

State of Florida



Public Service Commission

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

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

DATE: October 30, 2008

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Cowdery, Miller) *W*
 Division of Regulatory Compliance (Harvey, Mailhot, Sakak, Simmons) *DM SCS*
 Division of Economic Regulation (Hewitt) *CBH*
 Division of Service, Safety & Consumer Assistance (Moses) *AMM*

RE: Docket No. 080641-TP – Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications.

AGENDA: 11/13/08 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Skop

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\080641.RCM.DOC

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Case Background

Staff initiated this rulemaking to examine whether 53 telecommunications rules in Chapter 25-4 and 25-9, Florida Administrative Code (F.A.C.), should be amended, repealed, or no longer apply to telecommunications companies.¹ Staff evaluated the rules to identify and

¹ The 53 rules being addressed in this docket are Rules 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

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correct deficiencies in the rules, clarify and simplify rules as necessary, delete obsolete and unnecessary rules, delete rules that are redundant of statutes, improve efficiency, reduce paperwork, or decrease costs to government and the private sector, and to consider the impact of the rules on small business.² The notices initiating rule development appeared in the September 26, 2008 edition of the Florida Administrative Weekly.

A staff workshop was held on October 10, 2008, to obtain input from affected persons. Appearances were made by representatives of BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida Inc., Quincy Telephone Company d/b/a TDS Telecom, Verizon Florida LLC, Windstream Florida, Inc.,³ Competitive Carriers of the South, Inc. (CompSouth), Florida Cable Telecommunications Association (FCTA), the Office of Public Counsel (OPC), AARP, the Florida Office of the Attorney General, and the Communications Workers of America (CWA).

During the course of the workshop, it was determined that participants had no objections to staff's proposal that Rules 25-4.020, 25-4.022, 25-4.034, 25-4.115, 25-4.117, 25-9.001, 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, 25-9.029 should be amended and that Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-9.008, 25-9.032 should be repealed.

This recommendation addresses whether the Commission should propose the amendment of Rules 25-4.020, 25-4.022, 25-4.034, 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 and the repeal of Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-9.008, and 25-9.032, F.A.C.⁴ The remaining 21 rules which were noticed in this

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; 25-9.001, Application and Scope; 25-9.002, Definitions; 25-9.003, Information to Public; 25-9.004, General Filing Instructions; 25-9.005, Information to Accompany Filings; 25-9.006, Size and Form of Tariffs; 25-9.008, Telephone Utility Tariffs; 25-9.009, Numbering and General Data Required for Each Sheet; 25-9.010, Numbering of Supplements and Additions; 25-9.020, Front Cover; 25-9.021, Title Page; 25-9.022, Table of Contents; 25-9.023, Description of Territory Served; 25-9.024, Miscellaneous; 25-9.025, Technical Terms and Abbreviations; 25-9.026, Index of Rules and Regulations; 25-9.027, Rules and Regulations; 25-9.029, Index of Rate or Exchange Schedules; 25-9.030, Rate Schedules – General; 25-9.032, Telephone Utility Exchange Schedules; 25-9.034, Contracts and Agreements; 25-9.044, Change of Ownership; 25-9.045, Withdrawal of Tariffs.

² Staff notes that Section 120.74, Florida Statutes (F.S.), requires that each agency review and revise its rules as often as necessary to ensure that its rules are correct and comply with statutory requirements.

³ These companies are the Joint Petitioners in Docket No. 080159-TP, Joint petition to initiate rulemaking to adopt new rule in Chapter 25-24, F.A.C., amend and repeal Rules in Chapter 25-4, F.A.C., and amend rules in Chapter 25-9, F.A.C., by Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom, and Windstream Florida, Inc.

⁴ If Rule 25-9.001 is amended as staff is recommending in Issue 1, an additional 14 rules in Chapter 25-9, F.A.C., would no longer apply to incumbent local exchange companies (ILECs). However, no change to the text of the rule is required. This is discussed in Issue 1.

Docket No. 080641-TP
Date: October 30, 2008

docket will be addressed in a later staff recommendation after additional evaluation of those rules has been completed.

The Commission has jurisdiction pursuant to Section 120.54 and Chapter 364, F.S.

Discussion of Issues

Issue 1: Should the Commission propose the amendment of Rules 25-4.020, 25-4.022, 25-4.034, 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, F.A.C.?

