

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of: DOCKET NO. UNDOCKETED
INITIATION OF RULEMAKING TO
AMEND RULE 25-4.034, FLORIDA
ADMINISTRATIVE CODE, TARIFFS,
TO ADD RULE 25-4.0341, FLORIDA
ADMINISTRATIVE CODE, FILING OF
SERVICE SCHEDULES, AND TO REPEAL
RULE 25-24.825, PRICE LIST.

PROCEEDINGS: STAFF WORKSHOP

TAKEN AT THE
INSTANCE OF: The Staff of the Florida
Public Service Commission

DATE: Monday, December 5, 2011

TIME: Commenced at 1:30 p.m.
Concluded at 1:48 p.m.

PLACE: Betty Easley Conference Center
Room 140
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
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1 P R O C E E D I N G S

2 MS. GERVASI: We'll go ahead and call this
3 workshop to order.

4 This time and place has been noticed for
5 an undocketed staff rule development workshop on the
6 initiation of rulemaking to amend Rule 25-4.034,
7 F.A.C., to add new Rule 25-4.0341, and to repeal
8 Rule 25-24.825 relating to the filing of published
9 service schedules and/or tariffs.

10 There are extra copies of the agenda and
11 the draft rule at the table where the mikes are, if
12 anybody needs one. And before we begin with the
13 staff overview of the draft rule, I would like to,
14 again, remind everybody that we do have a court
15 reporter here. So when you do speak, or when you
16 are called upon to give commentary, please do speak
17 directly into the mike and identify yourself first
18 before you begin speaking.

19 Do we have anybody on the telephone?

20 MR. O'ROARK: Yes. This is De O'Roark
21 with Verizon.

22 MS. GERVASI: Okay.

23 MS. HALL: Lynn Hall with SmartCity.

24 MS. RULE: Marsha Rule with Rutledge,
25 Ecenia, and Purnell.

1 MS. ZINK: Leslie Zink with Frontier.

2 MS. GERVASI: I'm sorry, could you repeat
3 yourself?

4 MS. ZINK: Leslie Zink with Frontier.

5 MS. GERVASI: Thank you.

6 MS. SALDANA: Linda Saldana with Frontier.

7 MS. GERVASI: Could you tell me your name
8 again, please? It's hard to hear.

9 MS. SALDANA: Linda Saldana.

10 MS. GERVASI: Thank you.

11 MS. SALDANA: You're welcome.

12 MS. MOLINA: Also, Amanda Molina with
13 Northeast Florida Telephone Company.

14 MS. GERVASI: Thank you.

15 MS. FEHRMAN: This is Karen Fehrman from
16 TDS Telecom.

17 MS. GERVASI: Karen, last name again,
18 please?

19 MS. FEHRMAN: Fehrman.

20 MS. GERVASI: Could you spell it? I'm
21 having trouble.

22 MS. FEHRMAN: Sure. F as in Frank,
23 E-H-R-M-A-N.

24 MS. GERVASI: Thank you. And you're with
25 which company?

1 **MS. FEHRMAN:** TDS.

2 **MS. GERVASI:** Thank you. Anybody else?

3 Okay. After we give a staff overview,
4 we'll take the commentary of those who are present
5 in the room, and then we will ask anybody on the
6 telephone if they'd like to give any comments after
7 those who are here have spoken.

8 With that -- one other thing I want to
9 remind everybody is that when you give your
10 comments, please refer us to the specific page and
11 line numbers of the language that you are referring
12 to. And if you have suggested changes, it is very
13 helpful to us if you could give us the specific
14 language that you would suggest that we consider.
15 And with that, I'll turn it over to Jeff Bates for a
16 staff overview.

17 **MR. BATES:** Good afternoon. Thank you for
18 joining us for the second half of staff's workshops
19 to amend telecom rules.

20 This afternoon we're addressing, as
21 Rosanne pointed out, Rules 25-4.034, 25-4.0341, and
22 25-24.825. Specifically, Rule 25-4.034 has been
23 amended to address only network access services
24 pursuant to the requirements of Section 364.163, and
25 these changes also incorporate the option for ILECs

1 to file their tariffs through either hard copy
2 format or electronically. Then it also reduces the
3 number of copies required when filing via hard copy.

4 New Rule 25-4.0341 is for the filing of
5 service schedules for companies who, though not
6 required to file service schedules, may wish to file
7 service schedules. This would be inclusive of any
8 company like a CLEC, or perhaps an ILEC who wishes
9 to maintain the general services tariff.

10 And then, finally, Rule 25-24.825, price
11 list, has been completely repealed. There are no
12 further requirements for CLECs to file price lists.
13 And with that, that is my overview. If you have
14 some specific questions related to these, or if you
15 would like me to go over them one-by-one, please let
16 me know.

17 **MS. GERVASI:** Does anyone have any
18 comments, kind of an overview type commentary, or
19 would you prefer we go section-by-section?

