

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO AMEND AND REPEAL RULES IN  
CHAPTERS 25-4 AND 25-9, F.A.C., PERTAINING TO TELECOMMUNICATIONS

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: September 25, 2008

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the amendment of Rules 25-4.002, 25-4.0185, 25-4.020, 25-4.022, 25-4.023, 25-4.034, 25-4.046, 25-4.066, 25-4.070, 25-4.073, 25-4.115, 25-4.117, 25-9.001, 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029, Florida Administrative Code, and the repeal of Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-4.202, 25-9.008 and 25-9.032, Florida Administrative Code. Rules 25-4.0201, 25-4.067, 25-4.071, 25-4.072, 25-4.074, 25-4.083, 25-4.085, 25-4.107, 25-4.108, 25-4.109, 25-4.110, 25-4.113, and 25-4.210 are under consideration for amendment and repeal. These rules all relate to telecommunications.

The attached Notice of Proposed Rule Development will appear in the September 26, 2008, edition of the Florida Administrative Weekly. A rule development workshop will be held at the following time and place:

Florida Public Service Commission  
Friday, October 10, 2008 – 9:30 a.m.  
Betty Easley Conference Center  
Room 148, 4075 Esplanade Way  
Tallahassee, Florida 32399-0850

It is possible that one or more Commissioners may attend and participate at the workshop. A copy of the draft rules is attached to this notice. The agenda for the rule development workshop will be available upon request after October 3, 2008 from Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216 or [kcowdery@psc.state.fl.us.com](mailto:kcowdery@psc.state.fl.us.com). Any person requiring some accommodation at this workshop because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
PAGE 2

By DIRECTION of the Florida Public Service Commission, this 25th day of September,  
2008.



ANN COLE  
Commission Clerk

(SEAL)

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NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
PAGE 3

Notice of Development of Rulemaking

**PUBLIC SERVICE COMMISSION**

**RULE NO: RULE TITLE**

- 25-4.002: Application and Scope
- 25-4.0185: Periodic Reports
- 25-4.019: Records and Reports in General
- 25-4.020: Location and Preservation of Records
- 25-4.0201: Audit Access to Records
- 25-4.022: Complaint - Trouble Reports, Etc
- 25-4.023: Report of Interruptions
- 25-4.034: Tariffs
- 25-4.046: Incremental Cost Data Submitted by Local Exchange Companies
- 25-4.066: Availability of Service
- 25-4.067: Extension of Facilities - Contributions in Aid of Construction
- 25-4.069: Maintenance of Plant and Equipment
- 25-4.070: Customer Trouble Reports
- 25-4.071: Adequacy of Service
- 25-4.072: Transmission Requirements
- 25-4.073: Answering Time
- 25-4.074: Intercept Service
- 25-4.083: Preferred Carrier Freeze
- 25-4.085: Service Guarantee Program
- 25-4.107: Information to Customers
- 25-4.108: Initiation of Service
- 25-4.109: Customer Deposits
- 25-4.110: Customer Billing for Local Exchange Telecommunications Companies
- 25-4.112: Termination of Service by Customer
- 25-4.113: Refusal or Discontinuance of Service by Company
- 25-4.115: Directory Assistance
- 25-4.117: 800 Service
- 25-4.200: Application and Scope
- 25-4.202: Construction
- 25-4.210: Service Evaluations and Investigations

**PURPOSE AND EFFECT:** Rule 25-4.002 would be amended to delete language which states that Parts II and V of Chapter 25-4 apply to residential service only. This language is outdated and does not correctly reflect that only certain rules in Parts II and V apply to residential service only; Rules 25-4.0185, 25-4.066, 25-4.070, and 25-4.073 would be amended to specifically identify which rule provisions apply to residential service only; Rules 25-4.112, 25-4.200, 25-4.202, and 25-4.069 would be repealed because they are unnecessary; Rule 25-4.019 would be repealed because it is unnecessary, with section 25-4.019(3) reworded and Rule 25-4.020 amended to include that reworded requirement; Rule 25-4.115 would be amended to delete Sections (1)(a)&(b) and (2)(b), (c) & (d) because

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
PAGE 4

they are unnecessary; Rule 25-4.022 would be amended to eliminate requirements which are redundant of other rules; Rule 25-4.023 would be amended to require reports only during times of named tropical systems; Rule 25-4.034 would be amended to incorporate the revised twenty-two rules currently in Chapter 25-9 which apply to ILECs; Rule 25-4.046 would be amended to clarify the circumstances and time frames related to filing the cost data; Rule 25-4.117 would be amended to include other toll free numbers which have been implemented since the time the rule was first adopted; Rules 25-4.0201, 25-4.067, 25-4.071, 25-4.072, 25-4.074, 25-4.083, 25-4.085, 25-4.107, 25-4.108, 25-4.109, 25-4.110, 25-4.113, and 25-4.210 would be revised or repealed based upon an evaluation of whether each rule is consistent with expressed legislative intent and is necessary to accomplish the apparent or expressed objectives of the specific provisions of law which it implements. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185, FS

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.04, 364.016, 364.051, 364.052, 364.07, 364.08, 364.14, 364.15, 364.163, 364.17, 364.18, 364.183, 364.185, 364.19, 364.335, 364.337, 364.3375, 364.3376, 364.3381, 364.386, 365.171, FS

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, October 10, 2008 - 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL.

One or more Commissioners may be in attendance and participate in the workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us). The agenda for the workshop will be available after October 3, 2008.

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

Notice of Development of Rulemaking`

**PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-9.001: Application and Scope

25-9.002: Definitions

25-9.005: Information to Accompany Filings

25-9.008: Telephone Utility Tariffs

25-9.009: Numbering and General Data Required for Each Sheet

25-9.022: Table of Contents

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
PAGE 5

25-9.027: Rules and Regulations

25-9.029: Index of Rate or Exchange Schedules

25-9.032: Telephone Utility Exchange Schedules

PURPOSE AND EFFECT: Amended Rule 25-9.001 would exclude ILECs and CLECs from Chapter 25-9. The applicable Chapter 25-9 tariff and tariff filing requirements related to ILECs would be amended to be included in Rule 25-4.034. The amendment would clarify that Chapter 25-9 does not currently apply to CLECs. Amended Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029 would remove all references to telephone companies. Rules 25-9.008 and 25-9.032 would be repealed because Chapter 25-9 would no longer apply to telephone companies. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), 367.121, FS

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 364.337, 364.3381, 366.04(2)(b), 366.05(1), 366.06, 367.021, 367.041, 367.081, 367.091, 367.101, FS

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1 **25-4.002 Application and Scope.**

2 (1) These rules are intended to define reasonable service standards that will promote the  
3 furnishing of adequate and satisfactory local and long distance service to the public, and to  
4 establish the rights and responsibilities of both the utility company and the customer. The rules  
5 contained in Parts I-XI of this chapter apply to local exchange companies. ~~The rules contained in~~  
6 ~~Part II and Part V apply only to residential service.~~ The rules contained in Part X of Chapter 25-  
7 24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C.,  
8 apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C.,  
9 apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C.,  
10 apply to all Operator Service Provider Companies and call aggregators. The rules contained in  
11 Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers.  
12 The rules contained in Part XV of Chapter 25-24, F.A.C., apply to all competitive local exchange  
13 telecommunications companies.

14 (2) In addition to the rules contained in this part, any local exchange company that provides  
15 operator services in a call aggregator context shall also comply with the rules contained in Part  
16 XIII of Chapter 25-24, F.A.C.

17 *Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375,*  
18 *364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, 4-*  
19 *3-05.*

20  
21 **25-4.0185 Periodic Reports.**

22 Each local exchange telecommunications company shall file with the Commission's Division of  
23 Competitive Markets and Enforcement the information required by Commission Form PSC/CMP  
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law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
PAGE 7

1 28 (4/05), which is incorporated into this rule by reference. Form PSC/CMP 28, entitled  
2 “Engineering Data Requirements,” may be obtained from the Commission’s Division of  
3 Competitive Markets and Enforcement.

4 (1) The information required by schedules 2, 3, 8, 11, 15 and 16 of Form PSC/CMP 28 shall be  
5 reported on a quarterly basis by the large LECs and semiannually by the small LECs and shall be  
6 filed on or before the end of the month following the reporting period.

7 (2) The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a  
8 semiannual basis and shall be filed on or before the end of the month following the second and  
9 fourth quarters.

10 (3) Schedules 2, 3, 11, 15 and 16 of Form PSC/CMP 28 shall apply only to residential service.

11 *Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS.*  
12 *History—New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05.*

13  
14 **25-4.019 Records and Reports in General.**

15 ~~(1) Each utility shall furnish to the Commission at such times and in such form as the~~  
16 ~~Commission may require, the results of any required tests and summaries of any required~~  
17 ~~records. The utility shall also furnish the Commission with any information concerning the~~  
18 ~~utility’s facilities or operations which the Commission may reasonably request and require. All~~  
19 ~~such data, unless otherwise specified, shall be consistent with and reconcilable with the utility’s~~  
20 ~~annual report to the Commission.~~

21 ~~(2) Where a telephone company is operated with another enterprise, records must be separated in~~  
22 ~~such manner that the results of the telephone operation may be determined at any time.~~

23 ~~(3) Upon notification to the utility, members may, at reasonable times, make personal visits to~~  
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law.

1 ~~the company offices or other places of business within or without the State and may inspect any~~  
2 ~~accounts, books, records, and papers of the company which may be necessary in the discharge of~~  
3 ~~Commission duties. Commission staff members will present Commission identification cards as~~  
4 ~~the written authority to inspect records. During such visits the company shall provide the staff~~  
5 ~~member(s) with adequate and comfortable working and filing space, consistent with the~~  
6 ~~prevailing conditions and climate, and comparable with the accommodations provided the~~  
7 ~~company's outside auditors.~~

8 *Specific Authority 350.127(2) FS. Law Implemented 364.18, 364.183, 364.386 FS. History—*  
9 *Revised 12-1-68, Amended 5-4-81, Formerly 25-4.19.*

10  
11 **25-4.020 Location and Preservation of Records.**

12 (1) All records that a company is required to keep, by reason of these or other rules prescribed by  
13 the Commission, shall be kept at the office or offices of the company within the State unless  
14 otherwise authorized by the Commission.