Recommendation: Yes, the Commission should propose the amendment of these rules as set forth in Attachment A. Staff also recommends that the notice of rulemaking contain language stating that none of the rule amendments are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan. (Cowdery, Mailhot, Salak, Moses).

Staff Analysis: As stated in the Case Background, it became apparent after a review of the information gathered at the October 10, 2008, rule development workshop that there was agreement that certain rules in this docket should be amended. These rules are set forth in Attachment A. Staff is recommending that these rules be amended, as discussed below.

Rule 25-4.020, Location and Preservation of Records (p. 11), should be amended to add language concerning working conditions provided by companies to Commission staff at times when staff makes visits to the companies for audits or record reviews. This language is currently included in Rule 25-4.019, Records and Reports in General, which is being proposed for repeal in Issue 2.

Rule 25-4.022, Complaint-Trouble Reports, Etc. (p. 12), should be amended to eliminate the references to record retention for trouble reports and responses in writing to customer complaints. Rule 25-4.022 should be amended because the record retention requirements for trouble reports are redundant of other rules. Record retention requirements for trouble reports are already included in Rule 25-4.020(3), as specified in Form PSC/ERC/17T (5/93) "Schedule of Records and Periods of Retention." In addition, subsection (1) of Rule 25-4.111, Customer Complaints and Service Requests, requires a company to respond to all complaints within 15 days. As amended, the rule would continue to require telephone companies to maintain for a minimum of six months all signed written complaints made by their subscribers regarding service or errors in billing.

Rule 25-4.034, Tariffs (p. 13), contains certain requirements for the content and maintenance of tariffs filed by telecommunications companies. The rule incorporates by reference the requirements of Chapter 25-9, Construction and Filing of Tariffs by Public Utilities. Currently, most of the specific rules related to tariffs and tariff filings for telephone companies are contained in Chapter 25-9. Staff believes that tariff requirements would be made clearer by including all of the tariff requirements applicable to telephone companies within Rule 25-4.034, rather than splitting the requirements between two different chapters of the Florida Administrative Code. Thus, staff recommends that the specific tariff and tariff filings requirements applicable to ILECs should be moved from Chapter 25-9 to Rule 25-4.034.

In this regard, staff recommends that the applicable tariff and tariff filing requirements related to ILECs be rewritten, deleted from Chapter 25-9, and included in Subsections (1), (2), (5), (6), and (7) of Rule 25-4.034. Subsection (1) of Rule 25-4.034 should be amended to delete the reference to tariff requirements of Chapter 25-9, F.A.C., and to add tariff requirements concerning contract service arrangements. Subsection (2) of Rule 25-4.034 should be amended to include the requirements for filing tariffs with the Division of Regulatory Compliance. Subsection (4) of Rule 25-4.034 should be amended to allow a company to make copies of its retail tariffs available for public inspection by either a printed or an electronic copy. Subsection (5) of Rule 25-4.034 should be amended to include the requirement that companies shall charge only the rates and credits contained in their tariffs and provide the requirements for temporarily deviating from the tariffed rates and credits. Subsection (6) of Rule 25-4.034 should be amended to include the format conventions required for tariffs. Subsection (7) of Rule 25-4.034 should be amended to require the filing of a coded copy of each tariff sheet showing changes to the existing tariff sheet being filed.

As discussed above, the rules in Chapter 25-9 currently apply to telephone, electric, gas, water and wastewater utilities. Because staff is recommending that all tariff requirements for ILECs be contained in Rule 25-4.034, staff is also recommending a number of amendments to Chapter 25-9 to remove all references to telephone companies.

Rule 25-9.001, Application and Scope (p. 17), currently states that Chapter 25-9 applies to telecommunications companies. Staff recommends that Rule 25-9.001 be amended to state that incumbent local exchange companies (ILECs) are excluded from Chapter 25-9. Because Chapter 25-9 does not currently apply to competitive local exchange companies (CLECs), staff recommends that Rule 25-9.001 be amended to clarify that Chapter 25-9 does not apply to CLECs. Staff also recommends that Rules 25-9.002 (p. 18), 25-9.005 (p. 19), 25-9.009 (p. 21), 25-9.022 (p. 23), 25-9.027 (p. 23), and 25-9.029 (p. 23) be amended to remove all references to telephone companies, consistent with staff's recommended change to Rule 25-9.001.

