

STATE OF FLORIDA

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COMMISSION
CLERK

Public Service Commission

June 20, 2005

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

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

Dear Mr. Boyd:

Enclosed is the notice of change, which will be published in the Florida Administrative
Weekly on July 1, 2005, and the statement of changes for the proposed Rules 25-24.455, 25-
24.474, 25-24. 480 and 25-24.600.

We plan to file the rule for adoption on July 22, 2005.

Sincerely,

Marlene K. Stern
Marlene K. Stern
Associate General Counsel

- CMP _____
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Enclosure

cc: [Redacted] Commission Clerk
and Administrative Services

DOCUMENT NUMBER DATE

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PSC-COMMISSION CLERK

FLORIDA PUBLIC SERVICE COMMISSION

OFFICE OF THE GENERAL COUNSEL

DOCKET NO. 041017-TI

RULE NO:	RULE TITLE:
25-24.455	Scope and Waiver
25-24.474	Cancelation of a Certificate <u>Registration</u>
25-24.480	Records and Reports; Rules Incorporated
25-24.600	Application and Scope

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 31, No. 5, February 4, 2005, issue of the Florida Administrative Weekly:

25-24.455 Scope and Waiver.

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

~~(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, telephone companies subject to this Part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.335, Florida Statutes.~~

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

authority of Section 364.337, Florida Statutes.

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

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

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

(~~cb~~) Alternative regulatory requirements for the company which may serve the purposes of this part; and

(d) Whether the waiver is in the public interest.

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

Specific Authority 350.127(2) FS.

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

History—New 2-23-87.

25-24.474 Cancellation of a Certificate Registration.

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

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

(b) Violation of Commission rule or order; or

(c) Violation of Florida Statutes.

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

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

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

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

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

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

Specific Authority 350.127(2) FS.

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

History—New 2-23-87, Amended 3-13-96.

25-24.480 Records and Reports; Rules Incorporated.

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

(2) Any IXC that keeps its records outside the State shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during any review of the out-of-state records of the IXC or its affiliates. Reasonable travel expenses are those travel

expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

(a) The IXC shall remit reimbursement for out-of-state travel expenses within 30 days

from the date the Commission mails the invoice.

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

1. For any IXC that makes its out-of-state records available at its office located in Florida

or at another mutually agreed upon location in Florida within 10 working days from the

Commission's initial request. If 10 working days is not reasonable because of the complexity and

nature of the issues involved or the volume and type of material requested, the Commission may

establish a different time frame for the IXC to bring records into the state. For individual data

requests made during an audit, the response time frame established in Rule 25.4.0201, F.A.C.,

shall control, or

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

(2) Each IXC shall furnish to the Commission at such times and in such form as the

Commission may require, the results of any required tests and summaries of any required

records. The IXC shall also furnish the Commission with any information concerning the IXC's

facilities or operations which the Commission may reasonably request and require. All such data,

unless otherwise specified, shall be consistent with and reconcilable with the IXC's regulatory

assessment fee report to the Commission.

(3) Where an IXC is operated with another enterprise, records must be separated in such

manner that the results of the IXC operations may be determined at any time.

(4) Upon notification to the IXC, members may, at reasonable times, make personal visits

to the company offices or other places of business within or without the State and may inspect

any accounts, books, records, and papers of the IXC which may be necessary in the discharge of Commission duties. Commission staff members will present Commission identification cards as the written authority to inspect records. During such visits the IXC shall provide the staff member(s) with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the IXC's outside auditors.

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

<u>Section</u>	<u>Title</u>	<u>Portions Not Applicable</u>
25 4.019	Records and Reports in General	None
25 4.020	Location and Preservation of Records	Subsections (1), (3)
25 4.023	Report of Interruptions	Subsection (1)
25 4.043	Inquiries	None
25 4.0161	Regulatory Assessment Fees	None
25 4.079	Hearing/Speech Impaired Persons	Subsections (1), (2), (3), and (5)
25 4.115	Directory Assistance	Subsections (1) and (2)

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

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

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

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

Specific Authority 350.127(2) FS.

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

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

25-24.600 Application and Scope.

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

(2) This Part applies to:

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

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

(c) Call aggregators as defined in this part.

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

~~(3) Each company subject to this Part may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under the authority of Section 364.377, Florida Statutes.~~

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

Law Implemented 364.01, 364.3376 FS.

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

STATEMENT OF CHANGES

In Rule 25-24.455, the standards for disposing of a petition for a waiver were clarified.

In Rule 25-24.474, the standards for canceling a company's registration were clarified.

In Rule 25-24.480, the provisions for reimbursement of travel expense were deleted.

In Rule 25-24.600, the provision that allows a company to petition for a waiver was deleted.