

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-**

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**DATE:** November 26, 2012  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Kathryn G. W. Cowdery, Office of the General Counsel  
**RE:** Docket No. 120241-TP

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RECEIVED FPSC  
12 NOV 26 PM 1:01  
COMMISSION  
CLERK

Please file the attached rule certification packet for Rules in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER-DATE  
07832 NOV 26 2012  
FPSC-COMMISSION CLERK

COMMISSIONERS:  
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LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

# Public Service Commission

November 26, 2012

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
R. A. Gray Bldg., Suite 101  
Tallahassee, FL 32399-0250

Via Hand-Delivery

**Re: Rule Certification Packet for Rules 25-24.565, 25-24.567, 25-24.568, 25-24.569, 25-24.572, 25-24.705, 25-24.710, 25-24.715, 25-24.720, 25-24.725, 25-24.730, 25-24.735, 25-24.745, 25-24.800, 25-24.805, 25-24.810, 25-24.815, and 25-24.820, Florida Administrative Code.  
FPSC Docket No. 120241-TP**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-24.565, 25-24.567, 25-24.568, 25-24.569, 25-24.572, 25-24.705, 25-24.710, 25-24.715, 25-24.720, 25-24.725, 25-24.730, 25-24.735, 25-24.745, 25-24.800, 25-24.805, 25-24.810, 25-24.815, and 25-24.820, Florida Administrative Code (F.A.C.), consisting of:

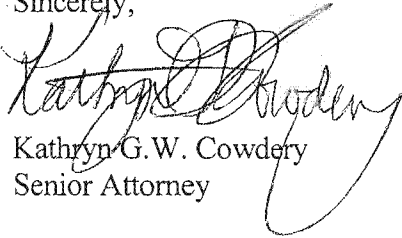
- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the signed rule certification forms;
- (3) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (4) One original and two copies of the summary of the rules;
- (5) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (5) One original and two copies of the summary of the hearings held on the rules.

FILED  
2012 NOV 26 PM 1:01  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

Liz Cloud  
November 26, 2012  
Page 2

Please let me know if you have any questions. The contact name and information for these rules are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, 413-6216, [kcowdery@psc.fl.state.us](mailto:kcowdery@psc.fl.state.us).

Sincerely,



Kathryn G.W. Cowdery  
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

- 25-24.565: Certificate of Public Convenience and Necessity Required.
- 25-24.567: Application for Certificate.
- 25-24.568: Improper Use of a Certificate.
- 25-24.569: Application for Approval of Sale, Assignment or Transfer of Certificate.
- 25-24.572: Cancellation of a Certificate.
- 25-24.705: Scope and Waiver.
- 25-24.710: Terms and Definitions.
- 25-24.715: Certificate of Public Convenience and Necessity Required.
- 25-24.720: Application for Certificate.
- 25-24.725: Certificate Not Transferrable.
- 25-24.730: Application for Approval of Sale, Assignment or Transfer of Certificate.
- 25-24.735: Cancellation of a Certificate.
- 25-24.745: Records and Reports; Rules Incorporated.
- 25-24.800: Scope.
- 25-24.805: Certificate of Public Convenience and Necessity Required.
- 25-24.810: Application for Certificate.
- 25-24.815: Application for Approval of Sale, Assignment or Transfer of Certificate.
- 25-24.820: Revocation of a Certificate.

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk  
\_\_\_\_\_  
Title

Number of Pages Certified \_\_\_\_\_  
11

25-24.565 Certificate of Public Convenience and Necessity Required.

~~(1) No person shall provide shared tenant service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, as well as advertising and other promotional activities, may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contracts for advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.~~

~~(2) On or after January 1, 1996, STS providers with certificates granted prior to January 1, 1996, are authorized to provide shared tenant service statewide to tenants as defined in subsection 25-24.560(10), F.A.C.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339 FS. History—New 1-28-91, Amended 7-29-97, Repealed \_\_\_\_\_.*

25-24.567 Application for Certificate.