As a result of the amendment to Rule 25-9.001 to exclude ILECs from Chapter 25-9 by moving the specific tariff and tariff filing requirements to Rule 25-4.034, 14 additional rules included in Chapter 25-9 would no longer apply to ILECs.⁵ However, because the text of these rules do not specifically reference telephone companies, no rule language needs to be amended in order to effect this change. These rules would continue to be effective as to other public utilities. References to Chapter 364 in the specific authority and law implemented sections of these rules will be deleted by sending a letter to the Department of State when the other rule amendments discussed above become effective, to inform the department of the technical changes to the rules.

Rule 25-4.115, Directory Assistance (p. 16), should be amended to delete paragraphs (1)(a) and (b) and (2)(b), (c) and (d). The rule would continue to state, however, that there shall

⁵ These rules are: Rules 25-9.003, Information to Public, 25-9.004, General Filing Instructions, 25-9.006, Size and Form of Tariffs, 25-9.010, Numbering of Supplements and Additions, 25-9.020, Front Cover, 25-9.021, Title Page, 25-9.023, Description of Territory Served, 25-9.024, Miscellaneous, 25-9.025, Technical Terms and Abbreviations, 25-9.026, Index of Rules and Regulations, 25-9.030, Rate Schedules – General, 25-9.034, Contracts and Agreements, 25-9.044, Change of Ownership, and 25-9.045, Withdrawal of Tariffs.

be no charge for directory assistance calls from lines or trunks serving individuals with disabilities. The provisions recommended for deletion address: Charges for directory assistance, require charges for directory assistance to be stated in the tariffs filed with the Commission, and require that the tariffs state the number of telephone numbers that may be requested by a customer per directory assistance call. Staff is recommending that these sections be deleted because they are unnecessary and redundant and because they will be sufficiently addressed in amended Rule 25-4.034. Amended Rule 25-4.034 requires that companies shall charge only the rates, charges, and credits contained in their tariffs, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company.

Rule 25-4.117, 800 Service (p. 17), prohibits telephone companies from billing or collecting from the originating caller any charges for calls to an 800 service subscriber. Staff recommends that Rule 25-4.117 be amended to update the rule to include other toll free numbers which have been implemented since the time the rule was first adopted. This rule applies only to intrastate calls. Based upon input from the rule development workshop, staff also recommends clarifying the language of the rule to specifically state that this rule applies to intrastate calls.

At the September 10, 2008, rule development workshop, CompSouth requested that the following language be included in any notice of rulemaking issued in this docket:

None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

It is staff's opinion that the amendments of the above rules are not intended to impact wholesale service or the SEEM plan. Staff has no objection to including the proposed language in any notice of rulemaking issued in this docket.

Statement of Estimated Regulatory Cost (SERC)

The SERC (Attachment C) notes that the proposed amendments are intended to simplify, streamline, and clarify the rules. The SERC also notes that these rule changes would benefit the Commission and customers by having more simple, streamlined, and clarified rules, and that utilities' administrative costs would likely decrease.

Based upon the above, staff recommends that the Commission propose the amendment of Rules 25-4.020, 25-4.022, 25-4.034, 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, F.A.C., as set forth in Attachment A. Staff also recommends that the notice of rulemaking contain language stating that none of the rule amendments are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

Issue 2: Should the Commission propose the repeal of Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-9.008, and 25-9.032, F.A.C.?

Recommendation: Yes, the Commission should propose the repeal of these rules as set forth in Attachment B. Staff also recommends that the notice of rulemaking contain language stating that none of the rule repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan. (Cowdery, Mailhot, Salak, Moses)

Staff Analysis: A review of the information gathered at the staff rule development workshop revealed agreement between staff and workshop participants on a number of rules that should be repealed. These rules are set forth in Attachment B and are discussed below.

Rule 25-4.019, Records and Reports (p. 25), requires each utility to furnish to the Commission the results of any required tests and summaries of any required records, and any information concerning the utility's facilities or operations which the Commission may reasonably request and require. The rule also provides for separation of records under certain circumstances, and addresses requirements regarding staff visits to company offices or other places of business within or outside Florida for inspection purposes.

Staff recommends that Rule 25-4.019 be repealed. Subsection (1) of Rule 25-4.019 is unnecessary because it adds little to Section 364.183, F.S., Access to Company Records, which grants the Commission access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within the Commission's jurisdiction. Subsection (2) of Rule 25-4.019 requires that records must be separated in such a manner that the results of the telephone operation may be determined at any time. The requirement of Subsection (2) is unnecessary because Rule 25-4.017, Uniform System of Accounts, specifies how records are to be kept.

