

ORIGINAL

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 041017-TI

RULE TITLE:	RULE NO.:
Definitions	25-4.003
Private Line/Special Access Cost Manual	25-4.044
Hearing/Speech Impaired Persons	25-4.079
Directory Assistance	25-4.115
Local, Local Toll, or Toll Provider Selection	25-4.118

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

SUMMARY: Rules 25-4.003 – 4.118, Florida Administrative Code, Rules pertaining to intrastate interexchange companies (IXCs), contain the regulatory requirements for companies offering interexchange telecommunications service. Chapter 364, F.S. was revised to reduce the Commission's regulatory authority over interexchange carriers. The proposed rule amendments and repeals streamline the IXC rules and implement the legislative changes. Rule 25-4.044 was repealed. This rule set out requirements for persons who requested changes to the rates, charges,

CMP _____ terms or conditions of private line/special access service.

COM _____ SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Small IXCs would

CTR _____ have the same benefits as large IXCs with reduced reporting and fewer rules. Small cities and

ECR _____

GCL _____ counties should have no impact from the changes.

OPC _____

MMS _____

RCA _____

SCR _____

SEC _____

OTH _____

DOCUMENT NUMBER-DATE

00915 JAN 26 08

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, FS.

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.04, 364.07, 364.08, 364.14, 364.17, 364.19, 364.285, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS:

Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6230.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-4.003 Definitions.

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

(1) No change.

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

(23) No change.

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

(5) through (9) renumbered as (4) through (8). No change.

(910) "Company," "Telecommunications Company," "Telephone Company," or "Utility." These terms may be used interchangeably herein and shall mean "telecommunications company" as defined in Section 364.02 (1312), Florida Statutes.

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

(11) – (20) No change.

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

(2122) No change.

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

(24) through (25) renumbered as (23) through (24) No change.

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

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

(27) - (29) No change.

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

(31) – (32) No change.

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

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

(35) – (36) No change.

~~(37) "Multiple Location Discount Account (MLDA)"~~

~~long distance telecommunications services from an underlying IXC to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:~~

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

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

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

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

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

(3839) No change.

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

(41) through (44) renumbered as (40) through (43) No change.

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

(46) through (54) renumbered as (45) through (53) No change.

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

(56) through (59) renumbered as (55) through (58) No change.

Specific Authority 350.127(2) FS.

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

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-05-00.

25-4.044 Private Line/Special Access Cost Manual.

Specific Authority 350.127(2) FS.

Law Implemented 364.14, 364.17 FS

History—New 12-15-86, Repealed.

25-4.079 Hearing/Speech Impaired Persons.

(1) – (3) No change.

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

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

(a) – (d) No change.

Specific Authority 350.127(2) FS

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

History—New 4-5-88, Amended 6-3-90.

25-4.115 Directory Assistance.

(1) – (2) No change.

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

~~(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. See paragraph (2)(a) of this rule for the definition of~~

~~“disability”. The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.~~

Specific Authority 350.127 FS.

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

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

25-4.118 Local, Local Toll, or Toll Provider Selection.

(1) – (8) No change.

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

(a) Identification of the company;

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

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

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

(d) Upon a customer’s request, the following information will be provided verbally or in writing:

~~(d)1. Any nonrecurring charge;~~

~~(e)2. Any monthly service charge or minimum usage charge;~~

~~(f)3. Company deposit practices;~~

~~(g)4. Any charge applicable to call attempts not answered;~~

~~(h)5. A statement of when charging for a call begins and ends; and~~

~~(i)6. A statement of billing adjustment practices for wrong numbers or incorrect bills.~~

(10) – (13) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.19, 364.285, 364.603 FS.

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

NAME OF PERSON ORIGINATING PROPOSED RULES: Nancy Pruitt.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THESE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: January 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 30,
Number 32, August 6, 2004

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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Submit FAW Notices

Step 5: Acknowledgement of Submittal

The Administrative Code and Weekly Unit has received your notice for publication in the FAW.

A confirmation number has been provided below which may be used to reference this submittal in any communications with the Unit. Use the your browser 'Print' button or the 'Print this Acknowledgement' button at the bottom of this page to generate a receipt for your records. A record of this transmittal will be maintained for approximately 30 days and may be accessed from the 'Submittal Listing' item in the FAW Online menu on the left of this page.

Confirmation No	Proposed2222
Submitted On	1/26/2005 8:34:09 AM
FAW Pub Date	2/4/2005
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