~~(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/TEL 37 (5/08), which is incorporated into this rule by reference. Form PSC/TEL 37 (5/08), entitled "Application Form for Authority to Provide Shared Tenant Service Within the State of Florida," may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or by contacting the Commission's Division of Regulatory Analysis. A non-refundable application fee of \$250.00 must accompany the filing of all applications.~~

~~(2) An original and one copy of the application shall be filed with the Office of Commission Clerk.~~

~~(3) A certificate will be granted if the Commission determines that such approval is in the public interest.~~

~~(4) Any shared tenant service authority granted hereafter is subject to the following:~~

~~(a) Shared tenant authority granted to all companies is on a statewide basis and is restricted to tenants as~~

defined in subsection 25-24.560(10), F.A.C.

(b) Each shared tenant service applicant shall:

1. Advise all customers of its current rates and conditions for resold local exchange service and its quality of service standards.

2. Inform each customer in advance of agreement to provide service, that the Florida Public Service Commission will not set rates or regulate the service quality standards.

(c) A certificate to provide shared tenant service does not carry with it the authority to provide competitive local exchange telecommunication, alternative access vendor, interexchange or pay telephone service. A separate application must be made for such authority.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History—New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, 1-5-06, 5-29-08, Repealed \_\_\_\_\_.*

25-24.568 Improper Use of a Certificate.

No certificate of public convenience and necessity authorizing shared tenant service may be assigned or transferred by the holder to another without prior Commission approval. No certificate shall be used as collateral for any purpose.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History—New 1-28-91, Amended 7-29-97, Repealed \_\_\_\_\_.*

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/TEL 37 (5/08), which is incorporated into this rule by reference. Form PSC/TEL 37 (5/08) is entitled "Application Form for Authority to Provide Shared Tenant Service Within the State of Florida." The application form may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or by contacting the Commission's Division of Regulatory Analysis. A nonrefundable application fee of \$250.00 must



~~accompany each application. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.~~

~~(2) An original and one copy of the application shall be filed with the Office of Commission Clerk.~~

~~(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.~~

~~(4) A certificate may be sold, assigned or transferred only as a whole.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History—New 1-28-91, Amended 11-20-91, 7-29-97, 1-5-06, 5-29-08, Repealed \_\_\_\_\_.*

25-24.572 Cancellation of a Certificate.

~~(1) The Commission may cancel a company's certificate for any of the following reasons:~~

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

~~(b) Violation of Commission rules or orders; or~~

~~(c) Violation of Florida Statutes.~~

~~(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing. Cancellation of a certificate shall be ordered subject to the holder providing the following information:~~

~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

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

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

~~(d) Statement on treatment of customer deposits and final bills.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.339, 364.345 FS. History—New 1-28-91, Amended 7-29-97, Repealed \_\_\_\_\_.*

25-24.705 Scope and Waiver.

~~(1) This part applies to every person or company providing Alternative Access Vendor (AAV) service.~~

~~Chapters 25-4, 25-9 and 25-14, F.A.C., shall apply to Alternative Access Vendor service only as provided in this part.~~

~~(2) An AAV service provider may petition for a waiver of any provision of this part. The Commission may grant a waiver to the extent that it determines that a waiver is in the public interest. The Commission may grant the petition in whole or in part and may prescribe different requirements than are set forth in this part. In disposing of a petition, the Commission shall consider the factors enumerated in Section 364.337(4), Florida Statutes (1995).~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337(1), (2), (6) FS. History—New 1-8-95, Repealed \_\_\_\_\_.*

25-24.710 Terms and Definitions.

~~For purposes of this part the following definitions apply:~~

~~(1) "Affiliated Entity." An entity (whether corporation, partnership, proprietorship or other form of business organization) is affiliated with another entity if one has a majority ownership interest in the other.~~

~~(2) "Alternative Access Vendor (AAV)." A provider, other than a local exchange telecommunications company, of Alternative Access Vendor Service.~~

~~(3) "Alternative Access Vendor Service." The provision of local private line service between an entity and its own facilities or the facilities of an affiliated entity at another location or the provision of special access service between an end-user and an interexchange company.~~

~~(4) "Private line service." Any point-to-point or point-to-multipoint service dedicated to the exclusive use of the end-user for the transmission of any telecommunications service.~~

~~(5) "Special Access Service." Private line service which is connected from the end user's premises to an interexchange company.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.337 FS. History—New 1-8-95, Repealed \_\_\_\_\_.*

25-24.715 Certificate of Public Convenience and Necessity Required.