Subsection (3) of Rule 25-4.019 allows the Commission staff, upon notification to the utility, to make personal visits to the company offices for inspection purposes. Subsection (3) is unnecessary because it adds nothing to the language of Section 364.185, F.S., Investigations and Inspections; Power of Commission. The provision in this subsection requiring Commission staff to present identification is obsolete because the statutory authority for this requirement, Section 364.18, F.S., Inspection of Accounts and Records of Companies, does not apply to price regulated ILECs. The requirement in Subsection (3) of Rule 25-4.019 that staff be provided with appropriate working conditions is being reworded and moved to Rule 25-4.020, as discussed in Issue 1. Thus, staff recommends that Rule 25-4.019 be repealed because its provisions are unnecessary, obsolete, or have been moved to a different rule.

Rule 25-4.069, Maintenance of Plant and Equipment (p. 25), is a one sentence rule which requires each telecommunications company to adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times. Staff recommends that Rule 25-4.069 be repealed because Rules 25-4.036, Design and Construction of Plant, and Rule 25-4.038, Safety, provide more specific

requirements related to safe, adequate, and continuous service than are provided by Rule 25-4.069. Rule 25-4.036 requires plant and facilities to be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NFA 70-2005). Rule 25-4.038, Safety, requires each utility to properly warn and protect the public from danger, exercise due care to reduce the hazards to persons who may come into contact with the company's equipment and facilities, and requires the utility to make certain installations to prevent harm to the public pursuant to Articles 800.30 and 800.31 of the National Electric Code. Because Rules 25-4.036 and 25-4.038 specify maintenance, operation, and safety requirements for plant and equipment, staff believes that Rule 25-4.069 is unnecessary and redundant and that it should be repealed.

Rule 25-4.112, Termination of Service by Customer (p. 26), states:

Any customer may be required to give reasonable notice of his intention to discontinue service. Until the telephone utility shall be notified, the customer may be held responsible for charges for telephone service.

Staff recommends that this rule be repealed because it is unnecessary. Because of this rule's permissive nature, the ILEC is under no obligation to set a notice period. If the rule is repealed, this situation would not change – the ILEC still would be under no obligation to set a notice period, but still would have the latitude to do so. A notice provision is inherently a condition of service. Rule 25-4.034(1) requires each ILEC to maintain on file with the Commission tariffs which set forth the conditions and circumstances under which service will be furnished and all general rules and regulations governing the relationship with the customer. Therefore, any notice period would be set forth in tariffs filed with the Commission. If an ILEC were to impose an unreasonably long notice period, staff believes that this would constitute an anticompetitive practice which the Commission could address pursuant to Section 364.051(5), Florida Statutes. In addition, staff notes that the Commission has authority pursuant to Section 364.19, F.S., to regulate terms of telecommunications service contracts between ILECs and their customers. For the above reasons, staff believes that Rule 25-4.112 is unnecessary and should be repealed.

Rule 25-4.200, Application and Scope (p. 26), is the first rule in Part XI of Chapter 25-4, Streamlined Regulatory Procedures for Small LECs. Staff recommends repeal of Rule 25-4.200 because it simply restates the application and scope language found in Section 364.052(2)(b), F.S., which requires the Commission to adopt streamlined procedures for regulating small local exchange companies. For this reason, staff believes that Rule 25-4.200 is unnecessary and redundant and should be repealed.

Rule 25-9.008, Telephone Utility Tariffs (p. 26), contains a list of rules which apply to telephone and telegraph utility tariffs. In Issue 1, staff is recommending that Chapter 25-9 not apply to telephone companies, and instead that all telephone tariff provisions be included in Rule 25-4.034. The rules that are cross-referenced in Rule 25-9.008 that staff believes are necessary for tariff filings have been rewritten and included in amended Rule 25-4.034(6)(f), as discussed in Issue 1. Staff believes that the remaining rules that are cross-referenced in Rule 25-9.008 are overly prescriptive in terms of structure and formatting or duplicative of existing Rule 25-4.034

requirements. Thus, Rule 25-9.008 should be repealed consistent with staff's recommendation in Issue 1 to amend Rule 25-4.034 to contain all relevant telephone utility tariff requirements.