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

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

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

23 1. For any company that makes its out-of-state records available at the company's office located  
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law.



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

7 2. For a company whose records are located within 50 miles of the Florida state line.

8 (3) All records shall be preserved for the period of time specified in Form PSC/ECR/17-T (5/93),  
9 entitled "Schedule of Records and Periods of Retention" which is incorporated by reference into  
10 this rule, and may be obtained from the Director, Division of Economic Regulation, Florida  
11 Public Service Commission.

12 (a) However, all source documents retained as required by subsection 25-4.020(3), F.A.C., shall  
13 be maintained in their original form for a minimum of three years, or for any lesser period of  
14 time specified for that type of record in Form PSC/ECR/17-T, after the date the document was  
15 created or received by the company. This paragraph does not require the company to create paper  
16 copies of documents where the company would not otherwise do so in the ordinary course of its  
17 business. The Commission may waive the requirement that documents be retained in their  
18 original form upon a showing by a company that it employs a storage and retrieval system that  
19 consistently produces clear, readable copies that are substantially equivalent to the originals, and  
20 clearly reproduces handwritten notations on documents.

21 (b) The company shall maintain written procedures governing the conversion of source  
22 documents to a storage and retrieval system, which procedures ensure the authenticity of  
23 documents and the completeness of records. Records maintained in the storage and retrieval

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law.

1 system must be easy to search and easy to read.

2 (4) During any audit or review of records, the company shall provide Commission staff with  
3 adequate and comfortable working and filing space, consistent with the prevailing conditions and  
4 climate, and comparable with the accommodations provided the company's outside auditors.

5 *Specific Authority 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS. Law Implemented*  
6 *364.016, 364.17, 364.18, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76,*  
7 *Formerly 25-4.20, Amended 6-23-93, 11-13-95.*

8  
9 **25-4.022 Complaints ~~—Trouble Reports, Etc.~~**

10 ~~(1) Each telephone company shall maintain for at least six (6) months a record of all signed~~  
11 ~~written complaints made by its subscribers regarding service or errors in billing, as well as a~~  
12 ~~record of each case of trouble or service interruption that is reported to repair service. This~~  
13 ~~record shall include the name and/or address of the subscriber or complainant, the date (and for~~  
14 ~~reported trouble, the time) received, the nature of the complaint, or trouble reported, the result of~~  
15 ~~any investigation, the disposition of the complaint or service problem, and the date (and for~~  
16 ~~reported trouble, the time) of such disposition.~~

17 ~~(2) Each signed letter of complaint shall be acknowledged in writing or by contact by a~~  
18 ~~representative of the company.~~

19 *Specific Authority 350.127(2), 364.17 FS. Law Implemented 364.051, 364.17, 364.183, 364.20*  
20 *FS. History—Revised 12-1-68, Formerly 25-4.22.*

21  
22 **25-4.023 Report of Interruptions.**

23 ~~(1) The Commission shall be informed of any major interruptions to service which are the result~~  
24 ~~law.~~ CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing

1 of a tropical system named by the National Hurricane Center that affect 10,000 or more  
2 subscribers for a period of ~~30 minutes~~ 6 hours or more as soon as it comes to the attention of the  
3 utility company. The ~~C~~company shall provide the time, the location, the expected duration of the  
4 outage and when the interruption is restored.

5 ~~(2) In addition, a copy of all Florida service interruption reports made to the Federal~~  
6 ~~Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of Title~~  
7 ~~47; Code of Federal Regulations; Notification of Common Carriers of Service Disruptions~~  
8 ~~(Effective April 12, 1996) shall be immediately forwarded to the Commission's Division of~~  
9 ~~Competitive Markets and Enforcement, Bureau of Service Quality.~~

10 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—*  
11 *Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05.*

12  
13 **25-4.034 Tariffs.**

14 (1) Except to the extent otherwise permitted by Section 364.051(5)(a), F.S., Each  
15 telecommunications company shall maintain on file with the Commission tariffs which set forth  
16 all rates and charges for customer services, the classes and grades of service available to  
17 subscribers, the conditions and circumstances under which service will be furnished, and all  
18 general rules and regulations governing the relation of customer and utility company. The rates  
19 and charges for contract service arrangements for an individual customer need not be filed where  
20 the company's tariff provides a description of the circumstances under which such arrangements  
21 are offered for specified tariffed services. ~~Tariff filings shall be in compliance with the~~  
22 ~~requirements of Chapter 25-9, F.A.C., of the Commission rules entitled "Construction and Filing~~  
23 ~~of Tariffs by Public Utilities."~~

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1 (2) Filing shall mean received by the office of the Division of Regulatory Compliance during  
2 normal business hours. Any tariff received by the Division of Regulatory Compliance after 5:00  
3 p.m. shall be considered filed on the next regular business day. All proposed changes to an  
4 existing tariff that are submitted by hard copy shall be directed to the Director of the Division of  
5 Regulatory Compliance, Florida Public Service Commission, 2540 Shumard Oak Boulevard,  
6 Tallahassee, FL 32399-0850 and shall include an original and two (2) copies of each revised  
7 tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists the included  
8 sheets, by sheet number and revision level as specified in subsections (6)(c) – (e), and gives a  
9 brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of  
10 transmittal shall be sent in duplicate with a request that the duplicate be returned.

11 ~~(2)(3)~~ Each company shall file, as an integral part of its tariff, maps defining the exchange  
12 service areas. These maps shall delineate the boundaries in sufficient detail that they may be  
13 located in the field and shall embrace all territory included in the certificate of convenience and  
14 necessity.

15 ~~(34)~~ Each telecommunications company shall ~~maintain on file in each of its business offices,~~  
16 make available for public inspection upon request, either a printed copy or an electronic copy of  
17 its retail tariffs, the local exchange tariff for exchanges under the administration of that office, its  
18 general exchange tariff, and its schedule of intrastate toll rates. Each business office shall  
19 likewise make available a copy of Chapter 25-4, F.A.C., of the Florida Public Service  
20 Commission Rules and Regulations for public inspection upon request.

21 (5) Companies shall charge only the rates and credits contained in their tariff. If a company  
22 desires to deviate temporarily from its normal tariffed rates and credits, the company shall file a  
23 single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision

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1 shall include the heading "Promotion," and shall state the name of the promotion, a specific  
2 description of the tariffed service(s) involved, including all applicable rates, benefits, terms, and  
3 conditions, and the beginning and ending dates of the promotion.

4 (6) Tariffs shall comply with the following conventions:

5 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be clear  
6 and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" x 11"  
7 sheets, typewritten on white paper, using one side of the paper only.

8 (b) Each sheet shall bear the name of the company, as certificated with the Commission, the  
9 name and title of the issuing officer, and the effective date of the sheet.

10 (c) Every sheet in the tariff shall be numbered.

11 (d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-  
12 hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

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

15 First Revised Sheet No. 4

16 Cancel Original Sheet No. 4

17 (f) The tariffs shall contain at a minimum the following:

18 1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page  
19 location of each section in the tariff. Each section shall also be individually indexed by subject.

20 2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff  
21 shall appear in the right hand margin of each sheet on the same line(s) in which any change has  
22 been made. If three or more consecutive lines are affected, one symbol shall be placed on the  
23 first and last lines with a vertical line connecting the two symbols. Two or more symbols shall

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1 be placed next to each other on any line with multiple types of changes. The symbol page shall  
2 identify all symbols used in the tariff.

3 3. Technical Terms and Abbreviations. This section shall contain all technical and special terms  
4 and abbreviations used in the tariff.

5 (7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing  
6 changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new  
7 words; words to be deleted shall be lined through with hyphens.

8 *Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.163 FS. History—New 3-31-76,*  
9 *Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-10-96, xx/xx/xx.*

10  
11 **25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.**

12 (1) Incremental cost yields the appropriate price floor for pricing of individual services. ~~This rule~~  
13 ~~sets forth requirements for incremental cost data submitted by local exchange companies (LECs)~~  
14 ~~to the Commission.~~

15 (2) In order to evaluate whether the price of a nonbasic service provided by a local exchange  
16 telecommunications company (LEC) is below the LEC's incremental cost through use of  
17 subsidization ~~For each service for which an incremental cost study has been performed by or for~~  
18 ~~a LEC and the LEC submits incremental cost data based on the study,~~ upon Commission staff  
19 request, the LEC shall provide the following information within ten (10) days:

20 (a) An executive summary that includes, at a minimum:

21 1. An overview of the incremental cost study(ies) performed, a description of all cost models  
22 used, and a summary of the cost study results;

23 2. A discussion which demonstrates that the cost study methodology employed comports with

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1 accepted economic theory regarding incremental cost;

2 3. A discussion demonstrating the reasonableness of the assumptions made regarding the  
3 conditions projected to be in effect during the study's planning horizon; and

4 4. A discussion demonstrating the manner in which the service will be provisioned during the  
5 planning horizon.

6 (b) A list of all factors and their values used in the study including, but not limited to, utilization  
7 factors, annual charge factors, expense factors and supporting structures factors. Upon At a  
8 subsequent Commission staff's request, supporting work papers showing the derivation of all  
9 factors used in the study shall be provided ~~on~~ within 5 days' notice of the request.

10 (c) Where identifiable, the amount of any group-specific costs shall be identified but not added  
11 into the results for an individual service. Group-specific costs are those costs related to the  
12 provision of a group of services but not causally attributable to any specific service;

13 (d) The amount and types of costs that are causally attributed ~~apportioned~~ (as opposed to directly  
14 assigned) to individual services shall be identified and the LEC shall describe and provide  
15 support for the method of attribution ~~apportionment~~ used; and

16 (e) For new services which may have a significant revenue impact or where a rate restructure of  
17 an existing service is being proposed that may have either significant customer or revenue  
18 impact, a narrative or flowchart indicating the sequence of analyses performed leading to the cost  
19 results shall be provided. Upon At a subsequent Commission staff's request, all relevant work  
20 papers supporting the cost study shall be provided ~~on~~ within 5 days' notice of the request.

21 (f) If no incremental cost study has been performed for the nonbasic service at issue, the LEC  
22 shall provide all information upon which it relied in setting the price for the service.

23 (3) ~~For each service for which a LEC submits incremental cost data not based on an incremental~~  
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law.