~~(1) No person shall provide Alternative Access Vendor Service without first obtaining a Certificate of Public Convenience and Necessity from the Commission.~~

~~(2) A certificate authorizes the vendor to provide Alternative Access Vendor Service statewide as well as authority to provide interexchange private line service.~~

~~(3) A certificate to provide Alternative Access Vendor Service does not authorize provision of interexchange switched service, shared tenant service, pay telephone service or any other telecommunications services requiring certification by this Commission. A separate application must be made for such authority.~~

~~(4) Applicants for a certificate shall not provide service, collect deposits or collect payment for services until a certificate becomes effective. However, at their own risk, applicants may acquire equipment and facilities and may advertise and engage in promotional activities before a certificate becomes effective. In contacts with potential customers or advertisements before certification, applicants shall advise the potential customer that certification has not and may never be granted.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337 FS. History--New 1-8-95, Repealed \_\_\_\_\_.*

25-24.720 Application for Certificate.

~~(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/TEL-43 (5/08), entitled "Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida," which is incorporated into this rule by reference. The form may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or by contacting the Division of Regulatory Analysis. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that a certificate will be granted.~~

~~(2) An original and one copy of the application shall be filed with the Office of Commission Clerk.~~

~~(3) A certificate will be granted if the Commission determines that such approval is in the public interest.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History-  
New 1-8-95, Amended 1-5-06, 5-29-08, Repealed \_\_\_\_\_.*

25-24.725 Certificates Not Transferable.

~~Certificates of public convenience and necessity authorizing Alternative Access Vendor service may not be sold, assigned or transferred by the holder without prior Commission approval. Certificates shall not be used as collateral for any purpose.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History-  
New 1-8-95, Repealed \_\_\_\_\_.*

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

~~(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/TEL 43 (5/08) (entitled "Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida"). The application form may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or the Division of Regulatory Analysis. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.~~

~~(2) An original and one copy of the application shall be filed with the Office of Commission Clerk.~~

~~(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.~~

~~(4) A certificate may be sold, assigned or transferred only as a whole.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.*

*History—New 1-8-95, Amended 1-5-06, 5-29-08, Repealed \_\_\_\_\_.*

25-24.735 Cancellation of a Certificate.

~~(1) The Commission may cancel an AAV service provider's certificate for any of the following reasons:~~

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

~~(b) Violation of Commission rules or orders;~~

~~(c) Violation of Florida statutes; or~~

~~(d) Failure to provide service for a period of 6 months.~~

~~(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following information with its request:~~

~~(a) The date the final Regulatory Assessment Fee was paid;~~

~~(b) A statement of the reasons for cancellation;~~

~~(c) A statement on the treatment of customer deposits and final bills; and~~

~~(d) A representative copy of a customer notice regarding discontinuance of service.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345*

*FS. History—New 1-8-95, Repealed \_\_\_\_\_.*

25-24.745 Records and Reports; Rules Incorporated.

~~(1) The following rules are incorporated herein by reference and apply to Alternative Access Vendor service companies:~~

<u>Section</u>	<u>Title</u>
25-4.019	Records and Reports in General
25-4.020(2)	Location and Preservation of Records
25-4.043	Response to Commission Staff Inquiries
25-4.0161	Regulatory Assessment Fees; Telecommunications Companies

~~(2) Each AAV service provider shall file with the Commission's Division of Competitive Markets and~~

~~Enforcement updated information for the following items within 10 days after any such change occurs:~~

~~(a) Mailing address of the certificate holder; and~~

~~(b) Name, title, and phone number of the individual responsible for Commission contacts.~~

~~Rulemaking Authority 350.127(2) FS. Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185,  
364.337 FS. History—New 1-8-95, Amended 11-13-95, Repealed \_\_\_\_\_.~~

25-24.800 Scope.

~~(1) This part applies only to Competitive Local Exchange Companies. The provisions of Chapter 25-4, 25-9  
or 25-14, F.A.C., shall not apply to Competitive Local Exchange Companies, unless specifically provided  
by this part.~~

~~(2) In addition to the rules contained in this part, any Competitive Local Exchange Company which  
provides operator services in a call aggregator context shall also comply with the rules contained in Part  
XIII of Chapter 25-24, F.A.C.~~

~~Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History—New 12-27-95,  
Amended 2-1-99, Repealed \_\_\_\_\_.~~

25-24.805 Certificate of Public Convenience and Necessity Required.

