.

21 (5051) "Subscriber Line." See "Access Line."

22 (5152) "Switching Center." Location at which telephone traffic, either local or toll, is

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deletions from existing law.

1 switched or connected from one circuit or line to another. A local switching center may be
2 comprised of several central office units.

3 ~~(5253)~~ “Toll Connecting Trunk.” A trunk which connects a local central office with its
4 toll operating office.

5 ~~(5354)~~ “Toll Message.” A completed telephone call between stations in different
6 exchanges for which message toll charges are applicable.

7 ~~(5455)~~ “Toll Provider (TP).” Any entity~~telecommunications company~~ providing
8 interLATA long distance telecommunications service.

9 ~~(5556)~~ “Traffic Study.” The process of recording usage measurements which can be
10 translated into required quantities of equipment

11 ~~(5657)~~ “Trouble Report.” Any oral or written report from a subscriber or user of
12 telephone service to the telephone company indicating improper function or defective conditions
13 with respect to the operation of telephone facilities over which the telephone company has
14 control.
15 control.

16 ~~(5758)~~ “Trunk.” A communication channel between central office units or entities, or
17 private branch exchanges.

18 ~~(5859)~~ “Valid Number.” A number for a specific telephone terminal in an assigned area
19 code and working central office which is equipped to ring and connect a calling party to such
20 terminal number.

21 *Specific Authority 350.127(2) FS.*

22 *Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,*
23 *364.603, 364.604 FS.*

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

3
4 **25-4.044 Private Line/Special Access Cost Manual.**

5 ~~_____ (1) _____ Any person who requests a change in the rates, charges, terms or conditions of~~
6 ~~private line/special access service shall provide cost support for the request in accordance with~~
7 ~~the sample forms and methods prescribed by Form PSC/CMU 30 (12/86), which is incorporated~~
8 ~~into this rule by reference. However, changes in rates pursuant to such studies may only be~~
9 ~~implemented pursuant to a general revenue requirements proceeding. Form PSC/CMU 30~~
10 ~~(12/86), entitled Private Line/Special Access Cost Manual, was effective on December 14, 1986~~
11 ~~and may be obtained from the Commissions Division of Telecommunications. A person is not~~
12 ~~precluded from providing cost information of its choice in addition to that prescribed by Form~~
13 ~~PSC/CMU 30 (12/86).~~

14
15
16 ~~_____ (2) _____ A person subject to this rule may, in a particular case, request that the~~
17 ~~Commission waive the requirements of this rule in whole or part. Such a request may be granted~~
18 ~~when compliance would be impractical or would impose excessive cost, or where the requested~~
19 ~~change is of a nature that does not justify a cost analysis. The Commission may impose~~
20 ~~alternative requirements as a condition of a waiver. A telephone company with fewer than 1,750~~
21 ~~private line/special access circuits may adopt a study previously filed with the Commission in~~
22 ~~lieu of providing its own study under Form PSC/CMU 30 or it may incorporate portions of a~~
23 ~~previously filed study into its own study.~~

24
25 ~~_____ (3) _____ The purpose of this rule is to provide the Commission with a measure of cost of~~

1 ~~private line/special access service. A study using Form PSC/CMU 30 is required whenever a~~
2 ~~local exchange or major interexchange company proposes a change involving existing service.~~
3 ~~This rule does not affect Commission policy regarding how rates, charges, terms or conditions of~~
4 ~~such service are prescribed.~~

5 *Specific Authority 350.127(2) FS.*

6 *Law Implemented 364.14, 364.17 FS*

7 *History—New 12-15-86, Repealed.*

8
9
10 **25-4.079 Hearing/Speech Impaired Persons.**

11 (1) The telephone directory published by each local exchange telephone company
12 (LEC) shall:

13 (a) list, with other emergency numbers at the beginning of the directory,
14 Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which shall
15 be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an ear with
16 a slash across it;

17
18 (b) list the company's business office TDD number, which shall also be denoted by
19 said universal symbol, for communicating with hearing/speech impaired persons;

20 (c) at the option of and without charge to TDD users, have a special notation by each
21 TDD user's number indicating TDD or TDD plus voice capability;

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

24
25 (2) Each LEC shall provide directory and operator assistance to TDD users. The

1 numbers for these services shall be listed in the front of the directory and denoted by the
2 universal symbol.

3 (3) Each LEC shall compile informational literature about the services it makes
4 available to hearing/speech impaired persons and shall maintain this literature for public
5 inspection in the company's business office. Each company shall send this literature at no charge
6 to anyone requesting it and shall include this literature or a summary of it, once a year, in the
7 company's informational mailings.
8

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

12 (5) Each LEC shall, pursuant to tariff, provide specialized customer premises
13 equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE
14 shall be priced to cover fully allocated costs without inclusion of a rate of return on investment
15 component. Each LEC~~company~~ shall provide at least one type of each of the following categories
16 of specialized CPE:
17

- 18 (a) audible ring signalers;
19 (b) visual ring signalers;
20 (c) TDDs;
21 (d) volume control handsets.
22

23 *Specific Authority 350.127(2) FS*

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

25 *History—New 4-5-88, Amended 6-3-90.*

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1 **25-4.115 Directory Assistance.**

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

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

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

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

11 (a) There shall be no charge for directory assistance calls from lines or trunks serving
12 individuals with disabilities. As used in this rule subpart and paragraph (3)(a) thereof,
13 "disability" means, with respect to an individual – A physical or mental impairment that prohibits
14 a customer from using the telephone directory.
15

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

18 (c) The tariff shall state the number of calls per billing month per individual line or
19 trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no
20 charges will apply. The local exchange company shall charge for each local directory assistance
21 call in excess of this allowance. The charge shall not apply for calls from pay stations.
22

23 (d) The local exchange company shall apply the charge for each call to the number
24 designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850)
25

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1 555-1212).

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

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

10 *Specific Authority 350.127 FS.*

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

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

13
14
15 25-4.118 Local, Local Toll, or Toll Provider Selection.