Rule 25-9.032, Telephone Utility Exchange Schedules (p. 27), contains the requirements concerning utility exchange schedules. This rule should be deleted because many of the information requirements are outdated, and Rule 25-4.034 requires that the company's tariff set forth all rates and charges and include maps defining the exchange service areas.

At the September 10, 2008, rule development workshop, CompSouth requested that the following language be included in any notice of rulemaking:

None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

FCTA also requested that the Commission include this language in the notice of rulemaking if the Commission decides to repeal Rule 25-4.069.

It is staff's opinion that the repeal of the rules addressed above are not intended to impact wholesale service or the SEEM plan. Thus, staff has no objection to including the proposed language in any notice of rulemaking issued in this docket.

Statement of Estimated Regulatory Costs (SERC)

The SERC (Attachment C) addresses the proposed repeals. It notes that the proposed repeals are intended to simplify, streamline, and clarify the rules. The SERC also notes that the rule repeals would benefit the Commission and customers by having more simple, streamlined, and clarified rules, and that utilities' administrative costs would likely decrease.

Based on the above, staff recommends that the Commission propose the repeal of Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-9.008, and 25-9.032, F.A.C., as set forth in Attachment B. Staff also recommends that the notice of rulemaking contain language stating that none of the rule repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

Docket No. 080641-TP
Date: October 30, 2008

Issue 3: Should this docket be closed?

Recommendation: No, this docket should not be closed. (Cowdery)

Staff Analysis: If no requests for hearing or comments are filed, the rules may be filed with the Department of State for adoption. The docket should remain open, however, for further consideration of the rules that remain in this docket.

1 **25-4.020 Location and Preservation of Records.**

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

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

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

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

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

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

21 (3) All records shall be preserved for the period of time specified in Form PSC/ECR/17-T
22 (5/93), entitled "Schedule of Records and Periods of Retention" which is incorporated by
23 reference into this rule, and may be obtained from the Director, Division of Economic
24 Regulation, Florida Public Service Commission.

25 (a) However, all source documents retained as required by subsection 25-4.020(3), F.A.C.,

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from existing law.

1 shall be maintained in their original form for a minimum of three years, or for any lesser
2 period of time specified for that type of record in Form PSC/ECR/17-T, after the date the
3 document was created or received by the company. This paragraph does not require the
4 company to create paper copies of documents where the company would not otherwise do so
5 in the ordinary course of its business. The Commission may waive the requirement that
6 documents be retained in their original form upon a showing by a company that it employs a
7 storage and retrieval system that consistently produces clear, readable copies that are
8 substantially equivalent to the originals, and clearly reproduces handwritten notations on
9 documents.

10 (b) The company shall maintain written procedures governing the conversion of source
11 documents to a storage and retrieval system, which procedures ensure the authenticity of
12 documents and the completeness of records. Records maintained in the storage and retrieval
13 system must be easy to search and easy to read.

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

18 *Specific Authority 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS. Law*

19 *Implemented 364.016, 364.17, 364.18, 364.183, 364.185 FS. History—Revised 12-1-68,*

20 *Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93, 11-13-95.*

21
22 **25-4.022 Complaints –Trouble Reports, Etc.**

23 ~~(4) Each telephone company shall maintain for at least six (6) months a record of all signed~~
24 ~~written complaints made by its subscribers regarding service or errors in billing, as well as a~~
25 ~~record of each case of trouble or service interruption that is reported to repair service. This~~

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from existing law.

1 record shall include the name and/or address of the subscriber or complainant, the date ~~(and~~
2 ~~for reported trouble, the time)~~ received, the nature of the complaint, ~~or trouble reported,~~ the
3 result of any investigation, the disposition of the complaint or service problem, and the date
4 ~~(and for reported trouble, the time)~~ of such disposition.

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

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

9
10 **25-4.034 Tariffs.**

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

21 (2) Filing shall mean received by the office of the Division of Regulatory Compliance during
22 normal business hours. Any tariff received by the Division of Regulatory Compliance after
23 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to
24 an existing tariff that are submitted by hard copy shall be directed to the Director of the
25 Division of Regulatory Compliance, Florida Public Service Commission, 2540 Shumard Oak

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from existing law.

1 Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two (2) copies of
2 each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists
3 the included sheets, by sheet number and revision level as specified in subsections (6)(c) – (e),
4 and gives a brief description of all changes. If acknowledgment of a hard copy filing is
5 desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be
6 returned.