1 ~~cost study performed by or for that LEC, the LEC shall provide a discussion demonstrating the~~  
2 ~~reasonableness of using the surrogate cost data as the price floor for its service. Where a~~  
3 ~~docketed investigation or complaint proceeding has been initiated, the information delineated in~~  
4 ~~(2)(a)-(f) above must be obtained pursuant to formal discovery procedures, and the time frames~~  
5 ~~specified in (2) above do not apply.~~

6 *Specific Authority 350.127(2) FS. Law Implemented 364.3381 FS. History—New 5-24-95.*

7  
8 **25-4.066 Availability of Residential Service.**

9 (1) Each telecommunications company shall provide central office equipment and outside plant  
10 facilities designed and engineered in accordance with realistic anticipated customer demands for  
11 basic local telecommunications service within its certificated area in accordance with its filed  
12 tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable  
13 expense, suitable facilities and rights for construction and maintenance of such facilities.

14 (2) Where central office and outside plant facilities are readily available, at least 90 percent of all  
15 requests for primary service in any calendar month shall normally be satisfied in each exchange  
16 of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines within an interval of  
17 three working days after receipt of application when all tariff requirements relating thereto have  
18 been complied with, except those instances where a later installation date is requested by the  
19 applicant or where special equipment or services are involved.

20 (3) If the applicant requests an installation date beyond three working days, the requested date  
21 shall be counted as day three for measurement purposes.

22 (4) When an appointment is made in order for the company to gain access to the customer's  
23 premises, the mutually agreed upon date will be day three for measurement purposes. Failure of

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1 the customer to be present to afford the company representative entry to the premises during the  
2 appointment period shall exempt the order for measurement purposes. Whenever a company  
3 representative is unable to gain admittance to a customer's premises during the scheduled  
4 appointment period, the company representative shall leave a notice, stating the name of the  
5 company representative and the date and time the company representative was at the premises.

6 (5) Each telecommunications company shall establish as its objective the satisfaction of at least  
7 95 percent of all applications for new service in each exchange within a 30 day maximum  
8 interval and, further, shall have as its objective the capability of furnishing service within each of  
9 its exchanges to applicants within 60 days after date of application; except those instances where  
10 a later installation date is requested by the applicant or where special equipment or services are  
11 involved.

12 (6) Whenever, for any reason, the service installation cannot be made at the time requested by  
13 the applicant or within the prescribed interval, the applicant shall be notified promptly of the  
14 delay and the reason therefore.

15 (7) Where facility additions are required to make service available, the applicant shall be further  
16 advised as to the circumstances and conditions under which service will be provided and as soon  
17 as practicable an estimated date when service will be furnished. With respect to applications  
18 aged over six months, all service dates that result in a further delay due to the company's  
19 inability to meet the original estimated date of service shall be identified in the appropriate  
20 section of the report of held applications filed with the Commission and shall include an  
21 explanation of the reasons therefore.

22 (8) Each company shall report pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the  
23 performance of the company with respect to the availability of service requirements as outlined  
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1 in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and  
2 available from the Division of Competitive Markets and Enforcement. Each company shall  
3 explain the reasons for all service orders that are not completed within 30 calendar days.

4 *Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183,*  
5 *364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96,*  
6 *4-3-05, 4-3-05.*

7  
8 **25-4.069 Maintenance of Plant and Equipment.**

9 ~~Each telecommunications company shall adopt and pursue a maintenance program aimed at~~  
10 ~~achieving efficient operation of its system so as to permit the rendering of safe, adequate, and~~  
11 ~~continuous service at all times.~~

12 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—Revised 12-1-*  
13 *68, Amended 12-13-82, 9-30-85, Formerly 25-4.69, Amended 4-16-90, 3-10-96.*

14  
15 **25-4.070 Customer Trouble Reports for Residential Service.**

16 (1) Each telecommunications company shall make all reasonable efforts to minimize the extent  
17 and duration of trouble conditions that disrupt or affect customer telephone service. Trouble  
18 reports will be classified as to their severity on a service interruption (synonymous with out-of-  
19 service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis.  
20 Service interruption reports shall not be downgraded to a service affecting report; however, a  
21 service affecting report shall be upgraded to a service interruption if changing trouble conditions  
22 so indicate.

23 (a) Companies shall make every reasonable attempt to restore service on the same day that the  
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1 interruption is reported to the serving repair center.

2 (b) In the event a subscriber's service is interrupted other than by a negligent or willful act of the  
3 subscriber and it remains out of service in excess of 24 hours after being reported to the  
4 company, an appropriate adjustment or refund shall be made to the subscriber automatically,  
5 pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time will be  
6 computed on a continuous basis, Sundays and holidays included. Also, if the company finds that  
7 it is the customer's responsibility to correct the trouble, it must notify or attempt to notify the  
8 customer within 24 hours after the trouble was reported.

9 (c) If service is discontinued in error by the telephone company, the service shall be restored  
10 without undue delay, and clarification made with the subscriber to verify that service is restored  
11 and in satisfactory working condition.

12 (2) Sundays and Holidays:

13 (a) Except for emergency service providers, such as the military, medical, police, and fire,  
14 companies are not required to provide normal repair service on Sundays. Where any repair action  
15 involves a Sunday or holiday, that period shall be excepted when computing service objectives,  
16 but not refunds for OOS conditions.

17 (b) Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in  
18 paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient  
19 repair forces shall be scheduled so that repairs can be made if requested by a subscriber.

20 (3) Service Objectives:

21 (a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95  
22 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000

23 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines,  
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law.

1 the results can be aggregated on a quarterly basis. For any exchange failing to meet this  
2 objective, the company shall provide an explanation with its periodic report to the Commission.

3 (b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at  
4 least 95 percent of such reports are cleared within 72 hours of the report in each exchange which  
5 contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which  
6 contain less than 50,000 lines, the results can be aggregated on a quarterly basis.

7 (c) If the customer requests that the service be restored on a particular day beyond the objectives  
8 outlined in paragraphs (a) and (b) above, the trouble report shall be counted as having met the  
9 objective if the requested date is met.

10 (4) Priority shall be given to service interruptions that affect public health and safety that are  
11 reported to and verified by the company and such service interruptions shall be corrected as  
12 promptly as possible on an emergency basis.

13 (5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt  
14 investigation and correction of repeat trouble reports such that the percentage of repeat troubles  
15 will not exceed 20 percent of the total initial customer reports in each exchange when measured  
16 on a monthly basis. A repeat trouble report is another report involving the same item of plant  
17 within 30 days of the initial report.

18 (6) The service objectives of this rule shall not apply to subsequent customer reports, (not to be  
19 confused with repeat trouble reports), or emergency situations, such as unavoidable casualties  
20 where at least 10 percent of an exchange is out of service.

21 (7) Reporting Criteria: Each company shall periodically report the data specified in Rule 25-  
22 4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (4/05), incorporated into Rule 25-  
23 4.0185, F.A.C., by reference and available from the Division of Competitive Markets and

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law.

1 Enforcement.

2 *Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18,*  
3 *364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended*  
4 *6-24-90, 3-10-96, 4-3-05.*

5 **25-4.073 Answering Time for Residential Service.**

6 (1) Each telephone ~~utility~~ company shall provide equipment designed and engineered on the  
7 basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate  
8 personnel so as to meet the following service criteria under normal operating conditions:

9 (a) At least 90 percent of all calls directed to repair services and 80 percent of all calls to  
10 business offices shall be answered within 30 seconds after the last digit is dialed when no menu  
11 driven system is utilized.

12 (b) When a company utilizes a menu driven, automated, interactive answering system (referred  
13 to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls  
14 offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded  
15 message presented by the system to the customer shall include the option of transferring to a live  
16 attendant within the first 30 seconds of the message.

17 (c) For subscribers who either select the option of transferring to a live assistant, or do not  
18 interact with the system for twenty seconds, the call shall be transferred by the system to a live  
19 attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give  
20 immediate assistance within 55 seconds of being transferred to the attendant.

21 (d) The terms “answered” as used in paragraphs (a) and (c) above, shall be construed to mean  
22 more than an acknowledgment that the customer is waiting on the line. It shall mean that the  
23 service representative is ready to render assistance.

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law.

1 (2) Answering time studies using actual data or any statistically valid substitute for actual data  
2 shall be made to the extent and frequency necessary to determine compliance with this rule.

3 (3) All telecommunications companies are expected to answer their main published telephone  
4 number on a 24 hour a day basis. Such answering may be handled by a special operator at the toll  
5 center or directory assistance facility when the company offices are closed. Where after hours  
6 calls are not handled as described above, at least the first published business office number will  
7 be equipped with a telephone answering device which will notify callers after the normal  
8 working hours of the hours of operation for that business office. Where recording devices are  
9 used, the message shall include the telephone number assigned to handle urgent or emergency  
10 calls when the business office is closed.

11 (4) Each company shall report, pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the  
12 performance of the company with respect to answer time as outlined in Form PSC/CMP 28  
13 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of  
14 Competitive Markets and Enforcement.

15 *Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS.*

16 *History—New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05.*

17  
18 **25-4.112 Termination of Service by Customer.**

19 ~~Any customer may be required to give reasonable notice of his intention to discontinue service.~~

20 ~~Until the telephone utility shall be notified, the customer may be held responsible for charges for~~  
21 ~~telephone service.~~

22 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.19 FS. History—New 12-1-68.*

23  
24 CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing  
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1 **25-4.115 Directory Assistance.**

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

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

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

8 ~~(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan~~  
9 ~~Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange~~  
10 ~~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 individuals~~  
12 ~~with disabilities. As used in this rule, "disability" means, with respect to an individual – A~~  
13 ~~physical or mental impairment that prohibits a customer from using the telephone directory.~~

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

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

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

21 *Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07,*  
22 *364.08 FS. History–New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05, XX/XX/XX.*

23  
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25 law.