16 (1) The provider of a customer shall not be changed without the customer's
17 authorization. The customer or other authorized person may change the residential service. For
18 the purposes of this section, the term "other authorized person" shall mean a person 18 years of
19 age or older within the same household. The person designated as the contact for the local
20 telecommunications company, an officer of the company, or the owner of the company is the
21 person authorized to change business service. A LEC shall accept a provider change request by
22 telephone call or letter directly from its customers; or (2) A LEC shall accept a change request
23 from a certified LP or IXC acting on behalf of the customer. A certificated LP or IXC shall
24
25

1 submit a change request only if it has first certified to the LEC that at least one of the following
2 actions has occurred:

3 (a) The provider has a letter of agency (LOA), as described in subsection (3), from
4 the customer requesting the change;

5 (b) The provider has received a customer-initiated call, and beginning six months
6 after the effective date of this rule has obtained the following:

7 1. The information set forth in subparagraphs (3)(a)1. through 5.; and

8 2. Verification data including at least one of the following:

9 a. The customer's date of birth;

10 b. The last four digits of the customer's social security number; or

11 c. The customer's mother's maiden name.

12 (c) A firm that is independent and unaffiliated with the provider claiming the
13 subscriber has verified the customer's requested change by obtaining the following:

14 1. The customer's consent to record the requested change or the customer has
15 been notified that the call will be recorded; and

16 2. Beginning six months after the effective date of this rule an audio recording of
17 the information stated in subparagraphs (3)(a)1. through 5.; or

18 (d)1. The provider has received a customer's change request, and has responded by
19 mailing an informational package that shall include the following:

20 a. A notice that the information is being sent to confirm that a customer's request
21 to change the customer's telecommunications provider was obtained;

22 b. A description of any terms, conditions, or charges that will be incurred;

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deletions from existing law.

1 c. The name, address, and telephone number of both the customer and the
2 soliciting company;

3 d. A postcard which the customer can use to confirm a change request;

4 e. A clear statement that the customer's local, local toll, or toll provider will be
5 changed to the soliciting company only if the customer signs and returns the postcard
6 confirming the change; and,

7 f. A notice that the customer may contact by writing the Commission, 2540
8 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free (TDD
9 & Voice) 1 (800) 342-3552, for consumer complaints.

10
11 2. The soliciting company shall submit the change request to the LP only if it has
12 first received the postcard that must be signed by the customer.

13 (3)(a) The LOA submitted to the company requesting a provider change shall include the
14 following information (Each shall be separately stated):

15 1. Customer's billing name, address, and each telephone number to be changed;

16 2. Statement clearly identifying the certificated name of the provider and the
17 service to which the customer wishes to subscribe, whether or not it uses the facilities of
18 another company;

19 3. Statement that the person requesting the change is authorized to request the
20 change;

21 4. Statement that the customer's change request will apply only to the number on
22 the request and there must only be one presubscribed local, one presubscribed local toll,
23 and one presubscribed toll provider for each number;

24
25 CODING: Words underlined are additions; words in ~~struck through~~ type are
deletions from existing law.

1 5. Statement that the LEC may charge a fee for each provider change;

2 6. Customer's signature and a statement that the customer's signature or
3 endorsement on the document will result in a change of the customer's provider.

4 (b) The soliciting company's provider change fee statement, as described in
5 subparagraph (a)5. above, shall be legible, printed in boldface at least as large as any other text
6 on the page, and located directly above the signature line.

7 (c) The soliciting company's provider change statement, as described in subparagraph
8 (a)6. above, shall be legible, printed in boldface at least as large as any other text on the page, and
9 located directly below the signature line.

10 (4) The LOA shall not be combined with inducements of any kind on the same
11 document. The document as a whole must not be misleading or deceptive. For purposes of this
12 rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the
13 document or oral statements, it would not be readily apparent to the person signing the document
14 or providing oral authorization that the purpose of the signature or the oral authorization was to
15 authorize a provider change, or it would be unclear to the customer who the new provider would
16 be; that the customer's selection would apply only to the number listed and there could only be
17 one long distance service provider for that number; or that the customer's LP might charge a fee
18 to switch service providers. If any part of the LOA is written in a language other than English,
19 then it must contain all relevant information in each language. Notwithstanding the above, the
20 LOA may be combined with checks that contain only the required LOA language as prescribed in
21 subsection (3) of this section and the information necessary to make the check a negotiable
22 instrument. The LOA check shall not contain any promotional language or material. The LOA
23 instrument. The LOA check shall not contain any promotional language or material. The LOA
24 instrument. The LOA check shall not contain any promotional language or material. The LOA
25 instrument. The LOA check shall not contain any promotional language or material. The LOA

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1 check shall contain in easily readable, bold-face type on the front of the check, a notice that the
2 consumer is authorizing a primary carrier change by signing the check. The LOA language shall
3 be placed near the signature line on the back of the check.

4 (5) A prospective provider must have received the signed LOA before initiating the
5 change.

6 (6) Information obtained under paragraphs (2)(a) through (d) shall be maintained by
7 the provider for a period of one year.

8 (7) Customer requests for other services, such as travel card service, do not constitute
9 a provider change.

