

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment)
of Rule 25-4.113, F.A.C.,)
Refusal or Discontinuance)
of Service by Company;)
Rule 25-4.150, F.A.C.,)
The Administrator;)
Rule 25-24.475, F.A.C.,)
Company Operations: Rules)
Incorporated; and proposed)
Rule 25-4.160, F.A.C.,)
Operation of Telecommuni-)
cations Relay Service.)

DOCKET NO. 920275-TP
ORDER NO. PSC-92-0581-NOR-TP
ISSUED: 06/29/92

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt 25-4.160, F.A.C., and amendment of Rules 25-4.113, 25-4.150 and 25-24.475, F.A.C.

The attached Notice of Rulemaking will appear in the July 2, 1992, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Tuesday, July 28, 1992
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 July 24, 1992.

By Direction of the Florida Public Service Commission, this
29th day of June, 1992.


STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

CBM

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:

RULE

NO.:

Company Operations: Rules Incorporated

25-24.475

PURPOSE AND EFFECT: The rule revision is to cross-reference the discount provision for use of the relay service.

SUMMARY: Rule 25-24.475 revision is merely to cross-reference the discount provision.

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

LAW IMPLEMENTED: 364.03, 364.035, 364.17, 364.14, 364.15, 364.16, 364.18, 364.185, 364.30, 364.337, 364.345, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES:

The cross-reference itself will not have an economic impact.

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., July 28, 1992

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

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

THE FULL TEXT OF THESE RULES ARE:

25-24.475 Company Operations; Rules Incorporated

(1) The following rules are incorporated herein by reference and apply to Interexchange Companies. In these rules, the word "local" should be omitted or interpreted as "toll", as they shall apply only to interexchange and not local service.

(a) The following rules apply to all Companies:

<u>Section</u>	<u>Title</u>	Portions Not <u>Applicable</u>
25-4.022	Complaint - Trouble Reports, etc.	None
25-4.036	Design and Construction of Plant	None
25-4.038	Safety	None
25-4.039	Traffic	None
25-4.071	Adequacy of Service	Subsections (1), (2), (3), (4), (5), (6)
25-4.077	Metering and Recording Equipment	(5)
<u>24-4.160</u>	<u>Operation of Telecommunications</u> <u>Relay Service</u>	<u>Subsections</u> <u>(4), (5)</u>

(b) The following rules apply to Major Interexchange Companies only.

<u>Section</u>	<u>Title</u>	Portions Not <u>Applicable</u>
25-4.023	Report of Interruptions	None

25-4.069	Maintenance of Plant and Equipment	Subsection (3)
25-4.070	Customer Trouble Reports	Subsections (1), (3), (5), (6), (7)
25-4.071	Adequacy of Service	Subsection (3), (4), (5), (6)
25-4.072	Transmission Requirements	Subsection (2), (3)
25-4.073	Answering Time	None
25-4.077	Metering and Recording Equipment	None
25-4.078	Emergency Operation	Subsection (2)

(2) A company may act as an agent of the customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service rendered.

(3) A company shall not lease intrastate-tariffed private line, or foreign exchange (FX) services or facilities of local exchange companies for the purpose of routing its customers' traffic, except as indicated in subsection (4).

(4) Foreign exchange (FX) service provided by local exchange companies may be used by an interexchange company to originate calls for subsequent routing over the company's facilities. An

Interexchange Company may not use FX service to terminate traffic.

(5) Each interexchange company shall order sufficient access facilities between the local exchange carrier's end office or tandem serving the interexchange company and the interexchange company's point of presence to meet the following service standard during the average business day busy hour during the busy season: At least 99% percent of all calls entering or exiting the local exchange carrier's local network at the interexchange company's point of interface on a Feature Group A or B basis will not encounter an all-trunk busy condition. Each interexchange company will maintain the required Busy Hour Minutes of Capacity to attain the 1% blockage requirement. For end-to-end Feature Group C & D service, the call completion rate shall not be less than the company's tariff standard, which in no case shall be less than 90 percent.

