

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules 25-4.107,)	DOCKET NO. 900829-TL
F.A.C., Information to Customers;)	
25-4.110, F.A.C., Customer Billing;)	ORDER NO. 24235
and 25-4.040, F.A.C., Telephone)	
Directories; Directory Assistance.)	ISSUED: 3-13-91
)	

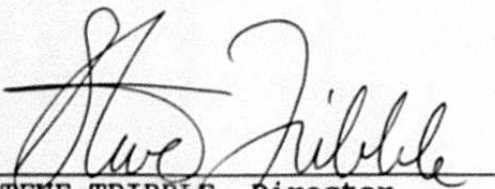
NOTICE OF ADOPTION OF RULE AMENDMENTS

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rules 25-4.107, F.A.C., 25-4.110, F.A.C., and 25-4.040, F.A.C., relating to information to customers, customer billing, and telephone directories; directory assistance, without changes.

The rule amendments were filed with the Secretary of State on March 11, 1991, and will be effective on March 31, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
13th day of MARCH, 1991.



STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

WEW

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DOCUMENT NUMBER-DATE

02469 MAR 13 1991

FPSC-RECORDS/REPORTING

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

RECEIVED
GENERAL INVESTIGATIVE
DIVISION
SEP 11 1961

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), 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 paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

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

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

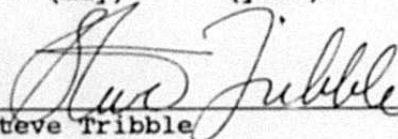
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undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Specific Rulemaking Authority</u>	<u>Law Being Implemented, Interpreted or Made Specific</u>
25-4.107	350.127(2), F.S.	364.03, 364.04, F.S.
24-4.110	350.127, F.S.	364.17, 350.113, 364.03, 364.04, 364.05, F.S.
25-4.040	350.127(2), F.S.	364.03, F.S.

Under the provision of paragraph 120.54(12)(a), 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)



 Steve Tribble

Director, Division of Records & Reporting
 Title

 Number of Pages Certified

(S E A L)

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1 25-4.107 Information to Customers.

2 (1) Each company shall provide such information and
 3 assistance as is reasonable to assist any customer or applicant
 4 in obtaining telephone service adequate to his communications
 5 needs. At the time of initial contact, each local exchange
 6 telecommunications company shall advise the person applying for
 7 or inquiring about residential or single_line business service of
 8 the rate for the least expensive one party basic local exchange
 9 telephone service available to him unless he requests specific
 10 equipment or services. Upon customer request, tThe person shall
 11 also be given informed of the availability and rate for an 800
 12 number to call to receive information on the "No Sales
 13 Solicitation" listing offered through the Department of
 14 Agriculture and Consumer Services, Division of Consumer Services.
 15 In any discussion of enhanced or optional services, each service
 16 shall be identified specifically, and the price of each service
 17 shall be given. Such person shall also be informed of the
 18 availability of and rates for local measured service, if offered
 19 in his exchange. Local exchange telecommunications companies
 20 shall submit copies of the information provided to customer
 21 service representatives to the Division of Communications for
 22 prior approval.

23 (2) At the earliest time practicable, the company shall
 24 provide to that customer the billing cycle and approximate date
 25 he may expect to receive his monthly billing.

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- 1 Law Implemented: 364.03, 364.04, F.S.
- 2 History: New 7/6/79, Amended 11/30,86, 11/28/89

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1 25-4.110 Customer Billing.

2 (1) Each company shall issue bills monthly. Each bill
3 shall show the delinquent date, set forth a clear listing of all
4 charges due and payable, and not later than December 1, 1982,
5 contain the following statement: "Written ~~i~~temization of local
6 billing available upon request."

7 (a) By July 1, 1987, ~~E~~ach local exchange company shall
8 provide an itemized bill for local service:

- 9 1. With the first bill rendered after local exchange
10 service to a customer is initiated or changed; and
11 2. to every customer at least once each twelve
12 months.

13 (b) The annual itemized bill shall be accompanied by a bill
14 stuffer which explains the itemization and advises the customer
15 to verify the items and charges on the itemized bill. This bill
16 stuffer shall be submitted to the Division of Communications for
17 prior approval. The itemized bill provided to residential
18 customers and to business customers with less than 10 access
19 lines per service location shall be in easily understood
20 language. The itemized bill provided to business customers with
21 10 or more access lines per service location may be stated in
22 service order code, provided that it contains a statement that,
23 upon request, an easily understood translation is available in
24 written form without charge. An itemized bill shall include, but
25 not be limited to the following information, separately stated:

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- 1 1. nNumber and types of access lines;
2 2. cCharges for ~~of~~ access to the system, by type of
3 line;
4 3. zone charges;
5 4. ~~equipment lease charges (tariff);~~
6 5. ~~maintenance charges for equipment (tariff);~~
7 6. ~~lease charges for inside wire (tariff);~~
8 7. ~~maintenance charges for inside wire (tariff);~~
9 4.8 touch tone service charges;
10 5.9 charges for custom calling features, separated by
11 feature;
12 6.10 unlisted number charges;
13 7.11 local directory assistance charges; ~~and~~
14 8.12 other tariff charges; ~~and contained in the bill.~~
15 9. other nontariffed, regulated charges contained in
16 the bill.
17 (c) ~~By July 1, 1987,~~ Each bill rendered by a local
18 exchange company shall:
19 1. separately state the following items:
20 a. any discount or penalty, if applicable,
21 b. past due balance,
22 c. ~~non-tariff~~ unregulated charges, identified as
23 unregulated,
24 d. long-distance charges, if included in the bill,
25 e. franchise fee, if applicable,

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- 1 f. taxes as applicable on purchases of local and long
2 distance service; and
3 2. contain a statement that nonpayment of regulated
4 charges may result in discontinuance of service
5 and that the customer may contact the business
6 office (at a stated number) to determine the
7 amount of regulated charges in the bill.

8 (2) Each company shall make appropriate adjustments or
9 refunds where the subscribers's service is interrupted by other
10 than the subscriber's negligent or willful act, and remains out
11 of order in excess of twenty-four (24) hours after the subscriber
12 notifies the company of the interruption. The refund to the
13 subscriber shall be the pro ratae part of the month's charge for
14 the period of days and that portion of the service and facilities
15 rendered useless or inoperative; except that the refund shall not
16 be applicable for the time that the company stands ready to
17 repair the service and the subscriber does not provide access to
18 the company for such restoration work. The refund may be
19 accomplished by a credit on a subsequent bill for telephone
20 service.

21 (3) (a) Bills shall not be considered delinquent prior to
22 the expiration of fifteen (15) days from the date of mailing or
23 delivery by the utility. However, the company may demand
24 immediate payment under the following circumstances:

- 25 1. Where service is terminated or abandoned.

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1 2. Where toll service is two (2) times greater than
2 the subscriber's average usage as reflected on the
3 monthly bills for the three (3) months prior to
4 the current bill or, in the case of a new customer
5 who has been receiving service for less than four
6 (4) months, where the toll service is twice the
7 estimated monthly toll service.

8 (b) The demand for immediate payment shall be
9 accompanied by a bill which itemizes the charges for which
10 payment is demanded or, if the demand is made orally, an itemized
11 bill shall be mailed or delivered to the customer within three
12 (3) days after the demand is made.

13 (c) If the company cannot present an itemized bill, it
14 may present a summarized bill which includes the customer's name
15 and address and the total amount due. However, a customer may
16 refuse to make payment until an itemized bill is presented. The
17 company shall inform the customer that he may refuse payment
18 until an itemized bill is presented.

19 (4) Each telephone company shall include a bill insert
20 advising each subscriber of the directory closing date and the
21 subscriber's opportunity to correct any error or make such
22 changes as the subscriber deems necessary in advance of the
23 closing date. ~~It shall also contain information about the~~
24 ~~residential subscriber's option to have "No Sales Solicitation~~
25 ~~Calls" printed next to their name, and the rate for such an~~

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1 ~~option-~~ It shall also state that at no additional charge and upon
2 the request of any residential subscriber, the exchange company
3 shall list an additional first name or initial under the same
4 address, telephone number and surname of the subscriber. Such
5 notice shall be included in the billing cycle closest to sixty
6 (60) days preceding the directory closing date.

7 (5) Annually, each telephone company shall include a bill
8 insert advising each residential subscriber of the option to have
9 his/her name placed on the "No Sales Solicitation" list
10 maintained by the Department of Agriculture and Consumer
11 Services, Division of Consumer Services, and the 800 number to
12 contact to receive more information.

13 (65) Where any undercharge in billing of a customer is the
14 result of a company mistake, the company may not backbill in
15 excess of twelve months. Nor may the company recover in a
16 ratemaking proceeding any lost revenue which inures to the
17 company's detriment on account of this provision.

18 (76) Franchise fees and municipal telecommunications taxes.

19 (a) When a municipality charges a company any franchise
20 fee, or municipal telecommunications tax authorized by Section
21 166.231 F.S., the company may collect that fee only from its
22 subscribers receiving service within that municipality. When a
23 county charges a company any franchise fee, the company may
24 collect that fee only from its subscribers receiving service
25 within that county.

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1 (b) A company may not incorporate any franchise fee or
2 municipal telecommunications tax into its other rates for
3 service.