1 **25-4.117 800 Toll Free Service.**

2 Telephone companies are prohibited from billing to or collecting from the originating caller any  
3 charges for calls to toll free numbers (e.g., 800, 866, 877, and 888)~~an 800 service subscriber.~~

4 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History—New*  
5 *3-5-90.*

6  
7 **25-4.200 Application and Scope.**

8 ~~The purpose of this part is to adopt streamlined procedures for regulating small local exchange~~  
9 ~~companies as required by Section 364.052, F.S. This part shall apply to all small local exchange~~  
10 ~~companies, except as otherwise noted.~~

11 *Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History—New 3-10-96.*

12  
13 **25-4.202 Construction.**

14 ~~(1) The intent of this Part is to minimize the regulation of small LECs with respect to audits,~~  
15 ~~investigations, service standards, cost studies, periodic reports, evaluations, and discovery.~~

16 ~~Where the rules contained in this Part conflict with other provisions in Chapter 25, F.A.C., the~~  
17 ~~conflicting rules shall be construed so that the less burdensome requirement will apply.~~

18 ~~(2) When determining whether regulatory requirements should be imposed on small local~~  
19 ~~exchange companies, the Commission and its staff shall weigh the requirement's benefits against~~  
20 ~~the cost of compliance by considering factors such as the amount of data and resources available,~~  
21 ~~the relative amount of precision needed, and whether the use of outside consultants is necessary.~~

22 *Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History—New 3-10-96,*

23 *Amended 1-31-00.*

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1  
2 **25-9.001 Application and Scope.**

3 (1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as defined  
4 in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply to  
5 municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as provided~~  
6 ~~by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall not apply  
7 to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service  
8 Companies, Operator Service Provider Companies, ~~or~~ Alternative Access Vendor Service  
9 Providers, Competitive Local Exchange Companies or Local Exchange Companies.

10 (2) The following shall prescribe the procedures to be used by public utilities in filing:

11 (a) Rules and Regulations.

12 (b) Rate Schedules.

13 (c) Standard Forms and Riders.

14 (d) Contracts and Agreements.

15 (e) Tariffs.

16 (3) No rules and regulations, or schedules of rates and charges, or modifications or revisions of  
17 the same, shall be effective until filed with and approved by the Commission as provided by law.

18 (4) Upon acceptable showing by any utility, the Commission may waive or modify, as to that  
19 utility, the provisions of any rule herein contained, except when such provisions are fixed by  
20 statute.

21 (5) No deviation from these rules shall be permitted unless authorized in writing by the  
22 Commission.

23 *Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.03, 364.04, 364.05,~~*  
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law.

1 ~~364.08, 364.337, 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS. History—~~  
2 ~~Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-~~  
3 ~~95.~~

4  
5 **25-9.002 Definitions.**

6 For the purposes of these regulations the following definitions shall apply:

7 (1) The word “Commission” refers to the Florida Public Service Commission.

8 (2) Except where a different meaning clearly appears from the context, the word or words  
9 “utility” or “public utility” as used in these rules shall mean and include all electric and gas  
10 utilities, water systems, and wastewater systems, ~~telephone companies and telegraph companies~~  
11 which are, or may hereafter be, subject to the jurisdiction of this Commission.

12 (3) The term “rules” and/or “regulations” refers to the general practices followed by the utility in  
13 carrying on its business with its customers and includes the rules, practices, classifications,  
14 exceptions and conditions observed by the utility in supplying service.

15 (4) The term “rate” refers to the price or charge for utility service.

16 (5) The term “rate schedule” refers to the rate or charge for the particular classification of service  
17 plus the several provisions necessary for billing, including all special terms and conditions under  
18 which service shall be furnished at such rate or charge.

19 (6) The term “standard forms” means and includes all standard contract or agreement forms for  
20 execution between the utility and its customers.

21 (7) “Contracts and agreements” shall refer to special contracts entered into by the utility for the  
22 sale of commodity or services in a manner or subject to provisions not specifically covered by its  
23 filed standard rate schedules.

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1 (8) The term “tariff” shall refer to the assembled volume containing the “rules,” “regulations,”  
2 “rate schedules,” “standard forms,” “contracts,” and other material required by these regulations  
3 as filed with the Commission.

4 *Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1),*  
5 *367.021 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02.*

6 **25-9.005 Information to Accompany Filings.**

7 (1) Except in the case of schedules published under authority of an order of the Commission that  
8 sets rates, charges or conditions of service, each letter of transmittal shall be accompanied by the  
9 following items in connection with each service classification in which any change is proposed:

10 (a) As applicable, a tabulation in typical bill form setting forth, at representative consumption  
11 levels, the charges applicable under the present and proposed rates, together with the differences  
12 expressed in dollars and in percent;

13 (b) The estimated gross increase or decrease in annual revenues resulting therefrom, if  
14 ascertainable.

15 (2) In addition to the foregoing, ~~Telephone Companies~~, Electric utilities and gas utilities shall  
16 provide the following:

17 (a) A description of the service or equipment and its functions;

18 (b) A statement of the justification for the change and documentation supporting that  
19 justification;

20 (c) If a service or type of equipment is proposed to be limited or discontinued, a description of  
21 other service or equipment options available to customers.

22 (d) A company may request a waiver of any of the requirements of this subsection upon a written  
23 application showing that the requirement is inordinately burdensome or unnecessary for analysis  
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1 of its filing. The directors of the Divisions of Economic Regulation ~~and Competitive Markets~~  
2 ~~and Enforcement, respectively,~~ will dispose of any such request. A company may request  
3 Commission review of a denial of a waiver.

4 ~~(3)(a) When a local exchange telephone company whose annual revenues from regulated~~  
5 ~~telecommunications operations are \$100,000,000 or more files a tariff to introduce a new service,~~  
6 ~~incremental cost data shall be filed sufficient to demonstrate that the proposed rates for the~~  
7 ~~service are not below incremental cost. When a local exchange telephone company whose annual~~  
8 ~~revenues from regulated telecommunications services are less than \$100,000,000 files a tariff for~~  
9 ~~a new service, it shall provide incremental cost data, if available, or otherwise demonstrate that~~  
10 ~~the proposed rates for the service are not below that local exchange company's incremental cost.~~

11 ~~(3)(b) Where the change involves a rate or charge and the electric, or gas, ~~or~~ telephone utility~~  
12 ~~elects to make a cost study, the utility shall file a cost information statement containing a~~  
13 ~~summary of the cost study performed, including:~~

- 14 1. All underlying assumptions;
- 15 2. The cost study number, if assigned;
- 16 3. The cost of providing the service or equipment;
- 17 4. The proposed contribution above or below direct cost, stated in both dollars and percent;
- 18 5. A statement as to why each above-cost or below-cost contribution rate was chosen; and
- 19 6. The anticipated effect of the change on the company's rate of return.

20 (4) Whenever a new or additional service classification or rate schedule is filed with the  
21 Commission, the information required by subsection (1) above need not be furnished. In lieu  
22 thereof, a statement shall be filed stating the purpose and reason for the new service

23 classification or schedule and, if determinable, the estimated annual revenue to be derived

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law.

1 therefrom and the estimated number of customers to be served thereby.

2 (5) The company shall provide a coded copy of each tariff sheet filed showing changes to the  
3 existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words  
4 to be deleted shall be lined through with hyphens.

5 ~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone~~  
6 ~~interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~  
7 *Specific Authority 350.127(2) FS. Law Implemented ~~364.05, 364.3381~~, 366.06, 367.081 FS.*  
8 *History—Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05,*  
9 *Amended 5-24-94.*

10  
11 **25-9.008 Telephone Utility Tariffs.**

12 ~~In general, the filed tariffs of telephone and telegraph utilities shall contain the following:~~

	Ref. Rule No.
15 (1) <del>Front cover</del>	25-9.020
16 (2) <del>Title page</del>	25-9.021
17 (3) <del>Table of contents</del>	25-9.022
18 (4) <del>General description of the territory served</del>	25-9.023
19 (5) <del>Technical terms and abbreviations</del>	25-9.025
20 (6) <del>Index of general rules and regulations</del>	25-9.026
21 (7) <del>General rules and regulations</del>	25-9.027
22 (8) <del>Index to local exchange schedules</del>	25-9.029
23 (9) <del>Local exchange schedules</del>	25-9.030 & 25-9.032

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25 law.

1       ~~(10) Back cover~~

2  
3       *Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75,*  
4       *10-22-75, Formerly 25-9.08.*

5  
6       **25-9.009 Numbering and General Data Required for Each Sheet.**

7       The numbering and general data required by this rule and listed below shall appear on each sheet  
8       in the rate book excepting the front and back covers and the individual sheets of special  
9       contracts.

10      (1) Every sheet (or page) in the rate book shall be numbered. While any system which provides  
11      for an orderly arrangement of the tariff is acceptable, it is suggested that, in the interest of  
12      uniformity, all utilities give consideration to the following recommended procedures:

13      (a) Those utilities subject to Rule 25-9.007, F.A.C., should employ a decimal system of  
14      numbering, so that any new or additional material may be inserted in the logical place in the  
15      proper section of the tariff.

16      ~~(b) Telephone and telegraph utilities covered by Rule 25-9.008, F.A.C., should continue the~~  
17      ~~presently effective section and sheet numbering system which is uniformly employed by all such~~  
18      ~~utilities, the size and construction of whose tariffs require such division.~~

19      ~~(b)(e)~~ Utilities of any classification, the size of whose tariffs are limited to relatively few pages,  
20      may, at their option, employ a simple consecutive sheet numbering system.

21      (2) Each sheet shall bear the name of the utility, which shall appear in the upper left-hand corner  
22      of the sheet.

23      (3) The FIRST issue of each sheet in the rate book shall be marked "Original Sheet" in the upper  
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25      law.

1 right-hand corner of the sheet. As an example:

2 Original Sheet No. 1, or Original Sheet No. 5.2.

3 (4) Revised sheets in the rate book shall be marked with the serial number of the revision in the  
4 upper right-hand corner and the number of the sheet it replaces. As an example:

5 First Revised Sheet No. 1

6 Cancels Original Sheet No. 1

7 or

8 Fourth Revised Sheet No. 5.2

9 Cancels Third Revised Sheet No. 5.2

10 (5) At the bottom of each sheet shall appear the name and title of the issuing officer of the utility.

11 *Specific Authority 350.127(2), 367.121 FS. Law Implemented ~~364.04~~, 366.05, 367.041 FS.*

12 *History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09.*

13  
14 **25-9.022 Table of Contents.**

15 (1) In rate books of less than thirty (30) sheets, the table of contents may serve as a detailed  
16 subject index for the entire volume or for all sections the size of which does not require an  
17 individual index.

18 (2) In the larger rate books the major sections will be individually indexed in accordance with  
19 Rules 25-9.007 and ~~25-9.008~~, F.A.C. In these larger rate books the table of contents will serve as  
20 an index or guide to the separate sections as set out in ~~said two rules~~ Rule 25-9.007, F.A.C.