~~(1) No person shall provide competitive local exchange telecommunications service without first obtaining  
a certificate of public convenience and necessity from the Commission. The certificate shall be for  
statewide authority, unless precluded by Section 364.337(1), F.S., to provide all Commission approved  
telecommunications services. Services may not be provided, nor may deposits or payment for services be  
collected, until the effective date of a certificate. However, marketing and development activities may  
begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. Prior to  
certification, the applicant must advise the public in any customer contacts or advertisements that  
certification has not and may not be granted.~~

~~(2) Any Alternative Access Vendor certificated prior to July 1, 1995, may become a Competitive Local~~

~~Exchange Company by filing with the Commission's Office of Commission Clerk a letter of intent to provide local exchange service. An application fee is not required to be paid in conjunction with such filing. Authorization associated with such letter of intent shall be effective January 1, 1996, or upon receipt by the Commission, whichever is later. Competitive Access Vendors authorized pursuant to this section shall be subject to all rules applicable to Competitive Local Exchange Telecommunications Companies.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History—New 12-27-95,*

*Repealed \_\_\_\_\_.*

25-24.810 Application for Certificate.

~~(1) An applicant for a certificate shall submit an application on Form PSC/TEL 8 (5/08), which is incorporated into this rule by reference. Form PSC/TEL 8 (5/08), entitled "Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida", may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or by contacting the Commission's Division of Regulatory Analysis. A non-refundable application fee of \$400.00 must accompany the filing of each application.~~

~~(2) An original and one copy of the application shall be filed with the Office of Commission Clerk.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.335 FS. History—New 12-27-95, Amended 1-5-06, 5-29-08, Repealed \_\_\_\_\_.*

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

~~(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/TEL 8 (5/08), which is incorporated into this rule by reference. Form PSC/TEL 8 (5/08), entitled "Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida", may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or by contacting the Commission's Division of Regulatory Analysis. A non-refundable application fee of \$400.00 must accompany the filing of each~~

application.

(2) An original and one copy of the application shall be filed with the Office of Commission Clerk.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

(5) In the case of sale, assignment or transfer where the assignor and assignee or transferor or transferee are all currently certificated by the Commission and there are no pending actions against them, a sale, assignment or transfer shall be considered effective upon filing. Any party protesting the sale, assignment or transfer shall be required to prove why the sale, assignment or transfer is not in the public interest.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History—New 12-27-95,*

*Amended 1-5-06, 5-29-08, Repealed \_\_\_\_\_.*

25-24.820 Revocation of a Certificate.

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

(a) Violation of a term or condition under which the authority was originally granted;

(b) Violation of Commission rule or order;

(c) Violation of Florida Statute; or

(d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

(a) A statement of intent and date certain to pay regulatory assessment fee.

(b) A statement of why the certificate is proposed to be cancelled.

(c) A statement as to how customer deposits and final bills will be handled.



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

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.345 FS. History—New 12-27-95,*

*Repealed* \_\_\_\_\_.

## SUMMARY OF THE RULES

The rules pertaining to applications for certificates for shared tenant service (Rules 25-24.565, Certificate of Public Convenience and Necessity Required and 25-24.567, Application for Certificate), alternative access vendor service (Rules 25-24.715, Certificate of Public Convenience and Necessity Required and 25-24.720, Application for Certificate), and competitive local exchange companies (Rules 25-24.805, Certificate of Public Convenience and Necessity Required and 25-24.810, Application for Certificate), are repealed as obsolete and unnecessary.

The rules pertaining to transfer of certificates for shared tenant service (Rules 25-24.568, Improper Use of a Certificate and 25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate), alternative access vendor service (Rules 25-24.725, Certificates Not Transferable and 25-24.730, Application for Approval of Sale, Assignment, or Transfer of Certificate), and competitive local exchange companies (Rule 25-24.815, Application for Approval of Sale, Assignment or Transfer of Certificate), are repealed as obsolete and unnecessary.

The rules pertaining to cancellation of certificates for shared tenant services (Rule 25-24.572), alternative access vendors (Rule 25-24.735), and competitive local exchange companies (Rule 25-24.820), are repealed as obsolete, unnecessary, and redundant of Sections 364.285(1) and 364.335(3), F.S.