10 (8) Charges for unauthorized provider changes and all 1+ charges billed on behalf of
11 the unauthorized provider for the first 30 days or first billing cycle, whichever is longer, shall be
12 credited to the customer by the company responsible for the error within 45 days of notification
13 to the company by the customer, unless the claim is false. After the first 30 days up to 12 months,
14 all 1+ charges over the rates of the preferred company will be credited to the customer by the
15 company responsible for the error within 45 days of notification to the company by the customer,
16 unless the claim is false. Upon notice from the customer of an unauthorized provider
17 change, the LEC shall change the customer back, or to another company of the customer's
18 choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays, in
19 which case the change shall be made by the end of the next business day. The provisions of this
20 subsection apply whether or not the change is deemed to be an authorized carrier change
21 infraction under subsection (13).
22
23
24
25

1 (9) The company shall provide the following disclosures when soliciting a change in
2 service from a customer:

3 (a) Identification of the company;

4 (b) That the purpose of the visit or call is to solicit a change of the provider of the
5 customer;

6 (c) That the provider shall not be changed unless the customer authorizes the change; ~~and~~

7 ~~(d) All information as referenced in subsection 25-24.490(3), F.A.C.~~

8 (d) Any nonrecurring charge;

9 (e) Any monthly service charge or minimum usage charge;

10 (f) Company deposit practices;

11 (g) Any charge applicable to call attempts not answered;

12 (h) A statement of when charging for a call begins and ends; and

13 (i) A statement of billing adjustment practices for wrong numbers or incorrect bills.

14 (10) During telemarketing and verification, no misleading or deceptive references shall
15 be made while soliciting for subscribers.

16 (11) A provider must provide the customer a copy of the authorization it relies upon in
17 submitting the change request within 15 calendar days of request.

18 (12) Each provider shall maintain a toll-free number for accepting complaints
19 regarding unauthorized provider changes, which may be separate from its other customer service
20 numbers, and must be answered 24 hours a day, seven days a week. If the number is a separate
21 toll-free number, beginning six months after the effective date of this rule new customers must be
22 notified of the number in the information package provided to new customers or on their first
23
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25

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1 bill. The number shall provide a live operator or shall record end user complaints made to the
2 customer service number to answer incoming calls. A combination of live operators and
3 recorders may be used. If a recorder is used, the company shall attempt to contact each
4 complainant no later than the next business day following the date of recording and for three
5 subsequent days unless the customer is reached. If the customer is not reached, the company shall
6 send a letter to the customer's billing address informing the customer as to the best time the
7 customer should call or provide an address to which correspondence should be sent to the
8 company. Beginning six months after the effective date of this rule, a minimum of 95 percent of
9 all call attempts shall be transferred by the system to a live attendant or recording device
10 prepared to give immediate assistance within 60 seconds after the last digit of the telephone
11 number listed as the customer service number for unauthorized provider change complaints was
12 dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven,
13 voice response unit, the 60-second answer time shall be measured from the point at which the
14 customer selects a menu option to be connected to a live attendant. Station busies will not be
15 counted as completed calls. The term "answer" as used in this subsection means more than an
16 acknowledgment that the customer is waiting on the line. It shall mean the provider is ready to
17 render assistance or accept the information necessary to process the call.
18
19

20 (13)(a) A company shall not be deemed to have committed an unauthorized carrier
21 change infraction if the company, including its agents and contractors, did the following:
22

- 23 1. Followed the procedures required under subsection (2) with respect to the
24 person requesting the change;
- 25 2. Followed these procedures in good faith; and

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1 3. Complied with the credit procedures of subsection (8).

2 (b) In determining whether fines or other remedies are appropriate for an
3 unauthorized carrier change infraction, the Commission shall consider the actions taken by the
4 company to mitigate or undo the effects of the unauthorized change. These actions include but
5 are not limited to whether the company, including its agents and contractors:

6 1. Followed the procedures required under subsection (2) with respect to the
7 person requesting the change in good faith;

8 2. Complied with the credit procedures of subsection (8);

9 3. Took prompt action in response to the unauthorized change;

10 4. Reported to the Commission any unusual circumstances that might have
11 adversely affected customers such as system errors or inappropriate marketing practices
12 that resulted in unauthorized changes and the remedial action taken;

13 5. Reported any unauthorized provider changes concurrently affecting a large
14 number of customers; or

15 6. Took other corrective action to remedy the unauthorized change appropriate
16 under the circumstances.

17 *Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19, 364.285, 364.603 FS.*

18 *History—New 3-4-92, Amended 5-31-95, 12-28-98.*

19 **25-24.455 Scope and Waiver.**

20 (1) This ~~Partpart~~ applies only to Intrastate Interexchange Companies (IXCs). As
21 provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapters 25-4, 25-
22 25

1 9, or 25-14, F.A.C., shall apply to IXCs~~Interexchange Companies~~, except as provided by this
2 part.

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

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

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

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

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

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

22 ~~(5) Any statutory exemptions or rule waivers granted prior to the adoption of this rule~~

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24 deletions from existing law.

1 ~~are void, and to the extent not covered in this rule, must be renewed.~~

2 *Specific Authority 350.127(2) FS.*

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

4 *History—New 2-23-87.*

5
6 **25-24.465 Terms and Definitions; ~~Rule Incorporated.~~**

7
8 (1) For purposes of this Part, the term “Company” means an IXC Interexchange

9
10 (2) Rule 25-4.003, Florida Administrative Code, Definitions. ~~The following rule is~~
11 ~~incorporated herein by reference~~ applies to IXCs.

12 Portions not

13 ~~Section Title Applicable~~
14 ~~25-4.003 Definitions Subsection (8)~~

15 *Specific Authority 350.127(2)*

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

17 *History—New 2-23-87, Amended 3-13-96.*

18
19
20 **25-24.470 Registration ~~Certificate of Public Convenience and Necessity~~ Required.**

21 (1) No person shall provide intrastate interexchange telephone service without first
22 filing an initial tariff containing the rates, terms, and conditions of service and providing the
23 company’s current contact information ~~with obtaining a certificate of public convenience and~~
24 ~~necessity from~~ the Division of the Commission Clerk and Administrative Services. ~~Services may~~

25
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1 not be provided, nor may deposits or payment for services be collected until the effective date of
2 a certificate, if granted. However, acquisition of equipment and facilities, advertising and other
3 promotional activities may begin prior to the effective date of the certificate at the applicant's
4 risk that it may not be granted. In any customer contacts or advertisements prior to certification,
5 the applicant must advise the customer that certification has not and may never be granted.

