

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules 25-24.471, ) 25-24.511, F.A.C., and Adoption of ) Rule 25-24.567, F.A.C., pertaining ) to applications for certificates. ) <hr/>	DOCKET NO. 900770-TP  ORDER NO. 23982  ISSUED: 1-14-91
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NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-24.471, 25-24.511, F.A.C., and adopt Rule 25-24.567, F.A.C., relating to applications for certificates.

The attached Notice of Rulemaking will appear in the January 18, 1991 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Wednesday, February 13, 1991  
 Room 122, Fletcher Building  
 101 East Gaines Street  
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than February 8, 1991.

By Direction of the Florida Public Service Commission, this 14th day of JANUARY, 1991.

  
 STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

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DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

DOCKET NO. 900770-TP

RULE TITLE:

RULE NO.:

Application for Certificate

25-24.471

Application for Certificate

25-24.511

Application for Certificate

25-24.567

PURPOSE AND EFFECT:

The purpose of the rule amendment is to provide for the imposition of a fee by the Commission for the processing of applications for certificates. Section 364.335, Florida Statutes, allows the Commission to require that an application fee, in an amount not to exceed \$250, be filed by each applicant for a certificate of service. The effect of the amendment is to make the new policy of application fees a reality.

SUMMARY: Rule 25-24.471, F.A.C., describes the application procedures necessary for obtaining a certificate to provide interexchange telecommunications service between points within the State of Florida. The rule further describes the condition upon which the certificate will be granted and outlines provisions of service and service facilities.

Rule 25-24.511, F.A.C., presently describes the application procedures necessary for obtaining a certificate to provide pay telephone service within the State of Florida. The rule further

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describes the condition upon which the certificate will be granted, the geographical boundaries of the authority, and specifies permitted and prohibited services.

The proposed revisions to Rules 25-24.471 and 25-24.511 and proposed Rule 25-24.567 add a provision for an application fee which must accompany the initial filing of all applications for certificates granted under authority of these rules. The maximum application fee allowed is \$250, pursuant to Chapter 264.335, Florida Statutes.

The nonrefundable application fee which must accompany all applications entitled "Application for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida" is \$250. The nonrefundable application fee which must accompany all applications entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida" is \$100. These application fees are to assist in recovering the costs of processing the applications.

The Commission has adopted a new rule relating to STS in Docket No. 891297-TL. the new amendment to Rule 25-24.567 provides for an application fee of \$100 to accompany the filing of applications where tariffs are not required and \$135 where tariffs must be submitted. As in the rules relating to IXC and PATS providers, the STS application fee is nonrefundable.

RULEMAKING AUTHORITY: 350.127(2), F.S.

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LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.337, 364.339,  
364.345, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The Commission will incur no additional costs to implement the collection of application fees because the time required for processing will be absorbed in existing work schedules. The fees will assist in offsetting the cost incurred by the Commission in processing the requests for certification. Entities which will be applying for certificates in the future will naturally have the additional cost of the application fee. There will be an impact on small businesses since many of the existing, and presumably the future, shared tenant, interexchange, and pay telephone service providers are small businesses as defined in the Florida Small and Minority Business Assistance Act of 1985. Some impact on competition is possible if the amount of the fee is enough to keep potential applicants from applying for a certificant. However, considering the fee amount (\$100, \$135, or \$250) in the context of the total capital investment necessary to initiate the respective services, the economic repression directly attributable to the application fee would be negligible or nonexistent. Employment should not be affected by the rule amendment, since Commission staff will absorb the processing of the application fees in existing work schedules, and the time spent by applicants in processing the fee will be minuscule. The methodology used to

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formulate economic impact included discussions with staff of the Division of Legal Affairs and the Division of Communications. Standard microeconomic analysis was applied to assess the impact of these rule revisions and the proposed rule.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE OF THE DATE OF THIS NOITCE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD ON THE DATE AND AT THE PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Wednesday, February 13, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: William E. Wyrrough, Division of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-24.471 Application for Certificate.