21 *Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1),*  
22 *367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.22.*

23  
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1 **25-9.027 Rules and Regulations.**

2 (1) This section shall include all rules, regulations, practices, services, classifications, exceptions  
3 and conditions made or observed relative to the utility service furnished which are general and  
4 apply to all or many of the rate schedules ~~or exchange areas served~~.

5 (2) The regulations shall be lettered or numbered and titled so that convenient reference can be  
6 made to them.

7 (3) If a general regulation does not apply to a particular schedule, or classification ~~or exchange~~,  
8 that fact should be clearly stated.

9 *Specific Authority 350.127(2), 366.05(1) FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2)*  
10 *FS. History—Repromulgated 1-8-75, Formerly 25-9.27.*

11  
12 **25-9.029 Index of Rate ~~or Exchange~~ Schedules.**

13 (1) This section shall provide an index to facilitate prompt reference to any particular rate  
14 schedule ~~or to any given exchange~~.

15 (2) In cases where the rate sections for which this index is provided contain less than twelve (12)  
16 sheets, this section may be omitted.

17 *Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1),*  
18 *367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.29.*

19  
20 **25-9.032 Telephone Utility Exchange Schedules.**

21 ~~(1) Local rates for no more than one exchange area shall appear on a single sheet.~~

22 ~~(2) Local exchange schedules shall be arranged alphabetically and the sequence of arrangement~~  
23 ~~of information for each schedule shall be as follows:~~

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law.



1 ~~(a) Application of and exceptions to general regulations and rates shall be clearly stated.~~

2 ~~(b) Rates and services within the base rate area.~~

3 ~~(c) Rates and services outside the base rate area but within the exchange service area.~~

4 ~~(d) Miscellaneous local rates and services if not shown in or if they differ from the general rates~~  
5 ~~and services otherwise applicable.~~

6 ~~(e) Map and/or written description of base rate area.~~

7 ~~(f) Map and/or written description of exchange service area.~~

8 *Specific Authority 350.127(2), FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75,*  
9 *Formerly 25-9.32.*

10  
11 **25-4.0201 Audit Access to Records.**

12 This rule addresses the reasonable access to utility and affiliate records provided by Section  
13 364.183(1), F.S., for the purposes of management and financial audits.

14 (1) The audit scope, audit program and objectives, and audit requests are not constrained by  
15 relevancy standards narrower than those provided by Section 364.183(1), F.S.

16 (2) Reasonable access means that company responses to audit requests for access to records shall  
17 be fully provided within the time frame established by the auditor. In establishing a due date, the  
18 auditor shall consider the location of the records, the volume of information requested, the  
19 number of pending requests, the amount of independent analysis required, and reasonable time  
20 for the utility to review its response for possible claims of confidentiality or privilege.

21 (3) In those instances where the utility disagrees with the auditor's assessment of a reasonable  
22 response time to the request, the utility shall first attempt to discuss the disagreement with the  
23 auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall

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25 law.

1 discuss the issue with successive levels of supervisors at the Commission until an agreement is  
2 reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is  
3 related to an undocketed case, the Chairman shall make the decision.

4 (4) The utility and its affiliates shall have the opportunity to safeguard their records by copying  
5 them or logging them out, provided, however, that safeguard measures shall not be used to  
6 prevent reasonable access by Commission auditors to utility or affiliate records.

7 (5) Reasonable access to records includes reasonable access to personnel to obtain testimonial  
8 evidence in response to inquiries or through interviews.

9 (6) Nothing in this rule shall preclude Commission auditors from making copies or taking notes.

10 In the event these notes relate to documents for which the company has asserted confidential  
11 status, such notes shall also be given confidential status.

12 (7) Form PSC/RCA 6-R (2/95), entitled "Audit Document and Record Request/Notice of Intent"  
13 is incorporated by reference into this rule. This form is used by auditors when requests are  
14 formalized. This form documents audit requests, the due dates for responses, and all Notices of  
15 Intent to Seek Confidential Classification.

16 *Specific Authority 350.127(2) FS. Law Implemented 364.183(1) FS. History—New 3-1-95.*

17  
18 **25-4.067 Extension of Facilities - Contributions in Aid of Construction.**

19 (1) Each telecommunications company shall make reasonable extensions to its lines and service  
20 and shall include in its tariffs filed with the Commission a statement of its standard extension  
21 policy setting forth the terms and conditions under which its facilities will be extended to serve  
22 applicants for service within its certificated area.

23 (2) This line extension policy shall have uniform application and shall provide the proportion of  
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law.

1 construction expense to be borne by the utility in serving the immediate applicant shall be not  
2 less than five times the annual exchange revenue of the applicants.

3 (3) If the cost which the servicing utility must bear under subsection (2) above (or has provided  
4 in its tariff) equals or exceeds the estimated cost of the proposed extension, the utility shall  
5 construct it without cost to the subscribers initially served. If the estimated cost of the proposed  
6 extension exceeds the amount which the utility is required to bear, the excess cost may be  
7 distributed equitably among all subscribers initially served by the extension. However, no  
8 portion of construction shall be assessed to the applicant for the provision of new plant where the  
9 new plant parallels and reinforces existing plant or is constructed on or along any public road or  
10 highway and is to be used to serve subscribers in general except in those instances where the  
11 applicant requests that facilities be constructed by other than the normal serving method. The  
12 company's tariffs shall provide that such excess may be paid in cash in a lump sum or as a  
13 surcharge over a period of five years or such lesser period as the subscriber and company may  
14 mutually agree upon.

15 (4) Line extension tariffs shall also contain provisions designed to require that all subscribers  
16 served by a line extension during the first five years after it is constructed shall pay their pro rata  
17 share of the costs assignable to them.

18 (5) No company shall be required to extend facilities for new service unless the right-of-way  
19 necessary for the construction of line extension is provided by the applicant or group of  
20 applicants. Where pole attachments may be made in lieu of new construction costs, the company  
21 may charge the subscriber the expense or rental charges for such attachments, provided that the  
22 applicant may elect to pay excess construction costs as though the service were provided without  
23 the use of attachments.

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law.

1 (6) Except as provided in filed tariffs, the ownership of all facilities constructed as herein  
2 provided shall be vested in the telecommunications company and no portion of the expense  
3 assessed against the applicant shall be refundable by the company.

4 (7) Nothing in this rule shall be construed as prohibiting any utility from establishing an  
5 extension policy more favorable to customers as long as no undue discrimination is practiced  
6 between customers under the same or substantially the same circumstances and conditions.

7 (8) In the event that a company and applicant are unable to agree in regard to an extension, either  
8 party may appeal to the Commission for a review.

9 *Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08,*  
10 *364.15 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96.*

11  
12 **25-4.071 Adequacy of Service.**

13 (1) Each telecommunications company shall provide switching equipment, trunking, and  
14 associated facilities within its operating territory for the handling of local and toll traffic,  
15 designed and engineered on the basis of realistic forecasts of growth so that during the average  
16 busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting,  
17 inter-office, extended area service) shall not encounter an all-trunk busy condition.

18 (2) Telephone calls to valid numbers should encounter a ring-back tone, line busy signal, or non-  
19 working number intercept facility (operator or recording) after completion of dialing. The call  
20 completion standards established for such calls by category of call is as follows:

- 21 (a) Intra-office Calls – 95 percent,  
22 (b) Inter-office Calls – 95 percent,  
23 (c) Extended Area Calls – 95 percent, and

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law.

1 (d) Intra-LATA DDD Calls – 95 percent.

2 (3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable  
3 recorded intercept facility, preferably a recording other than the non-working number recording  
4 used for valid number calls.

5 (4) Intercept service shall be as outlined in Rule 25-4.074, F.A.C.

6 (5) A line busy signal (60 impulse per minute tone) shall not be used for any signaling purpose  
7 except to denote that a subscriber's line, other valid terminal, centrex or PBX trunks, or  
8 equipment where the quantity is controlled by the customer is in use.

9 *Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18,*  
10 *364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71,*  
11 *Amended 6-24-90, 3-10-96.*

12  
13 **25-4.072 Transmission Requirements.**

14 (1) Telecommunications companies shall furnish and maintain the necessary plant, equipment,  
15 and facilities to provide modern, adequate, sufficient, and efficient transmission of  
16 communications between customers in their service areas. Transmission parameters shall  
17 conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted  
18 1984) incorporated herein by reference.

19 (2) Accurate dependable milliwatt supplies shall be made a part of each central office.

20 Additionally, for those central offices having an installed line capacity of 1,000 lines or more, the  
21 buffered access on a minimum three line rotary group basis shall be a part of the milliwatt  
22 supply.

23 (3) Each central office shall be equipped with a minimum of one termination which shall trip

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1 ringing and terminate the line on a balanced basis so that end to end noise measurements may be  
2 made.

3 *Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS.*

4 *History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, 4-3-05.*

5  
6 **25-4.074 Intercept Service.**

7 (1) Intercept service shall be engineered to provide a 90 percent completion for changed numbers  
8 (with the exception of the 30 day period immediately following an inter-office transfer with  
9 directory) and for vacant or non-working numbers.

10 (2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed  
11 on intercept (preferably operator intercept).

12 (3) All private branch exchanges and In-Dial Paging Systems, whether provided by the company  
13 or customer and which are equipped for direct in-dialing and installed after the effective date of  
14 these rules, shall meet the service requirements outlined herein prior to the assignment of a  
15 number block by the telephone company.

16 (4) With the exception of numbers that are changed coincident with the issuance of a new  
17 directory, intercept service shall be provided by each telephone company in accordance with the  
18 following:

19 (a) Intercept service shall be provided for non-working and changed numbers until assigned, re-  
20 assigned, or no longer listed in the directory.

21 (b) Any 7-digit number (or other number serving a public safety or other emergency agency)  
22 when replaced by the universal emergency number "911" shall be intercepted by either a

23 telecommunications company assistance or a public safety agency operator or special recorded

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1 announcement for at least one year or until the next directory issue. Also, intercept service for  
2 the universal emergency telephone number "911" shall be provided in central offices where the  
3 number is inoperable. The intercept service may be automated with a message indicating the  
4 "911" emergency number is inoperable in that area and to consult the directory for the  
5 appropriate emergency number or if a directory is not available to dial operator for assistance.  
6 *Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History--New*  
7 *12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96.*

8  
9 **25-4.083 Preferred Carrier Freeze.**

10 (1) A PC Freeze shall not be imposed or removed on a subscriber's account without the  
11 subscriber's authorization and shall not be required as a condition for obtaining service.