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

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

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

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

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

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

22 *Specific Authority 350.127(2) FS.*

23 *Law Implemented 364.02, 364.04 ~~364.32, 364.33, 364.335, 364.337~~ FS.*

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1 *History—New 2-23-87.*

2
3 **25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers**
4 **Prohibited.**

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

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

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

24 *Specific Authority 350.127(2) FS.*

1 *Law Implemented 364.07, 364.19, 364.27 FS*

2 *History—New 1-12-92, Repealed.*

3
4 **25-24.471 Application for Certificate.**

5 ~~(1) An applicant desiring to apply for a certificate shall submit an application on~~
6 ~~Commission Form PSC/CMP 31 (12/96), which is incorporated into this rule by reference. Form~~
7 ~~PSC/CMP 31 (12/96), entitled “Application Form for Authority to Provide Interexchange~~
8 ~~Telecommunications Service Between Points Within the State of Florida”, may be obtained by~~
9 ~~contacting the Commission’s Division of Competitive Markets and Enforcement. A non-~~
10 ~~refundable application fee of \$250.00 must accompany the filing of all applications.~~

11
12 ~~(2) An original and 12 copies of the application shall be filed with the Division of the~~
13 ~~Commission Clerk and Administrative Services.~~

14
15 ~~(3) A certificate will be granted if the Commission determines that such approval is in~~
16 ~~the public interest.~~

17 ~~(4) Any authority granted to interexchange companies (IXCs) previously or hereafter~~
18 ~~is subject to the following:~~

19 ~~(a) Toll authority granted to all companies is statewide. A company may provide toll~~
20 ~~service over its own or resold facilities.~~

21 ~~However, end user dialed 0+ local and all 0- calls shall be initially routed to the serving local~~
22 ~~exchange company or competitive local exchange company. When operator services are provided~~
23 ~~by the competitive local exchange company, the competitive local exchange company must also~~
24 ~~provide access to emergency service, busy line verification, and emergency interrupt service to~~
25

1 ~~the end user on at least the same level as that provided by the local exchange company. Call~~
2 ~~aggregators and IXCs shall not change or augment the dialing pattern of end users for 0+ local or~~
3 ~~0+ calls.~~

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

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

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

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

17 *Specific Authority 350.127(2) FS.*

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

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

20 *Repealed.*

22
23 **25-24.472 Improper Use of a Certificate.**

24 ~~No certificate of public convenience and necessity authorizing interexchange service may~~
25 ~~be sold, assigned or transferred by the holder to another, nor used as collateral for any purpose,~~

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

1 ~~without prior Commission approval.~~

2 *Specific Authority 350.127(2) FS.*

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

4 *History—New 2-23-87, Repealed.*

6 **25-24.473 Application for Approval of Assignment or Transfer of Certificate.**

7
8 ~~(1) — A person desiring to obtain a certificate by assignment or transfer from the holder~~
9 ~~thereof shall submit jointly with the certificate holder an application on Commission Form~~
10 ~~PSC/CMP 31 (3/96), which is incorporated into this rule by reference. Form PSC/CMP 31~~
11 ~~(3/96), entitled “Application Form for Authority to Provide Interexchange Telecommunications~~
12 ~~Service Between Points Within the State of Florida,” may be obtained by contacting the~~
13 ~~Commission’s Division of Competitive Services.~~

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

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

18 ~~—— (4) — A certificate may be assigned or transferred only as a whole.~~

19
20 *Specific Authority 350.127(2) FS.*

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

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

23
24
25 **25-24.474 Cancellation of a Certificate Registration.**

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

3 (a) Violation of the terms and conditions under which the authority was originally
4 granted;

5 (b) Violation of Commission rule or order; or

6 (c) Violation of Florida Statutes.

7
8 (2) If a ~~registered-certificated~~ company desires to cancel its registration-certificate, it
9 shall request cancellation from the Commission in writing and shall provide the following with
10 its request:

11 (a) ~~Statement of intent and date to pay~~ Current and any past due Regulatory
12 Assessment Fees, and the associated penalty and interest; and

13 ~~(b) Statement of why the certificate is proposed to be cancelled.~~

14 ~~(be)~~ (be) A statement on treatment of customer deposits and final bills.

15
16 ~~(d) Proof of individual customer notice regarding discontinuance of service.~~

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

19 *Specific Authority 350.127(2) FS.*

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

21 *History—New 2-23-87, Amended 3-13-96.*

22
23
24 **25 24.475 Company Operations and Customer Relations; ~~Rules Incorporated.~~**

25 (1) For intrastate toll calls received from the relay service, each IXC shall offer discounts

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1 as required by Rule 25-4.160(1), F.A.C.

2 (2) Each IXC shall comply with the requirements of Rule 25-4.110, F.A.C.; Customer
3 Billing, subsections (11), (12), (14), (15), (18), and (20).

4 (3) Each IXC shall comply with the requirements of Rule 25-4.118, F.A.C.; Local, Local
5 Toll, or Toll Provider Selection. For the purpose of this subparagraph, the words “certificate” or
6 “certificated” in Rule 25-4.118, F.A.C. shall be substituted for the word “register” or
7 “registered.”

8
9 (4) When operator services are provided by an IXC for calls placed from pay telephones
10 or confinement facilities, Part XIII of Chapter 25-24, F.A.C., shall apply for such calls.

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

12 (6) Each IXC shall comply with the requirements of Rule 25-4.083, Florida
13 Administrative Code, Preferred Carrier Freeze, except subsections (11) and (12).