7 ~~(2)~~(3) Each company shall file, as an integral part of its tariff, maps defining the exchange
8 service areas. These maps shall delineate the boundaries in sufficient detail that they may be
9 located in the field and shall embrace all territory included in the certificate of convenience
10 and necessity.

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

17 (5) Companies shall charge only the rates and credits contained in their tariff. If a company
18 desires to deviate temporarily from its normal tariffed rates and credits, the company shall file
19 a single tariff change reflecting the conditions of the temporary tariff change. Such tariff
20 provision shall include the heading "Promotion," and shall state the name of the promotion, a
21 specific description of the tariffed service(s) involved, including all applicable rates, benefits,
22 terms, and conditions, and the beginning and ending dates of the promotion.

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

24 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be
25 clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" ×

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from existing law.

1 11" sheets, typewritten on white paper, using one side of the paper only.

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

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

5 (d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper
6 right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No.
7 5.2.

8 (e) Revised sheets in the tariff shall be marked with the number of the revision in the upper
9 right-hand corner and the number of the sheet it replaces. As an example:
10 First Revised Sheet No. 4

11 Cancels Original Sheet No. 4

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

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

16 2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff
17 shall appear on the right hand side of each sheet on the same line(s) in which any change has
18 been made. If three or more consecutive lines are affected, one symbol shall be placed on the
19 first and last lines with a vertical line connecting the two symbols. Two or more symbols shall
20 be placed next to each other on any line with multiple types of changes. The symbol page
21 shall identify all symbols used in the tariff.

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

24 (7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing
25 changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining

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1 new words; words to be deleted shall be lined through with hyphens.

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

4

5 **25-4.115 Directory Assistance.**

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

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

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

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

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

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

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

25 ~~(d) The local exchange company shall apply the charge for each call to the number designated~~

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from existing law.

1 ~~for long distance directory assistance within the customer's HNPA (i.e., 1 + (850) 555-1212).~~

2 *Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07,*

3 *364.08 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05, XX/XX/XX.*

4

5 **25-4.117 ~~800~~ Toll Free Service.**

6 Telephone companies are prohibited from billing to or collecting from the originating caller

7 any charges for intrastate calls to toll free numbers (e.g., 800, 866, 877, and 888) ~~an 800~~

8 ~~service subscriber.~~

9 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History—*

10 *New 3-5-90.*

11

12 **25-9.001 Application and Scope.**

13 (1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as

14 defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply

15 to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as~~

16 ~~provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall

17 not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant

18 Service Companies, Operator Service Provider Companies, ~~or~~ Alternative Access Vendor

19 Service Providers, Competitive Local Exchange Companies or Local Exchange Companies.

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

21 (a) Rules and Regulations.

22 (b) Rate Schedules.

23 (c) Standard Forms and Riders.

24 (d) Contracts and Agreements.

25 (e) Tariffs.

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

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

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

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

10 ~~364.05, 364.08, 364.337,~~ 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS. History—
11 *Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-*
12 *95.*

13
14 **25-9.002 Definitions.**

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

16 (1) The word "Commission" refers to the Florida Public Service Commission.

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

21 (3) The term "rules" and/or "regulations" refers to the general practices followed by the utility
22 in carrying on its business with its customers and includes the rules, practices, classifications,
23 exceptions and conditions observed by the utility in supplying service.

24 (4) The term "rate" refers to the price or charge for utility service.

25 (5) The term "rate schedule" refers to the rate or charge for the particular classification of

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1 service plus the several provisions necessary for billing, including all special terms and
2 conditions under which service shall be furnished at such rate or charge.

3 (6) The term "standard forms" means and includes all standard contract or agreement forms
4 for execution between the utility and its customers.

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

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

11 *Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented 364.04, 366.05(1),*
12 *367.021 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02.*

13
14 **25-9.005 Information to Accompany Filings.**

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

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

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

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

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from existing law.

