

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-4.0042,)	DOCKET NO. 900614-TP
F.A.C. Provision of Regulated)	
Telecommunications Service to)	ORDER NO. 25084
Uncertificated Resellers Prohibited.)	ISSUED: 9/23/91
_____)	

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-4.0042, F.A.C., relating to regulated telecommunications service to uncertificated resellers.

The attached Notice of Rulemaking will appear in the September 27, 1991 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Monday, November 25, 1991
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule 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 October 7, 1991.

By Direction of the Florida Public Service Commission, this 23rd day of SEPTEMBER, 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

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RULE TITLE:

RULE NO.:

Provision of Regulated Telecommunications Service
to Uncertificated Resellers Prohibited

25-4.0042

PURPOSE AND EFFECT: The purpose of this proposed rule is to impose certain duties on interexchange companies to identify and discontinue service to those customers who are unlawfully reselling or rebilling interexchange telecommunications service within the State of Florida without a Certificate of Public Convenience and Necessity as an interexchange company from the Commission. The effect would be a reduction in the unlawful practice of reselling and rebilling of intrastate interexchange service without a certificate.

SUMMARY: The proposed rule requires each interexchange company to place language in its tariff which states that resellers must be certificated as interexchange carriers by the Commission. Additionally, each interexchange company would be required to implement procedures to identify and report those customers it has reason to believe are not in compliance with the certification requirements. Finally, subsequent to a finding by the Commission that an interexchange company's customer is unlawfully rebilling or reselling the intrastate interexchange service, the Commission can order the reseller to cease and desist reselling or rebilling such

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service and simultaneously direct the interexchange company to discontinue service to that reseller.

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

LAW IMPLEMENTED: 364.183(1), 364.19, 364.27, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The areas of most potential cost are 1) the identification and reporting requirement, and 2) the indirect cost of uncollectible revenues that could occur after the disconnection of uncertificated resellers. The primary benefit of the proposed rule is the potential reduction of unscrupulous and dishonest marketing practices through effective regulation of resellers and rebillers. This regulation would benefit interexchange companies, certificated resellers and rebillers, and the ultimate consumers of the interexchange services.

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

TIME AND DATE: 9:30 A.M., November 25, 1991

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

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

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THE FULL TEXT OF THE RULE IS:

25-4.0042 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

(1) Each certificated interexchange company shall, within the general section of its intrastate tariff, or in the sections applicable to services that it expects may be resold or rebilled, include language which states that customers reselling or rebilling such services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

(2) Each certificated interexchange company shall implement procedures to identify and report those customers whom it believes are reselling or rebilling interexchange telecommunications service on an intrastate basis in Florida. Each certificated interexchange company shall, within thirty days of a written request by the Commission staff, submit a complete list of such customers' names and addresses to the Commission.

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations

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within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology. Specific Authority: 350.127(2), F.S. Law Implemented: 364.183(1), 364.19, 364.27, F.S.

History: New.

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

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

DATE PROPOSED RULE APPROVED: September 10, 1991

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.