(1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMU 31 (10/90) ~~(2/87)~~, which is incorporated into this rule by reference. Form PSC/CMU 31 (10/90) ~~(2/87)~~, entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida," ~~was effective on February 23, 1987~~

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and may be obtained by contacting the Commission's Division of Communications.

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

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

(4) Any interexchange authority previously granted or granted hereafter is subject to the following:

(a) Interexchange authority granted to all companies is statewide. A company may provide inter-EAEA service over its own or resold facilities. Intra-EAEA toll service is limited to WATS and MTS resale. However, a company not having screening capability may carry intra-EAEA traffic over its own facilities existing prior to October 4, 1984 if it pays the existing message toll service (MTS) rates to the local exchange company.

(b) Minor interexchange companies are not required to provide service throughout their certificated service area, but must accept customers on a nondiscriminatory basis up to the limits of their capacity from customers meeting the company's credit rating requirements. Major interexchange companies are required to provide service to all customers making a request for service.

(c) A certificate to provide interexchange service does not carry with it the authority to provide local exchange or pay telephone service. A separate application must be made for such

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authority.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, 364.32, 364.33, 364.335, 364.337,  
364.345, F.S.

History: New 2/23/87, Amended \_\_\_\_\_.

25-24.511 Application for Certificate.

(1) An applicant shall submit an application on Form PSC/CMU 32 (1/87, amended 9/89), which is incorporated into this rule by reference. Form PSC/CMU 32 (1/87, amended 9/89), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida," was effective on January 5, 1987, amended on September 28, 1989, and may be obtained from the Commission's Division of Communication. An application fee of \$100.00 must accompany the filing of all applications. This is a non-refundable fee to cover the costs of processing the application and it has no relevance on the approval or denial of a certificate.

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) Any pay telephone service authority previously granted or granted hereafter is subject to the following:

(a) Authority granted is statewide.

(b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to provide pay telephone service does not carry with it the authority to provide local exchange or

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interexchange service. A separate application must be made for such authority.

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 1/5/87. Amended 9/28/89

25-24.567 Application for Certificate.

(1) An applicant desiring to provide major shared tenant service shall submit an application on Commission Form PSC/CMU 36 (/\_/), which is incorporated into this rule by reference. Form PSC/CMU 36 (/\_/), entitled "Application Form For Authority To Provide Shared Tenant Service," was effective on \_\_\_\_\_, and may be obtained by contacting the Commission's Division of Communications. An application fee of \$100.00 must accompany the filing of applications where tariffs are not required (6 lines or less). Application fees of \$135.00 are required when tariffs must be submitted. These are non-refundable fees to cover the costs of processing the applications, and they have no relevance on the approval or denial of certificates.

(2) An applicant desiring to provide minor shared tenant service shall submit an application on Commission Form PSC/CMU 37 (/\_/), which is incorporated into this rule by reference. Form PSC/CMU 37 (/\_/), entitled "Application To Provide Shared Tenant



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Service within the State of Florida, Resale of Local Telephone Service on a Key System with Six or Fewer Access Lines' was effective on \_\_\_\_\_ and may be obtained from the Commission's Division of Communications.

(3) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

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

(5) Any shared tenant service authority previously granted or granted hereafter is subject to the following:

(a) Shared tenant authority granted to all companies is on a location-by-location basis and is restricted to commercial tenants in a single building.

(b) Each shared tenant service applicant shall agree to:

1. Advise all customers of its current rates 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 interexchange or pay telephone service. A separate application must be made for such

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authority.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.339,  
364.345, F.S.

History: New

NAME OF PERSON ORIGINATING PROPOSED RULES: Alan Taylor, Division  
of Communications

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:  
Florida Public Service Commission

DATE PROPOSED RULES APPROVED: December 18, 1990

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.