20 **MR. HATCH:** I have no comments.

21 **MR. FEIL:** I just had a question, but we
22 can do that as we go through section-by-section. I
23 didn't have any overview comments.

24 **MS. GERVASI:** Thank you.

25 **MR. KONUCH:** This is Dave Konuch from

1 Florida Cable. I would prefer that we go
2 section-by-section.

3 MS. GERVASI: Okay. Let's go ahead and do
4 that, then.

5 MR. BATES: All right. Rule 25-4.034 has
6 been updated to change the title of this section to
7 network access tariffs. In addition, we added the
8 reference to the Florida Statutes, and this is a
9 change from the original rule. In addition to that
10 change, we have made changes to this such that it
11 only is related to network access tariffs. There
12 are no general services tariffs or anything of that
13 nature involved at this point.

14 MR. FEIL: Jeff, this is Matt. That
15 applies only to ILECs under present law, because
16 354.163 only governs ILECs --

17 MR. BATES: That is correct.

18 MR. FEIL: All right. Thank you.

19 MR. BATES: That is correct. In addition
20 to --

21 MS. GERVASI: You're still on .034?

22 MR. BATES: Yes.

23 MS. GERVASI: Okay.

24 MR. BATES: Also in 25-4.034 we've added
25 language to allow the ILECs to file their tariffs,

1 network access tariffs electronically, and we have
2 included a website address for that purpose, as well
3 as we reduced the number of copies that we require
4 if you do file via hard copy. If companies want to
5 receive an acknowledgment receipt from the
6 Commission related to any hard-copy filing they may
7 make, just include an additional copy of the
8 transmittal letter and a self-addressed stamped
9 envelope and that will be posted after it has been
10 logged into our tariff sections.

11 And the network access tariffs only comply
12 with conventions that we have kept pretty much
13 standard for the last 20 years, and that's with
14 regard to just formatting of the page for
15 consistency purposes. I don't foresee anybody
16 making massive changes to any of their tariffs. So
17 this should probably have no effect for most of you.
18 And that is pretty much all that I have done for
19 25-4.034. We have pared it down to give the
20 companies as much leeway as necessary for them to
21 file either electronically or via hard copy. If you
22 have any questions or suggestions, I'd be happy to
23 help.

24 **MS. FEHRMAN:** This is Karen from TDS. Do
25 you have to file any kind of election of what you

1 want to do, whether it's doing tariffs via the
2 electronic system or hard copy, or is it just up to
3 us to decide that?

4 **MR. BATES:** It would be helpful if you
5 filed a notice, but contacting me directly, we'll
6 help you -- we can get that process moving forward.

7 **MS. FEHRMAN:** Okay, great. Thanks.

8 **MS. GERVASI:** Does anyone else who is
9 present in the room have any questions or comments
10 to make to the suggested changes to 25-4.034?

11 How about anybody on the telephone?

12 Then I guess we are ready to move on to
13 .0341.

14 **MR. BATES:** Okay. New Rule 25-4.0341,
15 filing of service schedules. We developed this rule
16 because after July 1st we found a number of CLECs,
17 competitive companies wishing to continue to file
18 their price lists or service schedules with the
19 Commission, and this was the easiest way to
20 accommodate that, because it sets it separately from
21 the provision that was changed pursuant to Chapter
22 364.163. Other than that, it's basically the
23 pared-down bare-bones version of making a filing.
24 It can be done either electronically or via hard
25 copy. The same process is involved with the network

1 access services filed by the ILECs.

2 Are there any questions?

3 **MR. KONUCH:** This is Dave Konuch from
4 Florida Cable. Suppose you have a price list on
5 file, what happens to it? Do you have to refile it
6 under this new service schedule rule.

7 **MR. BATES:** No.

8 **MR. KONUCH:** And I guess as a follow-up to
9 that, what is the legal effect that you envision for
10 the price lists that are already on file? Does the
11 PSC -- does it consider them as anything, I guess,
12 effectively if you still want to have -- even though
13 you're not required to have a price list, if you
14 still want the Commission to have kind of official
15 notice of it, do you have to -- of your price list,
16 do you have to do anything, or would you anticipate
17 that we would file a service schedule?

18 **MR. BATES:** I don't foresee anything, but
19 Greg may have a perspective on that that I haven't
20 thought of.

21 **MR. SHAFER:** If you currently have a price
22 list on file, and you prospectively anticipate
23 continuing to maintain that price list, then I don't
24 think there is any action necessary. If you have
25 one on file, but you're going to subsequently rely

1 on published -- for example, on a website, it would
2 be helpful for us to know so that we could cancel
3 the existing price list that we have on file. But
4 other than that, I mean, I don't anticipate that you
5 would have to refile anything in order to continue
6 to maintain what you have on file here. And Rosanne
7 can correct me if that's not correct.

