

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-24.4701,)	DOCKET NO. 900614-TP
F.A.C., Provision of Regulated)	
Telecommunications Service to)	ORDER NO. 25547
Uncertificated Resellers Prohibited.)	ISSUED: 12/30/91

NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rule 25-24.4701, F.A.C., relating to regulated telecommunications service to uncertificated resellers without change.

The rule was filed with the Department of State on December 23, 1991, and will be effective on January 12, 1992. 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
30th day of DECEMBER, 1991.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

12753 DEC 30 1991

FPSC-RECORDS/REPORTING

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

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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

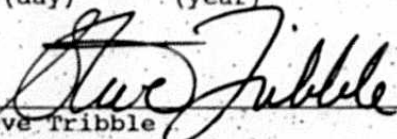
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undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-24.4701	350.127(2)	364.183(1), 364.19, 364.27

Under the provision of paragraph 120.54(13)(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

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1 25-24.4701 Provision of Regulated Telecommunications
2 Service to Uncertificated Resellers Prohibited.

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

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

17 (3) The Commission, upon making a determination that a
18 customer of an interexchange company is unlawfully reselling or
19 rebilling intrastate interexchange service may issue an order
20 that directs the customer to cease and desist reselling or
21 rebilling such service and simultaneously directs the
22 interexchange company to discontinue providing such service to
23 such customer and/or to cease providing service to such customer
24 at additional locations within Florida, provided that such
25 discontinuance or limitation of service is technically feasible

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- 1 within the context of existing facilities and technology.
2 Specific Authority: 350.127(2), F.S.
3 Law Implemented: 364.183(1), 364.19, 364.27, F.S.
4 History: New 1/12/92.
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Rule 25-24.4701
Docket No. 900614-TP

SUMMARY OF RULE

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

SUMMARY OF HEARINGS ON THE RULE

No hearings were requested and none were held regarding this rule.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Commission has recognized that intrastate interexchange telephone service has been resold to the public in violation of Rule 25-24.470, F.A.C., and Section 364.33, Florida Statutes, which require that such service can only be sold by entities who have obtained Certificates of Public Convenience and Necessity from the Commission. Rule 25-24.4701, F.A.C., has been developed to help identify uncertificated resellers and to put certificated carriers

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on notice that the Commission may order that service to
uncertificated resellers be discontinued.