- 1 (a) A description of the service or equipment and its functions;
- 2 (b) A statement of the justification for the change and documentation supporting that
3 justification;
- 4 (c) If a service or type of equipment is proposed to be limited or discontinued, a description of
5 other service or equipment options available to customers.
- 6 (d) A company may request a waiver of any of the requirements of this subsection upon a
7 written application showing that the requirement is inordinately burdensome or unnecessary
8 for analysis of its filing. The directors of the Divisions of Economic Regulation ~~and~~
9 ~~Competitive Markets and Enforcement, respectively,~~ will dispose of any such request. A
10 company may request Commission review of a denial of a waiver.
- 11 ~~(3)(a) When a local exchange telephone company whose annual revenues from regulated~~
12 ~~telecommunications operations are \$100,000,000 or more files a tariff to introduce a new~~
13 ~~service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates~~
14 ~~for the service are not below incremental cost. When a local exchange telephone company~~
15 ~~whose annual revenues from regulated telecommunications services are less than~~
16 ~~\$100,000,000 files a tariff for a new service, it shall provide incremental cost data, if~~
17 ~~available, or otherwise demonstrate that the proposed rates for the service are not below that~~
18 ~~local exchange company's incremental cost.~~
- 19 ~~(3)(b)~~ Where the change involves a rate or charge and the electric, or gas, or telephone utility
20 elects to make a cost study, the utility shall file a cost information statement containing a
21 summary of the cost study performed, including:
- 22 1. All underlying assumptions;
 - 23 2. The cost study number, if assigned;
 - 24 3. The cost of providing the service or equipment;
 - 25 4. The proposed contribution above or below direct cost, stated in both dollars and percent;

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- 1 5. A statement as to why each above-cost or below-cost contribution rate was chosen; and
2 6. The anticipated effect of the change on the company's rate of return.
- 3 (4) Whenever a new or additional service classification or rate schedule is filed with the
4 Commission, the information required by subsection (1) above need not be furnished. In lieu
5 thereof, a statement shall be filed stating the purpose and reason for the new service
6 classification or schedule and, if determinable, the estimated annual revenue to be derived
7 therefrom and the estimated number of customers to be served thereby.
- 8 (5) The company shall provide a coded copy of each tariff sheet filed showing changes to the
9 existing tariff sheet. Changes shall be indicated by inserting and underlining new words;
10 words to be deleted shall be lined through with hyphens.
- 11 ~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone~~
12 ~~interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~
13 *Specific Authority 350.127(2) FS. Law Implemented ~~364.05, 364.3381, 366.06, 367.081 FS.~~*
14 *History—Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05,*
15 *Amended 5-24-94.*

16
17 **25-9.009 Numbering and General Data Required for Each Sheet.**

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

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

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

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

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

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

10 (3) The FIRST issue of each sheet in the rate book shall be marked "Original Sheet" in the
11 upper right-hand corner of the sheet. As an example:

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

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

15 First Revised Sheet No. 1

16 Cancels Original Sheet No. 1

17 or

18 Fourth Revised Sheet No. 5.2

19 Cancels Third Revised Sheet No. 5.2

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

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

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

24

25

1 **25-9.022 Table of Contents.**

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

5 (2) In the larger rate books the major sections will be individually indexed in accordance with
6 Rules 25-9.007 ~~and 25-9.008~~, F.A.C. In these larger rate books the table of contents will serve
7 as an index or guide to the separate sections as set out in ~~said two rules~~ Rule 25-9.007, F.A.C.
8 *Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented 364.04, 366.05(1),*
9 *367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.22.*

10

11 **25-9.027 Rules and Regulations.**

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

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

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

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

21

22 **25-9.029 Index of Rate ~~or Exchange~~ Schedules.**

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

25 (2) In cases where the rate sections for which this index is provided contain less than twelve

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1 (12) sheets, this section may be omitted.

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

3 *367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.29.*

4

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6 10-15 Attachment A.kc.doc

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1 **25-4.019 Records and Reports in General.**

2 ~~(1) Each utility shall furnish to the Commission at such times and in such form as the~~
3 ~~Commission may require, the results of any required tests and summaries of any required~~
4 ~~records. The utility shall also furnish the Commission with any information concerning the~~
5 ~~utility's facilities or operations which the Commission may reasonably request and require.~~
6 ~~All such data, unless otherwise specified, shall be consistent with and reconcilable with the~~
7 ~~utility's annual report to the Commission.~~

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

10 ~~(3) Upon notification to the utility, members may, at reasonable times, make personal visits to~~
11 ~~the company offices or other places of business within or without the State and may inspect~~
12 ~~any accounts, books, records, and papers of the company which may be necessary in the~~
13 ~~discharge of Commission duties. Commission staff members will present Commission~~
14 ~~identification cards as the written authority to inspect records. During such visits the company~~
15 ~~shall provide the staff member(s) with adequate and comfortable working and filing space,~~
16 ~~consistent with the prevailing conditions and climate, and comparable with the~~
17 ~~accommodations provided the company's outside auditors.~~