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

		Portions
<u>Section</u>	<u>Title</u>	<u>Applicable</u>
20 25-4.022	Complaint Trouble Reports, etc.	All
21 25-4.036	Design and Construction of Plant	All
22 25-4.038	Safety	All
23 25-4.039	Traffic	All
24 25-4.071	Adequacy of Service	Subsection (5)

25
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1 ~~25-24.515 — Pay Telephone Service — Subsection (20)~~

2 ~~25-4.077 — Metering and Recording Equipment — All~~

3 ~~25-4.160 — Operation of Telecommunications Relay Service — Subsection (1)~~

4 ~~— (2) — A company may act as an agent of the customer in obtaining service from the~~

5 ~~local exchange company, provided the local exchange company bills the customer directly for the~~

6 ~~service rendered.~~

7 *Specific Authority 350.127(2) FS.*

8 *Law Implemented ~~364.02, 364.04, 364.603, 364.604~~ 364.01(4), 364.07, 364.16, 364.17, 364.185,*

9 *~~364.19, 364.30, 364.337, 364.3375, 364.345, 364.386, 427.704~~ FS.*

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

11 **25-24.480 Records and Reports; ~~Rules Incorporated.~~**

12
13 (1) Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-
14 4.0161, F.A.C.

15
16 (2) Any IXC that keeps its records outside the State shall reimburse the Commission
17 for the reasonable travel expense incurred by each Commission representative during any review
18 of the out-of-state records of the IXC or its affiliates. Reasonable travel expenses are those travel
19 expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of
20 its business.

21
22 (a) The IXC shall remit reimbursement for out-of-state travel expenses within 30 days
23 from the date the Commission mails the invoice.

24 (b) The reimbursement requirement in subsection (2) shall be waived;

25
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1 1. For any IXC that makes its out-of-state records available at its office located in
2 Florida or at another mutually agreed upon location in Florida within 10 working days
3 from the Commission's initial request. If 10 working days is not reasonable because of
4 the complexity and nature of the issues involved or the volume and type of material
5 requested, the Commission may establish a different time frame for the IXC to bring
6 records into the state. For individual data requests made during an audit, the response
7 time frame established in Rule 25-4.0201, F.A.C., shall control; or

9 2. For an IXC whose records are located within 50 miles of the Florida state line.

10 (3) Each IXC shall furnish to the Commission at such times and in such form as the
11 Commission may require, the results of any required tests and summaries of any required
12 records. The utility shall also furnish the Commission with any information concerning the
13 utility's facilities or operations which the Commission may reasonably request and require. All
14 such data, unless otherwise specified, shall be consistent with and reconcilable with the IXC's
15 regulatory assessment fee report to the Commission.

17 (4) Where an IXC is operated with another enterprise, records must be separated in
18 such manner that the results of the IXC operations may be determined at any time.

19 (5) Upon notification to the IXC, members may, at reasonable times, make personal
20 visits to the company offices or other places of business within or without the State and may
21 inspect any accounts, books, records, and papers of the IXC which may be necessary in the
22 discharge of Commission duties. Commission staff members will present Commission
23 identification cards as the written authority to inspect records. During such visits the IXC shall
24 provide the staff member(s) with adequate and comfortable working and filing space, consistent
25

1 with the prevailing conditions and climate, and comparable with the accommodations provided
2 the IXC's outside auditors.

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

6 ~~PORTIONS NOT~~

7 ~~SECTION TITLE APPLICABLE~~

8 ~~25-4.019 Records and Reports in General None~~

9 ~~25-4.020 Location and Preservation of Records Subsections (1), (3)~~

10 ~~25-4.023 Report of Interruptions Subsection (1)~~

11 ~~25-4.043 Inquiries None~~

12 ~~25-4.0161 Regulatory Assessment Fees None~~

13 ~~25-4.079 Hearing/Speech Impaired Persons Subsections (1), (2), (3), and (5)~~

14 ~~25-4.115 Directory Assistance Subsections (1) and (2)~~

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

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

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

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

5 *Specific Authority 350.127(2) FS.*

6 *Law Implemented 350.113, ~~350.115, 350.117, 364.01(4), 364.02, 364.336, 364.17, 364.18,~~*
7 *~~364.185, 364.337, 427.704~~ FS.*

8
9 *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-*
10 *92, 12-27-94, 3-13-96, 10-1-96.*

11
12 **25-24.485 Tariffs.**

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

16
17 ~~(1) — General:~~

18 (a) Each IXCcompany shall maintain on file with the Commission tariffs which set
19 forth all of the rates and charges for customer services, the different services available to
20 subscribers and the conditions and circumstances under which service will be furnished.
21 ~~Interexchange carriers are authorized to provide services to other certificated telephone~~
22 ~~companies by individually negotiated contract rates in addition to filing and providing those~~
23 ~~services to end users pursuant to tariffs. When an interexchange carrier chooses to utilize such~~
24 ~~individually negotiated contract rates for services to other certificated telephone companies, and~~
25

1 ~~in any other instances in which the Commission has authorized contract rates for specific~~
2 ~~offerings, the conditions under which such contracts may be offered shall be clearly stated in the~~
3 ~~company's tariff but the contracts themselves need not be part of the tariff. The contracts must,~~
4 ~~however, be available for Commission review. The tariff shall not include charges for customer~~
5 ~~premises equipment.~~

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

9 (be) The tariff will be Florida-specific and all rates, charges, and service descriptions
10 shall be for intrastate usage, unless interstate rates are necessary to compute the intrastate portion
11 of a customer's monthly bill; then, the interstate rates, charges, and service descriptions shall also
12 be quoted in the tariff to the extent necessary to compute the intrastate portion of a customer's
13 bill.

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

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

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

1 (eg) All proposed changes to ~~an~~the existing tariff shall be directed to the Director of
2 the Division of Competitive Markets and Enforcement, Florida Public Service Commission,
3 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-085066. A filing must be received by the
4 Division of Competitive Markets and Enforcement Services before 5:00 p.m. of a normal
5 Commission workday in order for it to be “filed” on that day.

6 (fh) All tariff changes shall be submitted to the Division of Competitive Markets and
7 EnforcementCommission in ~~triplicate~~quadruplicate in the form prescribed herein. ~~After the~~
8 ~~effective date, one copy stamped “received” will be returned to the company, which shall be the~~
9 ~~notice to the company that the filing has been received and is on file.~~ If acknowledgement of the
10 filing at the time of receipt is desired, the letter of transmittal shall be sent in duplicate with a
11 request that the duplicate be returned.