8 **MS. GERVASI:** I don't know of any
9 corrections to that. I think the goal is for us to
10 have what it is that you all are going to be sharing
11 with the customers and relying on. So whether
12 that's what you already have on file or if you need
13 to make changes, then, you know, we just want the
14 current information.

15 **MR. FEIL:** This is Matt Feil. I'm here
16 for TW Telecom, by the way. I had two questions
17 about .0341. The first one was with respect to
18 electronic filing. I don't know that many, if any,
19 CLECs have done that heretofore, but I'm assuming I
20 can go to this [http](#) reference, and it will give
21 anybody who wants to file electronically
22 instructions on where to send it, how to send it,
23 and so forth, is that correct?

24 **MR. BATES:** It is about 50 percent
25 correct.

1 **MR. FEIL:** Okay.

2 **MR. BATES:** We don't have everything there
3 for security reasons, specifically, our e-mail
4 address for that purpose. But what is there at that
5 page currently deals with all of telecom, and the
6 portion that deals with electronic filing of tariffs
7 has got to be up updated to take into account rule
8 changes as a result of this workshop.

9 **MR. FEIL:** Understood. Thank you.

10 The second question was right now CLECs
11 have a separate section of 25-24, or what I call the
12 800 series of rules. And since this new rule is in
13 25-4 and will govern CLEC service schedules, I was
14 just curious to know whether or not the 800 series
15 is going to be removed, updated, if the 800 series
16 will now cross-reference this rule, or -- I know
17 that's outside the scope of the workshop, but I just
18 wanted to get some indication from y'all, if you
19 knew.

20 **MR. SHAFER:** I believe the goal is to
21 merge the two. And I don't want to speak about what
22 I don't know about, but --

23 **MR. FEIL:** Ultimately if that is the
24 direction we are heading. That's all I was looking
25 for.

1 **MS. SALAK:** That is the direction we are
2 heading.

3 **MR. FEIL:** Thank you. Those were the only
4 questions I had.

5 **MR. BATES:** Anyone else?

6 **MS. FEHRMAN:** This is Karen from TDS. On
7 the 25-4.0341, Line 9, it's the letter of
8 transmittal showing a company's filing. Do you need
9 a different transmittal number with each filing?

10 **MR. BATES:** No. Transmittal numbers, in
11 my experience, have been used by the companies
12 themselves for their own internal tracking. Staff
13 assigns a tariff filing number. It's a series of
14 numbers we have assigned over the last 30 or 40
15 years to each filing that comes in. We don't
16 suspect that will change any. But as far as your
17 internal documentation and how you track your
18 transmittals, that is completely within the scope of
19 the company.

20 **MS. FEHRMAN:** Okay, great. Thanks.

21 **MR. BATES:** Anyone else on the telephone
22 that would like to make comments? Okay.

23 **MR. KONUCH:** I have one additional
24 question in the room. Dave Konuch, again, at
25 Florida Cable. On Page 5 where you are streamlining

1 the access tariff rule, it deletes the requirement
2 that there be maps defining exchange service areas.
3 What was the purpose behind deleting that
4 requirement?

5 **MR. BATES:** The statutory requirement no
6 longer has the maps. Our intent in writing this was
7 to match the statute, the authority given in the
8 statute to the best of our ability. And many of the
9 things that we have taken out were a result of us
10 reviewing that statute and making sure that our
11 rules themselves didn't go beyond the scope of the
12 statute.

13 Anyone else? Harvey, I haven't heard you
14 offer a rule that you didn't like.

15 **UNIDENTIFIED SPEAKER:** (Inaudible; not
16 speaking in microphone.)

17 **MR. BATES:** No.

18 **MS. GERVASI:** Does anybody else have any
19 questions or comments to any of the rules? We
20 didn't talk about price lists, but that one is just
21 being proposed for repeal, that being 25-24.825.
22 Anybody on the telephone have anything else they'd
23 like to add? Okay.

24 Seeing nothing. Before we adjourn, we
25 would like to give you all an opportunity to file

1 post-workshop comments, and we would propose a
2 two-week turnaround time for that, if that is
3 amendable. That would make the post-workshop
4 comments due on Monday, December the 19th. Is that
5 workable?

6 **MR. KONUCH:** To the extent some of us are
7 filing this set of comments and possibly the ones
8 from this morning's workshop, could you make these
9 due maybe a couple of days later, say on the
10 Wednesday, the -- I guess the 21st?

11 **MS. GERVASI:** That's fine with staff. We
12 can make the post-workshop comments due on the 21st,
13 December 21st.

14 Thank you all for your participation
15 today. When you do make your post-workshop
16 comments, if you do have any suggested language
17 changes, please do let us know.

18 And with that, the workshop is adjourned.
19 Thanks for coming.

20 (The workshop concluded at 1:48 p.m.)
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STATE OF FLORIDA)

: CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 5th day of January, 2011.



JANE FAUROT, RPR
Official FPSC Hearings Reporter
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