

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications. | DOCKET NO. 080641-TP  
ORDER NO. PSC-08-0773-NOR-TP  
ISSUED: November 24, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend 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 repeal Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-9.008 and 25-9.032, Florida Administrative Code, relating to telecommunications regulation. 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.

The attached Notices of Rulemaking will appear in the November 26, 2008 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than December 17, 2008.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 24th day of November, 2008.



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ANN COLE  
Commission Clerk

(SEAL)

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Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

**RULE NO: RULE TITLE**

25-4.019: Records and Reports in General

25-4.020: Location and Preservation of Records

25-4.022: Complaint - Trouble Reports, Etc

25-4.034: Tariffs

25-4.069: Maintenance of Plant and Equipment

25-4.112: Termination of Service by Customer

25-4.115: Directory Assistance

25-4.117: 800 Service

25-4.200: Application and Scope

**PURPOSE AND EFFECT:** The purposes of the rule amendments and repeals are to simplify, streamline, and clarify the rules. Redundancies among rules are eliminated for simplicity. Some rules concerning tariffs and tariff filings are streamlined by having incumbent local exchange companies' (ILECs) tariff requirements located in one rule. Some rules are repealed because they are unnecessary, redundant, or obsolete. Docket No. 080641-TP.

**SUMMARY:** Rule 25-4.019 is repealed because it is unnecessary. Section 25-4.019(3) concerning working conditions provided by companies to Commission staff at times when staff makes visits to the companies is reworded and Rule 25-4.020 is amended to include that reworded requirement. Rule 25-4.022(1) is amended to delete the trouble reports record retention requirements which are redundant of requirements included in Rule 25-4.020(3). Rule 25-4.022(2) is amended to delete the requirements for responding in writing to customer complaints which are redundant of Rule 25-4.111(1) which requires a company to respond to all complaints within 15 days. Rule 25-4.034 is amended by streamlining and adding to it the rule provisions from Chapter 25-9 which apply to ILECs. Rule 25-4.069 is repealed because it is unnecessary and redundant of Rules 25-4.036 and 25-4.038 which provide more specific requirements related to safe, adequate, and continuous service. Rule 25-4.112 is repealed because it is unnecessary. Rule 25-4.115 is amended to delete Sections (1)(a) and (b), and (2)(b), (c) and (d), which are unnecessary because Rule 25-4.034 requires all rates and charges to be in the ILECs' tariffs. Rule 25-4.117 is amended to include other toll free numbers which have been implemented since the time the rule was adopted. Rule 25-4.200 is repealed as unnecessary because it restates the application and scope language of Section 364.052(2)(b), F.S. 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.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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

**SPECIFIC AUTHORITY:** 350.127, 364.016, 364.17, 364.18, 364.183, 364.185, FS

**LAW IMPLEMENTED:** 364.016, 364.02, 364.025, 364.03, 364.04, 364.051, 364.052, 364.07, 364.08, 364.15, 364.17, 364.18, 364.19, 364.163, 364.183, 364.185, 364.386, FS

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

25-4.019 Records and Reports in General.

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

25-4.020 Location and Preservation of Records.

(1) – (3) No Change.

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

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

25-4.022 Complaints ~~—Trouble Reports, Etc.~~

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

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

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

25-4.034 Tariffs.

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

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

brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

~~(2)~~(3) (2) renumbered to (3) No Change.

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

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

(6) Tariffs shall comply with the following conventions:

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

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

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

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

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

First Revised Sheet No. 4

Cancels Original Sheet No. 4

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

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

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

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

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

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

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

25-4.069 Maintenance of Plant and Equipment.

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

25-4.112 Termination of Service by Customer.

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

25-4.115 Directory Assistance.

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

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

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

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

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

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

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

~~(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850) 555 1212).~~  
Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05,\_\_\_\_\_.  
25-4.117 800 Toll Free Service.

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

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

25-4.200 Application and Scope.

Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History—New 3-10-96, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

#### Notice of Proposed Rule

#### **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

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: Rules in Chapter 25-9 are amended so that the Chapter no longer applies to incumbent local exchange companies (ILECs), and so that applicable tariff and tariff



filing requirements for ILECs are located in Rule 25-4.034. Docket No. 080641-TP.

SUMMARY: Rule 25-9.001 is amended to exclude ILECs and CLECs from Chapter 25-9, F.A.C. The applicable tariff and tariff filing requirements related to ILECs are being rewritten and included in rule 25-4.034. Chapter 25-9 does not currently apply to CLECs so the rule is amended to make this clear. Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029 are amended to remove all references to telephone companies, consistent with the amendment of Rule 25-9.001. Rules 25-9.008 and 25-9.032, which apply only to telephone companies, are repealed consistent with the amendment of Rule 25-9.001. 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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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

SPECIFIC AUTHORITY: 350.127, 366.05, 367.121, FS

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-9.001 Application and Scope.

(1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as provided~~

~~by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, ~~or Alternative Access Vendor Service Providers,~~ Competitive Local Exchange Companies or Local Exchange Companies.

(2) – (5) No Change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.03, 364.04, 364.05, 364.08, 364.337,~~ 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS. History–Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-95, \_\_\_\_\_.

25-9.002 Definitions.

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

(1) No Change.

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

(3) – (8) No Change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04,~~ 366.05(1), 367.021 FS. History–Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02, Amended \_\_\_\_\_.

25-9.005 Information to Accompany Filings.

(1) No Change.

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

(a) – (c) No Change.

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

~~(3)(a) When a local exchange telephone company whose annual revenues from regulated telecommunications operations are \$100,000,000 or more files a tariff to introduce a new service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates for the service are not below incremental cost. When a local exchange telephone company whose annual revenues from regulated telecommunications services are less than \$100,000,000 files a tariff for~~

~~a new service, it shall provide incremental cost data, if available, or otherwise demonstrate that the proposed rates for the service are not below that local exchange company's incremental cost.~~

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

1. – (5) No Change.

~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~

Specific Authority 350.127(2) FS. Law Implemented 364.05, 364.3381, 366.06, 367.081 FS.

History–Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05,

Amended 5-24-94, \_\_\_\_\_.

25-9.008 Telephone Utility Tariffs.

Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History–Repromulgated 1-8-75, 10-22-75, Formerly 25-9.08, Repealed \_\_\_\_\_.

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

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

(1) – (a) No Change.

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

~~(b)(e)~~ (c) renumbered as (b) No Change.

(2) – (5) No Change.

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

History–Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09, Amended \_\_\_\_\_.

25-9.022 Table of Contents.

(1) No Change.

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

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

367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.22, Amended \_\_\_\_\_.

25-9.027 Rules and Regulations.

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

(2) No Change.

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

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

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

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

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

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

25-9.032 Telephone Utility Exchange Schedules.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008.