12 (gi) Companies shall charge only the rates contained in their tariff. If a company
13 desires to charge rates or charges at a lower level than is contained in an existing tariff and
14 wishes to charge those lower rates only temporarily ~~and afterwards return to the existing tariff~~
15 ~~level;~~ it may, ~~instead of filing two tariff revisions to decrease and then later increase the rate,~~ file
16 a single tariff change reflecting the conditions of the temporary tariff change. Such tariff
17 provision shall include the heading “Promotion,” and shall state the name under which the
18 promotional service is to be offered, a specific description of the tariffed service involved,
19 including all applicable rates, terms, and conditions, ~~specific tariff charges to be reduced, the~~
20 ~~temporary level of charges, a description of the customers who would be eligible for the~~
21 ~~decrease, the conditions under which customers would receive a decrease, include the heading~~
22 ~~“Promotion,” and the beginning and ending dates of the reduction.~~ ~~The tariff page(s) describing~~
23
24
25

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1 the terms and rates of ~~the temporary reduction shall immediately precede the permanent tariff~~
2 ~~pages for the service in the same section of the tariff.~~

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

6 (2) ~~Effective Date.~~

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

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

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

15 (a) All tariffs ~~filed~~ shall be submitted in loose leaf form on 8 1/2" × 11" sheets,
16 typewritten on a good grade of white ~~three-hole~~ paper of durable quality, using one side of the
17 paper only. All copies must be clear and legible. Sufficient margin shall be allowed on each sheet
18 for a left-hand binding edge so that when the tariff book is open all printed matter will be in
19 view.
20

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

22 (c) Each sheet shall bear the name of the company, as registered with the
23 Commission, in the upper left-hand corner of the sheet.
24
25

1 (d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the
2 upper right-hand corner of the sheet. As an example: Original Sheet No. 1, or Original Sheet No.
3 5.2.

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

6 First Revised Sheet No. 1

7 Cancels Original Sheet No. 1

8 or

9 Fourth Revised Sheet No. 5.2;

10 Cancels Third Revised Sheet Nos. 5.2, 5.3 and

11 ~~Second Revised Sheet 5.4~~

12
13 (f) ~~On the bottom of each sheet shall appear the~~ The name and title of the issuing
14 officer shall be placed at the bottom of each sheet of the company. To the right of the issuing
15 officer's name there shall appear "Effective: ~~11-21-95~~ _____."

16
17 (g) ~~In general, The~~ the filed tariffs of ~~the companies~~ shall contain the following ~~in the~~
18 ~~order listed~~

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

23
24 2. Table of Contents and Index. All tariffs shall have a table of contents identifying
25 the page location of each section in the tariff. ~~In tariffs of less than 30 sheets, the table of~~

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

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

13
14 ~~D~~ Delete or Discontinue

15
16 ~~I~~ Change Resulting In An Increase to A Customer's Bill

17 ~~M~~ Moved from Another Tariff Location

18 ~~N~~ New

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

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

21
22 4. Technical Terms and Abbreviations. This section shall contain ~~full and concise~~
23 ~~information as to the meaning of~~ all technical and special terms and abbreviations used in the
24 tariff.

25 5. Rules and Regulations. This section shall include all rules, regulations, practices,

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1 exceptions and conditions ~~made or observed~~ relative to the company service furnished, which are
2 general and apply to all or many of the services offered. ~~It shall contain the company's credit~~
3 ~~rating requirements and its deposit requirements.~~ If a general regulation does not apply to a
4 particular service, that fact should be clearly stated.

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

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

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

12 ~~----- c. -----~~ This section shall contain a statement of the minimum call completion rate a
13 subscriber can expect to encounter during the IXC's busy hour, expressed as a percentage,
14 computed by dividing the number of calls completed by the number of calls attempted.

15 ~~-----~~ The stated call completion rate for end-to-end Feature Group C & D service shall not be less than
16 90 percent.

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

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

1 (4) Information to Accompany Tariff Filings.

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

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

7 *Specific Authority 350.127(2) FS.*

8 *Law Implemented ~~364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14,~~*
9 *~~364.27, 364.337, FS.~~*

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

11
12
13 **25-24.490 Customer Relations; Rules Incorporated Toll Free Number Transfers**

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

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.083	Preferred Carrier Freeze	All except subsections (11) and (12)
25-4.110	Customer Billing	Subsections (11), (12), (14), (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
	Company	All

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1 ~~25-4.114 Refunds All~~

2 ~~25-4.117 800 Service All~~

3 ~~25-4.118 Local, Local Toll, or Toll Provider Selection All~~

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

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

13 ~~(a) Any nonrecurring charge,~~

14 ~~(b) Any monthly service charge or minimum usage charge,~~

15 ~~(c) Company deposit practices,~~

16 ~~(d) Any charges applicable to call attempts not answered,~~

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

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

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

1 long, complicated or obscure phrases or acronyms.

2 ~~(4) Toll free number transfers.~~

3 (1) The serving IXC shall facilitate the transfer of the subscriber's toll free telephone
4 number (e.g., 800, 877, 888) upon request from the acquiring company.

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

8
9 (3) A working toll free number shall be transferred regardless of whether a balance is
10 owed.

11 *Specific Authority* 350.127(2), 364.604(5), ~~364.337(4)~~, FS.

12 *Law Implemented* ~~364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603, 364.604,~~
13 FS.