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

20
21 **25-4.069 Maintenance of Plant and Equipment.**

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

25 *Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—Revised 12-*

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1 ~~1-68, Amended 12-13-82, 9-30-85, Formerly 25-4.69, Amended 4-16-90, 3-10-96.~~

2

3 **25-4.112 Termination of Service by Customer.**

4 ~~Any customer may be required to give reasonable notice of his intention to discontinue~~
5 ~~service. Until the telephone utility shall be notified, the customer may be held responsible for~~
6 ~~charges for telephone service.~~

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

8

9 **25-4.200 Application and Scope.**

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

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

14

15 **25-9.008 Telephone Utility Tariffs.**

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

17

Ref. Rule No.

18

19 ~~(1) Front cover~~ 25-9.020

20 ~~(2) Title page~~ 25-9.021

21 ~~(3) Table of contents~~ 25-9.022

22 ~~(4) General description of the territory served~~ 25-9.023

23 ~~(5) Technical terms and abbreviations~~ 25-9.025

24 ~~(6) Index of general rules and regulations~~ 25-9.026

25

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State of Florida



Public Service Commission

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

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

DATE: October 21, 2008

TO: Office of General Counsel (Cowdery)

FROM: Division of Economic Regulation (Hewitt) *CBH* *PC* *CSH*

RE: Amendment of: Rule 25-4.020, F.A.C., Location and Preservation of Records; Rule 25-4.022, F.A.C., Complaint-Trouble Reports; Rule 25-4.034, F.A.C., Tariffs; Rule 25-4.115, F.A.C., Directory Assistance; Rule 25-4.117, F.A.C., 800 Service; Rule 25-9.001, F.A.C., Application and Scope; Rule 25-9.002, F.A.C., Definitions; Rule 25-9.005, F.A.C., Information to Accompany Filings; Rule 25-9.009, F.A.C., Numbering and General Data Required; Rule 25-9.022, F.A.C., Table of Contents; Rule 25-9.027, F.A.C., Rules and Regulations; and Rule 25-9.029, F.A.C., Index of Rate or Exchange Schedules.

Proposed repeal of: Rule 25-4.019, F.A.C., Records and Reports in General; Rule 25-4.069, F.A.C., Maintenance of Plant and Equipment; Rule 25-4.112, F.A.C., Termination of Service by Customer; Rule 25-4.200, F.A.C., Application and Scope, Rule 25-9.008, F.A.C., Telephone Utility Tariffs; and Rule 25-9.032, F.A.C., Telephone Utility Exchange Schedules.

DETAILED DESCRIPTION OF THE PROPOSED RULE

1. Why are the rule amendments being proposed?

The amendments are intended to simplify, streamline, and clarify the rules. Redundancies among rules would be eliminated for simplicity. Some rules concerning tariffs and tariff filings would be streamlined by having incumbent local exchange companies' (ILECs) tariff requirements located in their own rule. Some rules would be repealed because they are unnecessary, redundant, overlapping, or obsolete.

2. What do the rules do and how do they accomplish the goal?

The rules are among those that regulate ILECs. The rules require tariffs, records and reports, location and preservation of records, maintenance of plant and equipment, directory assistance, filing of reports of trouble and customer complaints, and maintaining records. Staff uses the service reports and customer complaints to ensure customer quality of service.

IMPACT ON THE PSC

Incremental costs

There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission.

Incremental benefits

These rule changes would benefit the Commission by having more simple, streamlined, and clarified rules.

WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSAL

Utilities

The proposed rule amendments would affect 10 ILECs.

Customers

Customers reading the rules would be positively affected by the simplified, streamlined, and clarified rules.

Outside business and local governments

There should be no negative impacts on small businesses, small cities, or small counties resulting from an adoption of the above rule changes.

HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

Estimated transactional costs to individuals and entities

Utilities

The proposed rule amendments and repeals would likely decrease administrative costs somewhat.

Customers

Customers would be able to understand the rules somewhat better.

Outside business including specifically small businesses

Small business would likely experience the same benefit as residential customers.

Local governments

Local governments would likely experience the same transactional benefits as small businesses and residential customers.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE

No other pertinent comments are germane to the proposed rule changes.

CH:kb

cc: Mary Andrews Bane
Chuck Hill
Dale Mailhot