12 (2) A PC Freeze shall be implemented or removed at no charge to the subscriber.

13 (3) The subscriber's authorization shall be obtained for each service for which a PC Freeze is  
14 requested. Procedures implemented by local exchange providers must clearly distinguish among  
15 telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

16 (4) All notification material regarding PC Freezes must include:

17 (a) An explanation of what a PC Freeze is and what services are subject to a freeze;

18 (b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that  
19 the subscriber will be unable to make a change in provider selection unless the subscriber  
20 authorizes lifting of the PC Freeze; and

21 (c) An explanation that there are no charges for implementing or removing a PC Freeze.

22 (5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A

23 local provider is not prohibited, however, from informing an existing or potential new subscriber  
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1 who expresses concerns about slamming about the availability of a PC Freeze.

2 (6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to  
3 impose a freeze has first been confirmed in accordance with one of the following procedures:

4 (a) The local exchange provider has obtained the subscriber's written or electronically signed  
5 authorization in a form that meets the requirements of subsection (7);

6 (b) The local exchange provider has obtained the subscriber's electronic authorization, placed  
7 from the telephone number(s) on which the PC Freeze is to be imposed. The electronic  
8 authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or  
9 the last four digits of the subscriber's social security number) and the information required in

10 paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze  
11 orders electronically shall establish one or more toll-free telephone numbers exclusively for that  
12 purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar  
13 mechanism that records the required information regarding the PC Freeze request, including  
14 automatically recording the originating automatic numbering identification; or

15 (c) An independent third party has obtained the subscriber's oral authorization to submit the PC  
16 Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the  
17 last four digits of the subscriber's social security number) and the information required in  
18 paragraphs (7)(a) through (d). The independent third party must not be owned, managed, or  
19 directly controlled by the provider or the provider's marketing agent; must not have any financial  
20 incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and  
21 must operate in a location physically separate from the provider or the provider's marketing  
22 agent. The content of the verification must include clear and conspicuous confirmation that the  
23 subscriber has authorized a PC Freeze.

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1 (7) A local exchange provider shall accept a subscriber's written and signed authorization to  
2 impose a PC Freeze on a preferred provider selection. A written authorization shall be printed in  
3 a readable type of sufficient size to be clearly legible and must contain clear and unambiguous  
4 language that confirms:

5 (a) The subscriber's billing name and address and the telephone number(s) to be covered by the  
6 PC Freeze;

7 (b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze  
8 will be imposed.;

9 (c) That the subscriber understands that to make a change in provider selection, the subscriber  
10 must lift the PC Freeze; and

11 (d) That there will be no charge to the subscriber for a PC Freeze.

12 (8) All local exchange providers shall, at a minimum, offer subscribers the following procedures  
13 for lifting a PC Freeze:

14 (a) Acceptance of a subscriber's written or electronically signed authorization; and

15 (b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the  
16 submitting provider to conduct a three-way conference call between the provider administering  
17 the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm  
18 appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the  
19 subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.

20 (9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by the  
21 provider for a period of one year.

22 (10) A PC Freeze shall not prohibit a local provider from changing wholesale services when  
23 serving the same end user.

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law.

1 (11) Local providers shall make available an indicator on the customer service record that  
2 identifies whether the subscriber currently has a PC Freeze in place.

3 (12) Local providers shall make available the ability for the subscriber's new local provider to  
4 initiate a local PC Freeze using the local service request.

5 *Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History—*  
6 *New 9-9-04.*

7  
8 **25-4.085 Service Guarantee Program.**

9 A company may petition the Commission for approval of a Service Guarantee Program, which  
10 would relieve the company from the rule requirement of each service standard addressed in the  
11 approved Service Guarantee Program. When evaluating a Service Guarantee Program for  
12 approval, the Commission will consider the Program's benefits to the customers and whether the  
13 Program is in the public interest. The Commission shall have the right to enforce the provisions  
14 of the Service Guarantee Plan.

15 *Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035,*  
16 *364.386 FS. History—New 6-14-05.*

17  
18 **25-4.107 Information to Customers.**

19 (1) Each company shall provide such information and assistance as is reasonable to assist any  
20 customer or applicant in obtaining telephone service adequate to his communications needs. At  
21 the time of initial contact, each local exchange telecommunications company shall advise the  
22 person applying for or inquiring about residential or single line business service of the rate for  
23 the least expensive one party basic local exchange telephone service available to him unless he  
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1 requests specific equipment or services. Each company shall inform all persons applying for  
2 residential service of the availability of the company's installment plan for the payment of  
3 service connection charges. The information will be provided at the time of initial contact and  
4 shall include, but not be limited to, information on rate amounts and installment time periods and  
5 procedures. Upon customer request, the person shall also be given an 800 number to call to  
6 receive information on the "No Sales Solicitation" list offered through the Department of  
7 Agriculture and Consumer Services, Division of Consumer Services. In any discussion of  
8 enhanced or optional services, each service shall be identified specifically, and the price of each  
9 service shall be given. Such person shall also be informed of the availability of and rates for local  
10 measured service, if offered in his exchange. Local exchange telecommunications companies  
11 shall submit copies of the information provided to customer service representatives to the  
12 Division of Competitive Markets and Enforcement for prior approval.

13 (2) At the earliest time practicable, the company shall provide to that customer the billing cycle  
14 and approximate date he may expect to receive his monthly billing.

15 *Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04,*  
16 *364.051, 364.15, 350.127 FS. History—New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-91, 10-*  
17 *30-91.*

18  
19 **25-4.108 Initiation of Service.**

20 Any applicant for telephone service may be required to make application in writing in  
21 accordance with standard practices and forms prescribed by the utility, provided that the policy  
22 adopted by the utility for the initiation of service shall have uniform application and shall be set  
23 forth in its filed tariff. Such application shall be considered as notice to the utility that the

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law.

1 applicant desires service and upon compliance by the applicant with such other provisions  
2 governing utility service as may be in effect, the utility shall undertake to initiate service without  
3 unreasonable delay. Each company shall permit residential customers to pay service connection  
4 charges in equal monthly installments over a period of at least 3 months. A company may charge  
5 a monthly service fee of \$1.00 to applicants who elect to pay the service connection charge in  
6 installments.

7 *Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04,*  
8 *364.051, 364.08, 364.15 FS. History—New 12-1-68, Amended 10-30-91.*

9  
10 **25-4.109 Customer Deposits.**

11 (1) Deposit required; establishment of credit. Each local exchange company's (LEC) tariff shall  
12 contain their specific criteria for determining the amount of initial deposit. Each LEC may  
13 require an applicant for service to satisfactorily establish credit, but such establishment of credit  
14 shall not relieve the customer from complying with the company's rules for prompt payment of  
15 bills. Credit will be deemed so established if:

16 (a) The applicant for service has been a customer of any LEC within the last two years and  
17 during the last twelve (12) consecutive months of service did not have more than one occasion in  
18 which a bill was paid after becoming delinquent and has never had service disconnected for non-  
19 payment.

20 (b) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the  
21 service requested. A satisfactory guarantor shall, at the minimum, be a customer of the company  
22 with a satisfactory payment record. A guarantor's liability shall be terminated when a residential  
23 customer whose payment of bills is secured by the guarantor meets the requirements of

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law.

1 subsection (4) of this rule. Guarantors providing security for payment of residential customers'  
2 bills shall only be liable for bills contracted at the service address contained in the contract of  
3 guaranty.

4 (c) The applicant pays a cash deposit.

5 (d) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety  
6 bond.

7 (2) Amount of deposit. The amount of the initial required deposit shall not exceed an amount  
8 equal to the charges for one month's local exchange service plus two months estimated toll  
9 service provided by or billed by the LEC. If, after ninety (90) days service, the actual deposit is  
10 found to be greater than an amount equal to one month's local service plus two months actual  
11 average toll service provided by or billed by the LEC, the company shall, upon demand of the  
12 subscriber to the Company, promptly refund the difference. These deposit rules apply to local  
13 exchange service and toll service provided by or billed by the LEC only and do not apply to  
14 special arrangement agreements covering termination equipment installations for which the  
15 telephone company may require a reasonable deposit.

16 (3) New or additional deposits. A company may require upon reasonable written notice of not  
17 less than 15 days, a new deposit, where previously waived or returned, or an additional deposit,  
18 in order to secure payment of current bills. Provided, however, that the total amount of required  
19 deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC  
20 plus one month's local service charge, for the 90-day period immediately prior to the date of  
21 notice. In the event the customer has had service less than 90 days, then the company shall base  
22 its new or additional deposit upon the actual average monthly billing available. When the  
23 company has a good reason to believe payment by a nonresidential customer is in jeopardy and  
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1 toll usage provided by or billed by the LEC is significantly above normal for that customer, the  
2 company may request a new or additional deposit. If the deposit requested is not paid within 48  
3 hours, the company may discontinue service.

4 (4) Refund of deposit. After a customer has established a satisfactory payment record and has  
5 had continuous service for a period of 23 months, the company shall refund the residential  
6 customer's deposits and shall, at its option, either refund or pay the higher rate of interest  
7 specified below for nonresidential deposits, providing the customer has not, in the preceding 12  
8 months:

9 (a) Made more than one late payment of a bill (after the expiration of 15 days from the date of  
10 mailing or delivery by the company);

11 (b) Paid with a check refused by a bank;

12 (c) Been disconnected for nonpayment, or at any time; and

13 (d) Used service in a fraudulent or unauthorized manner.

14 (5) Interest on deposit.

15 (a) Each telephone company which requires deposits to be made by its customers shall pay a  
16 minimum interest on such deposits of 6 percent per annum. The company shall pay an interest  
17 rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection

18 (4) when the utility elects not to refund such deposit after 23 months.