14 *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,
15 9-9-04, XXXXXX

17
18 **25-24.491 Notice to Customers Prior to Increase in Rates or Charges.**

19 ~~(1) All interexchange telecommunications companies shall provide reasonable notice~~
20 ~~of any increase in intrastate telecommunications rates, or any changes in terms or conditions that~~
21 ~~would cause an increase in customer charges, to each of their affected residential and single line~~
22 ~~business retail subscribers, prior to implementation of the increase.~~

24 ~~(2) The notice shall be clear and conspicuous, shall be identified with the heading:~~
25 ~~“Notice of Price Increase,” or “Notice of Price Change,” if the change will result in a price~~

1 increase for some customers and a price decrease for some customers, and shall be presumed
2 reasonable if provided in any of the following manners:

3 ~~_____ (a) _____~~ First class mail postmarked at least 15 days prior to the effective date of the
4 ~~increase in rates or charges to the customer;~~

5 ~~_____ (b) _____~~ A bill insert or bill message mailed to the customer no later than one billing cycle
6 prior to the effective date of the increase in rates or charges to the customer;

7 ~~_____ (c) _____~~ For those customers who have elected to receive electronic billing, an electronic
8 message sent at least 7 days prior to the effective date of the increase in rates or charges to the
9 customer; or
10 customer; or

11 ~~_____ (d) _____~~ Pursuant to a written contract that specifically and conspicuously prescribes a
12 method for notice of price increases.

13 *Specific Authority 350.127, 364.0252, 364.19 FS.*

14 *Law implemented 364.0252, 364.19 FS.*

15 *History—New 3-20-03, Repealed.*

17
18 **25-24.600 Application and Scope.**

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

20 (2) This Part applies to:

21 (a) Every company that provides operator services as defined in Section 364.02,
22 Florida Statutes,

23 (b) Every company that bills and collects in its own name for operator services
24 provided by other entities, and
25

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1 (c) Call aggregators as defined in this part.

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

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

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

9 *Law Implemented 364.01, 364.3376 FS.*

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

11
12
13 **25-24.610 Terms and Definitions; Rules Incorporated.**

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

15 (a) “Call aggregator” is any person or entity that provides telecommunications service
16 to the transient public. Subject to the definition above, “call aggregator” includes but is not
17 limited to the following:
18

- 19 1. Hotel as defined in Section 509.242(1)(a), Florida Statutes,
20 2. Motel as defined in Section 509.242(1)(b), Florida Statutes,
21 3. Resort condominium as defined in Section 509.242(1)(c), Florida Statutes,
22 4. Transient apartment as defined in Section 509.242(1)(e), Florida Statutes,
23 5. Rooming house as defined in Section 509.242(1)(f), Florida Statutes,
24 6. Resort dwelling as defined in Section 509.242(1)(g), Florida Statutes,
25

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1 7. ~~Schools required to comply with any portion of Chapters 228 and 246, Florida~~
2 ~~Statutes, or Section 229.808, Florida Statutes, School dormitories,~~

3 8. Nursing home licensed under Section 400.062, Florida Statutes,

4 9. Assisted living facility licensed under Section 400.407, Florida Statutes,

5 10. Hospital licensed under Section 395.003, Florida Statutes,

6 11. Timeshare plan as defined in Section 721.05(374), Florida Statutes,

7 12. Continuing care facility certificated under Section 651.023, Florida Statutes, and

8 13. Homes, communities, or facilities funded or insured by the United States
9 Department of Housing and Urban Development (HUD) under 12 U.S.C.S. § 1701q (~~Law. Co-~~
10 ~~op. 1994~~) that sets forth the National Housing Act program designed to aid the elderly.

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

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

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

16 (e) “Surcharge” means an amount billed to an end user by a call aggregator that is in
17 excess of the rate information that may be obtained pursuant to Section 364.3376(5), Florida
18 Statutes. “Surcharge” includes any charge billed by a call aggregator that is associated with a call
19 billed by another entity.

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

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
25 25-4.003	Definitions	All

1 25-4.019 Records and Reports in General All
2 25-4.020 Location and Preservation of Records (2) and (3)
3 *Specific Authority 350.127(2), 364.3376(8) FS.*
4 *Law Implemented 364.01, 364.016, 364.3376 FS.*
5 *History—New 9-6-93, Amended 9-10-97, 2-1-99.*
6
7

8 **25-24.640 Service Requirements for Call Aggregators.**

9 (1) Every call aggregator shall:

10 (a) **Allow end users to access**, at a charge that is no greater than the amount the call
11 aggregator charges for calls placed using the presubscribed provider of operator services, all
12 locally available interexchange companies via all locally available methods of access, including
13 10XXX, 950-XXXX, and toll-free access codes such as 800 and 888;

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

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

20 (d) Route all end user dialed toll calls to the preselected carrier unless the end user
21 dials the appropriate access code for his carrier of choice, such as 950, 800, 888, or 10XXX; and
22

23 (e) Route all end user dialed 0- calls to the operator of the provider of local exchange
24 telecommunications services when no additional digits are dialed after five seconds; and
25

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

4 1. Name of the company providing operator services as it appears on the registration
5 list or certificate issued by the Commission;

6 2. Instructions on how to reach the operator of the provider of local exchange
7 telecommunications services;

8 3. Instructions on how to reach emergency services;

9 4. Instructions on how to place local and long distance calls;

10 5. A toll-free number for refunds;

11 6. The amount of any surcharge for local calls, long distance calls, directory
12 assistance, or any other surcharges to be billed and collected by the call aggregator;

13 7. If a surcharge applies whether or not the call is completed;

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

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

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

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

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

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

2 *Law Implemented 364.01, 364.3376 FS*

3 *History--New 9-10-97.*

4
5 **25-24.835 Rules Incorporated.**

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

9 Section	Title	Portions Applicable
10 25-4.0161	Regulatory Assessment Fees	All
11 <u>25-4.020</u>	<u>Location and Preservation of Records</u>	<u>(2)</u>
12 25-4.043	Response to Commission Staff Inquiries	All
13 25-4.036	Design and Construction of Plant	All
14 25-4.038	Safety	All
15 25-4.160	Operation of Telecommunications Relay Service	All
16 25-24.480	Records and Reports; Rules Incorporated	Subsection (2)

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

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

23 (b) Telephone number, name, and address of the individual who is to serve as primary
24 liaison with the Commission in regard to the ongoing Florida operations of the certificated
25

1 company.

