

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Racal-Milgo to)	DOCKET NO. 900546-TP
Initiate Rulemaking Revisions to)	ORDER NO. 23240
Rule 25-4.0345(1)(b), F.A.C., the)	ISSUED: 7-23-90
Demarcation Rule.)	
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL MCK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

STATEMENT OF COMMISSION'S REASONS FOR DENIAL OF THE PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

Racal-Milgo petitions the Commission to initiate rulemaking to revise Rule 25-4.0345(1)(b), F.A.C., which states, in relevant part:

"Demarcation point" is the point of physical interconnection (connecting block, terminal strips, jack, protector, optical network interface, or remote isolation device) between the telephone network and the customer premises wiring . . . (emphasis supplied).

Racal-Milgo wants the language "optical network interface" to be changed to "optical network connector." Neither of these generic terms has a specific meaning but instead are intended only to indicate that in the new environment of fiber optic technology "demarcation point" will at times be defined in terms of fiber optics instead of terminology used in the copper wire environment.

The Commission denies this petition. However, in doing so, the Commission wishes to provide assurance that the rule changes at issue here in no way affect the Commission's existing policy on deregulation of CPE.

The petition is denied because we believe the rule revision in no way has the impact Racal-Milgo fears. We also note that during the rulemaking hearing, Racal-Milgo's primary objection was to the use of the word "standard" in front of "optical network interface." Based on their concerns that no such standard exists, we have removed that word.

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Finally, we wish to emphasize that rulemaking is a quasi-legislative process. As long as the end result is reasonable, complies with section 120.54, Florida Statutes, rulemaking requirements, and is within the Commission's statutory purview, such rulemaking is upheld when challenged in court. The Commission provided an opportunity for a hearing, held a hearing, and provided further opportunity for comment. The Commission voted to follow the hearing officer's recommendation. That determination clearly was within the parameters of the Commission's rulemaking authority.

It is, therefore,

ORDERED by the Florida Public Service Commission that Racal-Milgo's Petition for Reconsideration be denied.

By ORDER of the Florida Public Service Commission this 23rd day of JULY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the

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First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.