19 (b) The deposit interest shall be simple interest in all cases and settlement shall be made  
20 annually, either in cash or by credit on the current bill. This does not prohibit any company  
21 paying a higher rate of interest than required by this rule. No customer depositor shall be entitled  
22 to receive interest on their deposit until and unless a customer relationship and the deposit have  
23 been in existence for a continuous period of six months. Then he or she shall be entitled to

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1 receive interest from the day of the commencement of the customer relationship and the  
2 placement of deposit. Nothing in this rule shall prohibit a company from refunding at any time a  
3 deposit with an accrued interest.

4 (6) Record of deposits. Each company having on hand deposits from customers or hereafter  
5 receiving deposits from them shall keep records to show:

6 (a) The name of each customer making the deposit;

7 (b) The premises occupied by the customer when the deposit was made;

8 (c) The date and amount of deposit; and

9 (d) Each transaction concerning the deposit such as interest payment, interest credited or similar  
10 transactions.

11 (7) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each customer  
12 and means provided so that the customer may claim the deposit if the certificate is lost. The  
13 deposit receipt shall contain notice that after ninety (90) days service, the subscriber is entitled to  
14 refunds of any deposit over and above an amount equal to one month's local service plus two  
15 months' average toll service provided by or billed by the LEC.

16 (8) Refund of deposit when service is discontinued. Upon termination of service, the deposit and  
17 accrued interest may be credited against the final account of the LEC and the balance, if any,  
18 shall be returned promptly to the customer but in no event later than forty-five (45) days after  
19 service is discontinued.

20 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—New*  
21 *12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-*  
22 *25-94.*

23  
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1 **25-4.110 Customer Billing for Local Exchange Telecommunications Companies.**

2 (1) Each company shall issue bills monthly or may offer customers a choice of billing intervals  
3 that includes a monthly billing interval.

4 (2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and  
5 payable.

6 (a) There shall be a heading for each originating party which is billing to that customer account  
7 for that billing period. The heading shall clearly and conspicuously indicate the originating  
8 party's name. If the originating party is a certificated telecommunications company, the  
9 certificated name must be shown. If the originating party has more than one certificated name,  
10 the name appearing in the heading must be the name used to market the service.

11 (b) The toll-free customer service number for the service provider or its customer service agent  
12 must be conspicuously displayed in the heading, immediately below the heading, or immediately  
13 following the list of charges for the service provider. For purposes of this subparagraph, the  
14 service provider is defined as the company which provided the service to the end user. If the  
15 service provider has a customer service agent, the toll-free number must be that of the customer  
16 service agent and must be displayed with the service provider's heading or with the customer  
17 service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a  
18 person or entity that acts for any originating party pursuant to the terms of a written agreement.  
19 The scope of such agency shall be limited to the terms of such written agreement.

20 (c) Each charge shall be described under the applicable originating party heading.

21 (d)1. Taxes, fees, and surcharges related to an originating party heading shall be shown  
22 immediately below the charges described under that heading. The terminology for Federal  
23 Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required  
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law.



1 terminology.

2 2. The billing party shall either:

3 a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the  
4 assessment base and rate for each percentage based tax, fee, and surcharge, or

5 b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge  
6 to any customer who contacts the billing party or customer service agent with a billing question  
7 and expresses difficulty in understanding the bill after discussion with a service representative.

8 (ii) If the customer requests or continues to express difficulty in understanding the explanation of  
9 the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide  
10 an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line  
11 items which comprise the assessment base for each percentage based tax, fee, and surcharge; or  
12 the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's  
13 concern. The billing party or customer service agent shall provide this information to the  
14 customer in writing upon the customer's request.

15 (e) If each recurring charge due and payable is not itemized, each bill shall contain the following  
16 statement: "Further written itemization of local billing available upon request."

17 (3) Each LEC shall provide an itemized bill for local service:

18 (a) With the first bill rendered after local exchange service to a customer is initiated or changed;

19 and

20 (b) To every customer at least once each twelve months.

21 (4) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization  
22 and advises the customer to verify the items and charges on the itemized bill. This bill stuffer

23 shall be submitted to the Commission's Division of Competitive Markets and Enforcement for

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1 prior approval. The itemized bill provided to residential customers and to business customers  
2 with less than ten access lines per service location shall be in easily understood language. The  
3 itemized bill provided to business customers with ten or more access lines per service location  
4 may be stated in service order code, provided that it contains a statement that, upon request, an  
5 easily understood translation is available in written form without charge. An itemized bill shall  
6 include, but not be limited to the following information, separately stated:

- 7 (a) Number and types of access lines;
- 8 (b) Charges for access to the system, by type of line;
- 9 (c) Touch tone service charges;
- 10 (d) Charges for custom calling features, separated by feature;
- 11 (e) Unlisted number charges;
- 12 (f) Local directory assistance charges;
- 13 (g) Other tariff charges; and
- 14 (h) Other nontariffed, regulated charges contained in the bill.

15 (5) All bills rendered by a local exchange company shall clearly state the following items:

- 16 (a) Any discount or penalty. The originating party is responsible for informing the billing party  
17 of all such penalties or discounts to appear on the bill, in a form usable by the billing party;
- 18 (b) Past due balance;
- 19 (c) Items for which nonpayment will result in disconnection of the customer's basic local  
20 service, including a statement of the consequences of nonpayment;
- 21 (d) Long-distance monthly or minimum charges, if included in the bill;
- 22 (e) Long-distance usage charges, if included in the bill;
- 23 (f) Usage-based local charges, if included in the bill;

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1 (g) Telecommunications Access System Surcharge, per subsection 25-4.160(3), F.A.C.;

2 (h) "911" fee per Section 365.171(13), F.S.; and

3 (i) Delinquent date.

4 (6) Each company shall make appropriate adjustments or refunds where the subscriber's service  
5 is interrupted by other than the subscriber's negligent or willful act, and remains out of order in  
6 excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the  
7 subscriber shall be the pro rata part of the month's charge for the period of days and that portion  
8 of the service and facilities rendered useless or inoperative; except that the refund shall not be  
9 applicable for the time that the company stands ready to repair the service and the subscriber  
10 does not provide access to the company for such restoration work. The refund may be  
11 accomplished by a credit on a subsequent bill for telephone service.

12 (7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of  
13 mailing or delivery by the company. However, the company may demand immediate payment  
14 under the following circumstances:

15 1. Where service is terminated or abandoned;

16 2. Where toll service is two times greater than the subscriber's average usage as reflected on the  
17 monthly bills for the three months prior to the current bill, or, in the case of a new customer who  
18 has been receiving service for less than four months, where the toll service is twice the estimated  
19 monthly toll service; or

20 3. Where the company has reason to believe that a business subscriber is about to go out of  
21 business or that bankruptcy is imminent for that subscriber.

22 (b) The demand for immediate payment shall be accompanied by a bill which itemizes the  
23 charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall

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1 be mailed or delivered to the customer within three days after the demand is made.

2 (c) If the company cannot present an itemized bill, it may present a summarized bill which  
3 includes the customer's name and address and the total amount due. However, a customer may  
4 refuse to make payment until an itemized bill is presented. The company shall inform the  
5 customer that he may refuse payment until an itemized bill is presented.

6 (8) Each telephone company shall include a bill insert advising each subscriber of the directory  
7 closing date and the subscriber's opportunity to correct any error or make changes as the  
8 subscriber deems necessary in advance of the closing date. It shall also state that at no additional  
9 charge and upon the request of any residential subscriber, the exchange company shall list an  
10 additional first name or initial under the same address, telephone number, and surname of the  
11 subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the  
12 directory closing date.

13 (9) Annually, each telephone company shall include a bill insert advising each residential  
14 subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list  
15 maintained by the Department of Agriculture and Consumer Services, Division of Consumer  
16 Services, and the 800 number to contact to receive more information.

17 (10) Where any undercharge in billing of a customer is the result of a company mistake, the  
18 company may not backbill in excess of 12 months. Nor may the company recover in a  
19 ratemaking proceeding any lost revenue which inures to the company's detriment on account of  
20 this provision.

21 (11) Local Communications Services Tax.

22 (a) The Local Communications Services Tax is comprised of the discretionary communications  
23 services tax levied by the governing authority of each municipality and county authorized by

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1 Chapter 202, F.S.

2 (b) When a municipality or county levies the Local Communications Services Tax authorized by  
3 Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers  
4 receiving service within that municipality or county.

5 (c) A local exchange company may not incorporate any portion of the Local Communications  
6 Services Tax into its other rates for service.

7 (12) State Communications Services Tax.

8 (a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by  
9 Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any  
10 local option sales tax.

11 (b) A local exchange company may not incorporate any portion of the State Communications  
12 Services Tax into its other rates for service.

13 (13) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying  
14 any unpaid regulated charges. The remaining portion of the payment, if any, shall be applied to  
15 nonregulated charges.

16 (14) All bills produced shall clearly and conspicuously display the following information for  
17 each service billed in regard to each company claiming to be the customer's presubscribed  
18 provider for local, local toll, or toll service:

19 (a) The name of the certificated company;

20 (b) Type of service provided, i.e., local, local toll, or toll; and

21 (c) A toll-free customer service number.

22 (15) This section applies to LECs that provide transmission services or bill and collect on behalf  
23 of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications

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1 services between locations within the State of Florida which permit communications between an  
2 end use customer and an information provider's program at a per call charge to the end  
3 user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services  
4 provided by interexchange carriers.

5 (a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular  
6 long distance or local charges by appearing separately under a heading that reads as follows:  
7 "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly  
8 and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or  
9 976) charges:

- 10 1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of  
11 local service;
- 12 2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the  
13 LEC;
- 14 3. The local or toll-free number the end user/customer can call to dispute charges;
- 15 4. The name of the IXC providing 900 service; and
- 16 5. The Pay Per Call service (900 or 976) program name.