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

3 *Law Implemented 364.016, 364.183, 364.336, 364.337(2) FS.*

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

5
6 **25-24.840 Service Standards.**

7
8 (1) Each provider of competitive local exchange telecommunications service shall
9 make access to 911 emergency services available to each of its basic telecommunications service
10 customers at a level at least equivalent to the service provided by the incumbent local exchange
11 company.

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

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

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

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

21
22 (4) When operator services are provided by a competitive local exchange company,
23 the competitive local exchange company shall provide access to emergency service, busy line
24 verification, and emergency interrupt service to the subscriber on at least the same level as that
25

1 provided by the incumbent local exchange company.

2 *Specific Authority 350.127(2) FS.*

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

4 *History—New 5-6-97, Amended 4-7-03.*

5
6 **25-24.900 Scope.**

7
8 (1) This Part applies to companies that provide prepaid calling services (PPCS) to
9 the public using its own or resold telecommunications networks.

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

12 *Specific Authority 350.127(2) FS.*

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

14 *History—New 3-26-98.*

15
16
17 **25-24.905 Terms and Definitions.**

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

19 (1) “Company” means any entity providing prepaid calling services to the public
20 using its own or resold telecommunications network.

21 (2) “Conversation time” is the time when two-way telecommunications is possible.

22 (3) “Prepaid Calling Services (PPCS)” means any prepaid telecommunications
23 service that allows end users to originate calls through an access number and authorization code,
24 whether manually or electronically dialed.
25

1 (4) "Prepaid Calling Card" or "Card" means any object containing an access number
2 and authorization code that enables an end user to use PPCS.

3 *Specific Authority 350.127(2) FS.*

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

5 *History—New 3-26-98.*

6
7
8 **25-24.910 Registration or Certificate of Public Convenience and Necessity Required .**

9 A company shall not provide PPCS without first obtaining a certificate of public
10 convenience and necessity as a local exchange company, competitive local exchange company,
11 or registering as an interexchange company pursuant to Rule 24.470, F.A.C. The name used as
12 the provider of PPCS printed on the prepaid calling card shall appear identical to the name in
13 which the certificate is issued or registration is made. A "doing business as" name may be used in
14 lieu of the certificated or registered name if it is registered as a fictitious name with the Florida
15 Division of Corporations, and reflected on the certificate or registration with the Commission
16 before the name is used on the card.

17
18 *Specific Authority 350.127(2) FS.*

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

20 *History—New 3-26-98.*

21
22
23 **25-24.915 Tariffs or Price Lists.**

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

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

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

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

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

5 (b) Applicable surcharges.

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

7
8 *Specific Authority 350.127(2) FS.*

9 *Law Implemented 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.337*

10 *FS.*

11 *History—New 3-26-98.*

12
13 **25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.**

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

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

17 (b) Toll-free customer service number;

18 (c) Toll-free network access number; and

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

20 (2) Each company shall provide the following information legibly printed either on
21 the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in
22 such a manner that the consumer may make an informed decision prior to purchase:
23

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

25
CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

1 (b) Applicable surcharges; and

2 (c) Expiration policy, if applicable.

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

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

6 (3) Each company shall provide through its customer service number the following
7 information:
8

9 (a) Certificate or registration number;

10 (b) Rates and surcharges;

11 (c) Balance of use in account; and

12 (d) Expiration date or period, if any.

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

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

19 (6) A company shall not reduce the value of a card by more than the charges specified
20 in the tariff or price list ~~printed on the card, packaging, or visible display at the point of sale.~~ The
21 service may, however, be recharged by the consumer at a rate higher than the rate at initial
22 purchase or last recharge. The higher rate and surcharges shall be no more than the rates and
23 surcharges in the tariff or price list and the consumer shall be informed of the higher charges at
24
25

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1 the time of recharge.

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

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

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

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

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

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

12
13 *Specific Authority 350.127(2) FS*

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

15 *History—New 3-26-98.*

16
17
18 **25-24.930 Adequacy of Service.**

19 ~~Each company shall ensure that:~~

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

21 ~~Station busies will be counted as~~

22 ~~completed calls.~~

23
24 (2) ~~A minimum of 95 percent of all call attempts shall be completed to a company's toll-~~
25 ~~free customer service number. Station~~

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

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

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

4 *Specific Authority* 350.127(2) FS.

5 *Law Implemented* 364.01, 364.19 FS.

6 *History*—New 3-26-98, Repealed

7
8
9 **25-24.940 Penalties.**

10 ~~When a penalty is imposed for a finding that an uncertificat^d company has provided~~
11 ~~PPCS within the state of Florida, the penalty shall be no less than \$1,000.~~

12 *Specific Authority* 350.127(2) FS.

13 *Law Implemented* 364.285 FS.

14 *History*—New 3-26-98. Repealed.

IXC REGISTRATION FORM

Company Name _____

Florida Secretary of State Registration No. _____

Fictitious Name(s) as filed at Fla. Sec. of State _____

Company Mailing Name _____

Mailing Address _____

Web Address _____

E-mail Address _____

Physical Address _____

Company Liaison _____

Title _____

Phone _____

Fax _____

E-mail address _____

Consumer Liaison to PSC _____

Title _____

Address _____

Phone _____

Fax _____

E-mail address _____

My company's tariff as required in Section 364.04, Florida Statutes, is enclosed with this form. I understand that my company must notify the Commission of any changes to the above information pursuant to Section 364.02, Florida Statutes. My company will owe Regulatory Assessment Fees for each year or partial year my registration is active pursuant to Section 364.336, Florida Statutes. My company will comply with Section 364.603, Florida Statutes, concerning carrier selection requirements, and Section 364.604, Florida Statutes, concerning billing practices.

Signature of Company Representative

Printed/Typed Name of Representative

Date