4 ~~(c) Each company shall implement the provisions of this~~
5 ~~subsection at the time of its next general rate increase or~~
6 ~~decrease, or after the expiration of two years from the effective~~
7 ~~date of this subsection, whichever occurs first.~~

8 ~~(d)~~ This subsection shall not be construed as granting a
9 municipality or county the authority to charge a franchise fee or
10 municipal telecommunications tax. This subsection only specifies
11 the method of collection of a franchise fee if a municipality or
12 county, having authority to do so, charges a franchise fee or
13 municipal telecommunications tax.

14 (87) (a) When a company elects to add the Gross Receipts
15 Tax onto the customer's bill as a separately stated component of
16 that bill, the company must first remove from the tariffed rates
17 any embedded provisions for the Gross Receipts Tax.

18 (b) If the tariffed rates in effect have a provision
19 for gross receipts tax, the rates must be reduced by an amount
20 equal to the gross receipts tax liability imposed by Chapter 203,
21 Florida Statutes, thereby rendering the customer's bill
22 unaffected by the election to add the Gross Receipts Tax as a
23 separately stated tax.

24 (c) This subsection shall not be construed as a
25 mandate to elect to separately state the Gross Receipts Tax.

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1 This subsection only specifies the method of applying such an
2 election.

3 (d) All services sold to another telecommunications
4 vendor, provided that the applicable rules of the Department of
5 Revenue are satisfied, must be reduced by an amount equal to the
6 gross receipts tax liability imposed by Chapter 203, Florida
7 Statutes, unless those services have been adjusted by some other
8 Commission action.

9 (e) When a nonrate base regulated telecommunications
10 company exercises the option of adding the gross receipts tax as
11 a separately stated component on the customer's bill then that
12 company must file a tariff indicating such. No corresponding
13 rate reduction is required for nonrate base regulated telephone
14 companies.

15 ~~(f) As part of its annual report required by Rule 25-4.018,~~
16 ~~each local exchange company shall submit a reconciliation of its~~
17 ~~billed and booked revenues from the prior calendar year.~~

18 Specific Authority: 350.127, F.S.

19 Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, F.S.

20 History: New 12/1/68, Amended 3/31/78, 12/31/78, 3/18/81,

21 5/3/82, 11/21/82, 4/13/86, 10/30/86, 11/28/89.

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1 25-4.040 Telephone Directories; Directory Assistance.

2 (1) Each local exchange telecommunications telephone
3 company shall normally publish updated telephone directories
4 once every 12 months and shall publish updated directories at
5 least once every 15 months. The directories shall normally
6 alphabetically list the name, address, and telephone number of
7 all subscribers located in the exchange(s) contained in the
8 directory except the telephone numbers for public telephones or a
9 name, address, number/address unlisted or unpublished at the
10 subscriber's request. A description of the local (toll free)
11 calling scope shall be prominently displayed at the beginning of
12 each alphabetical section in a directory. At no additional
13 charge and upon the request of any residential subscriber, the
14 exchange company shall list an additional first name or initial
15 under the same address, telephone number and surname of the
16 subscriber. The exchange company shall place the first names or
17 initials in the order requested by the subscriber.

18 (2) Each subscriber served by a directory shall be
19 furnished one copy of that directory for each access line.
20 Subject to availability, additional directories shall be provided
21 by the local exchange telecommunications company, which may
22 charge a reasonable fee therefor. Within 30 days after the
23 effective date of this rule each exchange company shall file with
24 the Commission a tariff setting forth the fee, if any, and the
25 conditions under which it will apply. Copies of each directory

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1 shall be furnished to the Bureau of Service Evaluation
2 Commission. When expanded calling scopes are involved, as with
3 Extended Area Service, each subscriber shall be provided with
4 directory listings for all published telephone numbers within the
5 local service area.

6 (3) (a) The name of the local exchange telecommunications
7 telephone company, the individual exchanges included in the
8 directory and the month/year of issuance shall appear on the
9 front cover of each directory.

10 (b) The following information shall be listed on the
11 inside of the front cover of the directory:

12 1. Emergency calling instructions and numbers including
13 those of the police, fire departments and ambulance services used
14 by local government in case of emergency;

15 2. "911" instructions for exchanges with "911" emergency
16 service.

17 (c) The following notice shall be conspicuously listed
18 on the inside front cover or first page of the directory:

19 FLORIDA PUBLIC SERVICE COMMISSION INQUIRIES
20 CUSTOMERS OF UTILITIES AND COMPANIES REGULATED BY THE COMMISSION
21 WHO HAVE FIRST CONTACTED SUCH A FIRM CONCERNING A PROBLEM, AND
22 ARE NOT SATISFIED BY THE CORRECTIVE ACTION TAKEN MAY CONTACT:

23 THE FLORIDA PUBLIC SERVICE COMMISSION

24 Office of Consumer Affairs

25 101 East Gaines Street

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1 Tallahassee, Florida 3239901-8153

2 Phone Toll Free 1-800-342-3552

3 (4) The following information shall appear in the front
4 pages of the directory, preceding subscriber listings, along with
5 an index where there are four (4) or more pages of such
6 information:

7 (a) Directions for the use of local exchange and long
8 distance telephone services and calls to repair and directory
9 assistance services.