Rules 25-24.705, Scope and Waiver, 25-24.710, Terms and Definitions, and 25-24.745, Records and Reports, Rules Incorporated, concerning alternative access vendor services, are repealed as obsolete, unnecessary and/or duplicative.

Rule 25-24.800, F.A.C., Scope, concerning competitive local exchange companies, is repealed as obsolete, unnecessary, and duplicative.

## WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULES

Rules 25-24.565, 25-24.567, 25-24.568, 25-24.569, 25-24.572, 25-24.705, 25-24.710, 25-24.715, 25-24.720, 25-24.725, 25-24.730, 25-24.735, 25-24.745, 25-24.800, 25-24.805, 25-24.810, 25-24.815, and 25-24.820, F.A.C., are repealed in order to implement changes made to chapter 364, Fla. Stat., by the Regulatory Reform Act of 2011. These changes include repeal of Sections 364.337 and 364.339, F.S., and amendment of Sections 364.33 and 364.335, F.S.

Rules 25-24.565, Certificate of Public Convenience and Necessity Required, and 25-24.567, Application for Certificate, relating to shared tenant service, Rules 25-24.715, Certificate of Public Convenience and Necessity

Required, and 25-24.720, Application for Certificate, relating to alternative access vendor service, and Rules 25-24.805, Certificate of Public Convenience and Necessity Required, and 25-24.810, Application for Certificate, relating to competitive local exchange companies, are all repealed. These rules are obsolete and unnecessary because all relevant provisions concerning application for certificates have been incorporated into Rule 25-4.004, F.A.C., in order to have one standard set of rules, consistent with the statutory changes resulting from the Regulatory Reform Act of 2011.

Rules 25-24.568, Improper Use of a Certificate, and 25-24.569, Application for Approval of Sale, Assignment or Transfer of Certificate, relating to shared tenant service, Rules 25-24.725, Certificates Not Transferable, and 25-24.730, Application for Approval of Sale, Assignment, or Transfer of Certificate, relating to alternative access vendor service, and Rule 25-24.815, Application for Approval of Sale, Assignment or Transfer of Certificate, relating to competitive local exchange companies, are all repealed. These rules are obsolete and unnecessary because all relevant provisions governing certificate transfer have been incorporated into Rule 25-4.005, F.A.C., in order to have one standard set of certificate transfer rules for all telecommunications companies, consistent with the statutory changes resulting from the Regulatory Reform Act of 2011.

Rules 25-24.572, Cancellation of Certificate (shared tenant services), 25-24.735, Cancellation of a Certificate (alternative access vendor), and 25-24.820, Revocation of a Certificate (competitive local exchange company), are repealed. These rules are obsolete, unnecessary, and redundant of Section 364.285(1), F.S., which grants the Commission the authority to revoke the certificate of any utility which has refused to comply with or has willfully violated any lawful rule or order of the Commission or provision of Chapter 364, F.S. These rules are also obsolete and duplicative of Section 364.335(3), F.S., which provides that a certificate of authority may be terminated by a telecommunications company by submitting notice to the Commission.

Rules 25-24.705, Scope and Waiver, 25-24.710, Terms and Definitions, and 25-24.745, Records and Reports, Rules Incorporated, concerning alternative access vendor services, are repealed. These rules are obsolete because as a result of the Regulatory Reform Act of 2011, separate rules for alternative access vendors are no longer consistent with Chapter 364, F.S. Rule 25-24.745 should also be repealed as unnecessary and/or duplicative because the four other Commission rules referenced therein as applicable to alternative access vendors have or will be repealed or by their terms already apply to alternative access vendors.

Rule 25-24.800, F.A.C., Scope, is repealed. This rule is obsolete, unnecessary, and duplicative because the rules in Chapter 25-24, F.A.C., have been or are in the process of being repealed. In addition, the statement in Rule 25-24.800 that Chapters 25-4, 25-9, or 25-14, F.A.C., do not apply to competitive local exchange companies unless specifically provided is obsolete and unnecessary. This is because any rules in Chapter 25-4, F.A.C., which apply to competitive local exchange companies do so specifically by the terms of those rules; Chapter 25-9 by its terms does not apply to competitive local exchange companies; and Chapter 25-14, F.A.C., has been repealed. In addition, the reference to the rules contained in Part XIII of Chapter 25-24, concerning operator services, is obsolete because those rules have also been repealed.

#### SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.