17 (b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual  
18 relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call  
19 transmission service or billing services, unless the provider does each of the following:

- 20 1. Provides a preamble to the program which states the per minute and total minimum charges  
21 for the Pay Per Call service (900 and 976); child's parental notification requirement is announced  
22 on preambles for all programs where there is a potential for minors to be attracted to the  
23 program; child's parental notification requirement in any preamble to a program targeted to  
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NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
PAGE 55

1 children must be in language easily understandable to children; and programs that do not exceed  
2 \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;

3 2. Provides an 18 second billing grace period in which the end user/customer can disconnect the  
4 call without incurring a charge; from the time the call is answered at the Pay Per Call provider's  
5 premises, the preamble message must be no longer than 15 seconds. The program may allow an  
6 end user/customer to affirmatively bypass a preamble;

7 3. Provides on each program promotion targeted at children (defined as younger than 18 years of  
8 age) clear and conspicuous notification, in language understandable to children, of the  
9 requirement to obtain parental permission before placing or continuing with the call. The  
10 parental consent notification shall appear prominently in all advertising and promotional  
11 materials, and in the program preamble. Children's programs shall not have rates in excess of  
12 \$5.00 per call, and shall not include the enticement of a gift or premium;

13 4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay  
14 Per Call (900 or 976) number;

15 5. Prominently discloses the additional cost per minute or per call for any other telephone  
16 number that an end user/customer is referred to either directly or indirectly;

17 6. In all advertising and promotional materials, displays charges immediately above, below, or  
18 next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a  
19 glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals,  
20 must be shown on the screen for the same duration as the Pay Per Call number is shown, each  
21 time the Pay Per Call number is shown. Oral representations shall be equally as clear;

22 7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble  
23 notification of the price that will be incurred if the end user/customer stays on the line, and a  
24 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing  
law.

1 local or toll free number for consumer complaints; and

2 8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or  
3 contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per  
4 Call (900 or 976) provider which when violated, would result in the termination of a  
5 transmission or billing arrangement.

6 (c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically  
7 feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no  
8 charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in  
9 adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill  
10 containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that  
11 Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary  
12 to reflect calls billed in the following month which were placed prior to the Pay Per Call service  
13 inquiry. At the time the charge is removed, the end user/customer may agree to free blocking of  
14 Pay Per Call service (900 and 976).

15 (d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service  
16 (900 and 976) shall be automatically adjusted upon complaint that:

17 1. The end user/customer did not receive a price advertisement, the price of the call was  
18 misrepresented to the consumer, or the price advertisement received by the consumer was false,  
19 misleading, or deceptive;

20 2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976)  
21 advertisement;

22 3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to  
23 render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from  
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law.



1 the service;

2 4. The Pay Per Call (900 and/or 976) service provided out-of-date information; or

3 5. The end user/customer terminated the call during the preamble described in subparagraph 25-  
4 4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).

5 (e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge  
6 which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay  
7 Per Call (900 and 976) blocking on that line.

8 (f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end  
9 user/customer in Florida shall not:

10 1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being  
11 disputed or which have been removed from an end user's/customer's bill; or

12 2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of  
13 Pay Per Call (900 or 976) charges.

14 (g) LECs and IXCs billing Pay Per Call service (900 and 976) charges to end users/customers in  
15 Florida shall implement safeguards to prevent the disconnection of phone service for non-  
16 payment of Pay Per Call (900 or 976) charges.

17 (16) Companies that bill for local service must provide notification with the customer's first bill  
18 or via letter, and annually thereafter that a PC Freeze is available. Existing customers must be  
19 notified annually that a PC Freeze is available.

20 (17) The customer must be given notice on the first or second page of the customer's next bill in  
21 conspicuous bold face type when the customer's presubscribed provider of local, local toll, or  
22 toll service has changed.

23 (18) If a customer notifies a billing party that they did not order an item appearing on their bill or  
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1 that they were not provided a service appearing on their bill, the billing party shall promptly  
2 provide the customer a credit for the item and remove the item from the customer's bill, with the  
3 exception of the following:

4 (a) Charges that originate from:

- 5 1. Billing party or its affiliates;
- 6 2. A governmental agency;
- 7 3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

8 (b) Charges associated with the following types of calls:

- 9 1. Collect calls;
- 10 2. Third party calls;
- 11 3. Customer dialed calls for; and
- 12 4. Calls using a 10-10-xxx calling pattern.

13 (19)(a) Upon request from any customer, a billing party must restrict charges in its bills to only:

- 14 1. Those charges that originate from the following:
  - 15 a. Billing party or its affiliates;
  - 16 b. A governmental agency;
  - 17 c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

18 2. Those charges associated with the following types of calls:

- 19 a. Collect calls;
- 20 b. Third party calls;
- 21 c. Customer dialed calls; and
- 22 d. Calls using a 10-10-xxx calling pattern.

23 (b) Customers must be notified of this right by billing parties annually and at each time a

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25 law.

1 customer notifies a billing party that the customer's bill contained charges for products or  
2 services that the customer did not order or that were not provided to the customer.

3 (c) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S.,  
4 are exempted from this subsection.

5 (20) Nothing prohibits originating parties from billing customers directly, even if a charge has  
6 been blocked from a billing party's bill at the request of a customer.

7 *Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05,*  
8 *364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-*  
9 *78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91,*  
10 *3-10-96, 12-28-98, 7-5-00, 11-16-03.*

11  
12 **25-4.113 Refusal or Discontinuance of Service by Company.**

13 (1) As applicable, the company may refuse or discontinue telephone service under the following  
14 conditions provided that, unless otherwise stated, the customer shall be given notice and allowed  
15 a reasonable time to comply with any rule or remedy any deficiency:

16 (a) For non-compliance with or violation of any state or municipal law, ordinance, or regulation  
17 pertaining to telephone service.

18 (b) For the use of telephone service for any other property or purpose than that described in the  
19 application.

20 (c) For failure or refusal to provide the company with a deposit to insure payment of bills in  
21 accordance with the company's regulations.

22 (d) For neglect or refusal to provide reasonable access to the company for the purpose of  
23 inspection and maintenance of equipment owned by the company.

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1 (e) For noncompliance with or violation of the Commission's regulations or the company's rules  
2 and regulations on file with the Commission, provided 5 working days' written notice is given  
3 before termination.

4 (f) For nonpayment of bills for telephone service, including the telecommunications access  
5 system surcharge referred to in subsection 25-4.160(3), F.A.C., provided that suspension or  
6 termination of service shall not be made without 5 working days' written notice to the customer,  
7 except in extreme cases. The written notice shall be separate and apart from the regular monthly  
8 bill for service. A company shall not, however, refuse or discontinue service for nonpayment of a  
9 dishonored check service charge imposed by the company, nor discontinue a customer's Lifeline  
10 local service if the charges, taxes, and fees applicable to dial tone, local usage, dual tone  
11 multifrequency dialing, emergency services such as "911," and relay service are paid. No  
12 company shall discontinue service to any customer for the initial nonpayment of the current bill  
13 on a day the company's business office is closed or on a day preceding a day the business office  
14 is closed.

15 (g) For purposes of paragraphs (e) and (f), "working day" means any day on which the  
16 company's business office is open and the U.S. Mail is delivered.

17 (h) Without notice in the event of customer use of equipment in such manner as to adversely  
18 affect the company's equipment or the company's service to others.

19 (i) Without notice in the event of hazardous conditions or tampering with the equipment  
20 furnished and owned by the company.

21 (j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is  
22 discontinued for fraudulent use of service, the company may, before restoring service, require the  
23 customer to make, at his own expense, all changes in facilities or equipment necessary to

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1 eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting  
2 from such fraudulent use.

3 (2) In case of refusal to establish service, or whenever service is discontinued, the company shall  
4 notify the applicant or customer in writing of the reason for such refusal or discontinuance.

5 (3) Service shall be initiated or restored when the cause for refusal or discontinuance has been  
6 satisfactorily adjusted.

7 (4) The following shall not constitute sufficient cause for refusal or discontinuance of service to  
8 an applicant or customer:

9 (a) Delinquency in payment for service by a previous occupant of the premises, unless the  
10 current applicant or customer occupied the premises at the time the delinquency occurred and the  
11 previous customer continues to occupy the premises and such previous customer shall benefit  
12 from such new service.

13 (b) Delinquency in payment for service by a present occupant who was delinquent at another  
14 address and subsequently joined the household of the customer in good standing.

15 (c) Delinquency in payment for separate telephone service of another customer in the same  
16 residence.

17 (d) Failure to pay for business service at a different location and a different telephone number  
18 shall not constitute sufficient cause for refusal of residence service or vice versa.

19 (e) Failure to pay for a service rendered by the company which is not regulated by the  
20 Commission.

21 (f) Failure to pay the bill of another customer as guarantor thereof.

22 (g) Failure to pay a dishonored check service charge imposed by the company.

23 (5) When service has been discontinued for proper cause, the company may charge a reasonable  
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1 fee to defray the cost of restoring service, provided such charge is set out in its approved tariff on  
2 file with the Commission.

3 *Specific Authority 350.127, 427.704(8) FS. Law Implemented 364.03, 364.19, 364.604, 427.704*  
4 *FS. History—Revised 12-1-68, Amended 3-31-76, 10-25-84, 10-30-86, 1-1-91, 9-16-92, 1-7-93, 1-*  
5 *25-95, 7-5-00.*

6  
7 **25-4.210 Service Evaluations and Investigations.**

8 (1) Commission staff shall not conduct a service evaluation of a small local exchange company  
9 more frequently than every four years unless there is a compelling reason to do so. Reasons  
10 sufficiently compelling to justify service evaluations on a more frequent basis include, but are  
11 not limited to, poor results on the most recent service evaluation, a material number of customer  
12 complaints received by the Commission against a small local exchange company, service quality  
13 deficiencies indicated by the service quality reports filed by the small local exchange company  
14 with the Commission, reports of significant rule violations affecting service by a small local  
15 exchange company, or a complaint from a county or city regarding violation of one of the  
16 Commission's service standards.

17 (2) During the course of undocketed generic investigations involving issues of general  
18 applicability to all or a part of the telecommunications industry, the following shall apply:

19 (a) Commission staff shall coordinate data requests to small local exchange companies and  
20 weigh the benefit that would be gained from the information against the cost of compliance to  
21 determine whether the information is needed.

22 (b) Upon receipt of a Commission staff data request, a small local exchange company may  
23 request to decline to respond if the small local exchange company does not have responsive data  
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1 that will materially contribute to the resolution of the issue under review, or where responding to  
2 the data request would be unduly costly or otherwise burdensome. In such event, the small local  
3 exchange company shall notify the staff within a reasonable time after receipt of the request and  
4 shall state the basis for requesting to not respond. Any dispute arising from a small local  
5 exchange company's notification under this subsection shall be resolved by the Director of the  
6 division issuing the data request or the Director's designee.

7 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.052, 364.15, 364.18 FS.*

8 *History—New 3-10-96.*

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