10 (b) Application and amount of directory assistance charges
11 contained in company tariffs.

12 (c) Application and amount of charges for line busy
13 verification, emergency interrupt and maintenance/repair
14 services.

15 (d) The location of telephone company public business
16 offices located in the area(s) contained in the directory.

17 (e) Identification of customer payment locations and an
18 explanation of discontinuance of service procedures for local
19 service.

20 (f) Policy on customer owned equipment and inside wiring.

21 (g) Policy on the recording of telephone conversations.

22 (h) Policy on harassing calls and sales solicitations
23 generated by illegal automatic dialing equipment.

24 (i) Policy on various violations of law arising from the
25 illegal use of telephone equipment and service.

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1 (j) A conspicuous notice of the availability of rates, and
2 ~~due dates~~ for the "No Sales Solicitation" listings offered
3 through the Florida Department of Agriculture and Consumer
4 Services, Division of Consumer Services and the 800 number to
5 contact for further information.

6 (5) Directory assistance operators shall maintain records
7 of all telephone numbers (except for non-published telephone
8 numbers) in the area for which they have the responsibility of
9 furnishing service. All new or changed listings shall be
10 provided to directory assistance operators within forty-eight
11 (48) hours after connection of service, excluding Saturdays,
12 Sundays and holidays.

13 (6) In the event of an error in the listed number of any
14 subscriber, each local exchange telecommunications company shall
15 intercept all calls to the listed number for the period of time
16 required to comply with Rule 25-4.074, provided the listed number
17 is not in service. In the event of an error or omission in the
18 name listing of a customer, the customer's correct name and
19 telephone number shall be listed in the directory assistance and
20 intercept records and the correct number furnished the calling
21 party upon request or interception.

22 (7) When a subscriber will establish a residence or
23 business shortly after the close of subscriber listing records
24 but preceding publication, the local exchange telecommunications
25 company shall, upon request, establish and list service at the

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1 requested new address and immediately place the service on
2 suspension. Service connection and other appropriate local
3 service charges shall be due and payable, independent of whether
4 service is later restored.

5 (8) When scheduled additions or changes in plant, records
6 or operations will require a large group of number changes, the
7 earliest possible notice shall be given to affected customers,
8 regardless of the time of the change relative to the directory
9 issuance cycle.

10 (9) The local exchange telecommunications company shall not
11 change a subscriber's telephone number without good cause and at
12 least thirty (30) days prior notice to the affected subscriber.
13 Specific Authority: 350.127(2), F.S.
14 Law Implemented: 364.03, F.S.
15 History: New 12/1/68, Amended 3/31/76, 1/4/78, 12/10/84,
16 formerly 25-4.40, Amended 11/28/89.

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Rules 25-4.107
 25-4.110
 25-4.040
 Docket No. 900829-TL

SUMMARY OF RULE

Rule 25-4.040, F.A.C., Telephone Directories, is being revised to delete the sections that provide for a directory listing for "no sales solicitation" listing, and add sections that provide for the availability of a list offered by the Division of Consumer Services of the Department of Agriculture and Consumer Services. Rule 25-4.107, F.A.C., Information to Customers is being revised to require that LECs provide information about the NSS list to customers, and also to submit copies of all information given to customers in the initial contact to the Commission's Division of Communications for prior approval.

Rule 25-4.110, F.A.C., Customer Billing is being revised to require the LECs to include annual bill inserts about the NSS list. Further changes to the rule pertain to franchise fees, inside wire, and customer premises equipment.

SUMMARY OF HEARINGS ON THE RULE

On February 20, 1991, a Request for Hearing was filed on behalf of St. Joseph Telephone & Telegraph Company, Gulf Telephone Company, the Florida Telephone Company, Inc., and Indiantown Telephone Systems, Inc. However, that request was subsequently withdrawn on February 21, 1991, and no hearing was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Sections 364.3382 and 501.059, Florida Statutes, were revised

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during the 1990 legislative session, with the new provisions becoming effective October 1, 1990. The proposed changes to Rules 25-4.040, 25-4.107, and 25-4.110, F.A.C., implement the new telecommunications policies of the Legislature and the Commission resulting from these statutory revisions and other customer billing procedural changes.

Specifically, the rule revisions will impose new restrictions and requirements on telephone solicitors and change the method by which consumers are protected from unwanted telephone solicitations, and require other minor changes to customer bills and information that is given to customers.