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

Law Implemented: 364.03, 364.035, 364.17, 364.14, 364.15, 364.16, 364.18, 364.185, 364.30, 364.337, 364.345, F.S.

History: New 2/23/87, Amended 6/25/90, _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Richard Tudor, Division of Communications

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

DATE PROPOSED RULES APPROVED: June 16, 1992

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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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-(800)-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920275-TP

RULE TITLE:

RULE NO.:

Refusal or Discontinuance of Service by Company

25-4.113

PURPOSE AND EFFECT: The purpose is to implement the Telecommunications Access System Act, and to provide that discontinuance of service may occur due to nonpayment of the surcharge.

SUMMARY: The rule provides for discontinuance of telephone service for nonpayment of the surcharge.

RULEMAKING AUTHORITY: 350.127, 427.704(8), F.S.

LAW IMPLEMENTED: 364.03, 364.19, 427.704, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULE:

The impact would be analogous to discontinuance of service for other purposes provided in the 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 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., July 28, 1992

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.

THE FULL TEXT OF THIS RULE IS:

25-4.113 Refusal or Discontinuance of Service by Company.

(1) As applicable, the utility may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:

(a) For non-compliance with and/or violation of any State or municipal law, ordinance or regulation pertaining to telephone service.

(b) For the use of telephone service for any other property

or purpose than that described in the application.

(c) For failure or refusal to provide the utility with a deposit to insure payment of bills in accordance with the utility's regulations.

(d) For neglect or refusal to provide reasonable access to the utility for the purpose of inspection and maintenance of equipment owned by the utility.

(e) For non-compliance with and/or violation of the Commission's regulations or the utility's rules and regulations on file with the Commission, provided five (5) working days' written notice is given before termination.

(f) For non-payment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(5), provided that suspension or termination of service shall not be made without five (5) working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service.

(g) For purposes of paragraphs (e) and (f), "working day" means any day on which the utility's business office is open and the U.S. Mail is delivered.

(h) Without notice in the event of customer use of equipment in such manner as to adversely affect the utility's equipment or the utility's service to others.

(i) Without notice in the event of tampering with the

equipment furnished and owned by the utility.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the utility may, before restoring service, require the customer to make, at his own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.

(2) In case of refusal to establish service, or whenever service is discontinued, the utility shall notify the applicant or customer in writing of the reason for such refusal or discontinuance.

(3) Service shall be initiated or restored when cause for refusal or discontinuance has been satisfactorily adjusted.

(4) The following shall not constitute sufficient cause for refusal of service to an applicant or customer:

(a) Delinquency in payment for service by a previous occupant of the premises, unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous occupant shall benefit from such new service.

(b) Delinquency in payment for service by a present occupant who was delinquent at another address and subsequently joined the household of the subscriber in good standing.

(c) Delinquency in payment for separate telephone service of another subscriber in the same residence.

(d) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(e) Failure to pay for a service rendered by the utility which is not regulated by the Commission.

(f) Failure to pay the bill of another customer as guarantor thereof.

(5) When service has been discontinued for proper cause, the utility may charge a reasonable fee to defray the cost of restoring service, provided such charge is set out in its approved tariff on file with the Commission.

Specific Authority: 350.127, 427.704(8), F.S.

Law Implemented: 364.03, 364.19, 427.704, F.S.

History: Revised 12/1/53, Amended 3/31/76, 10/25/84, 10/30/86, 1/1/91, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Tudor, Division of Communications.

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

DATE PROPOSED RULE APPROVED: June 16, 1992

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if

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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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-(800)-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920275-TP

RULE TITLE:

RULE NO.:

The Administrator

25-4.150

PURPOSE AND EFFECT: The purpose is to implement the Telecommunications Access System Act, and to address the operation of the relay system and the duties of the participating entities.

SUMMARY: This rule provides for the Administrator's payment of the relay service provider's bills.

RULEMAKING AUTHORITY: 427.704(8), F.S.

LAW IMPLEMENTED: 427.703(8), 427.705(1), F.S

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE:

No additional cost to the agency has been identified. The Administrator did not identify any economic impact caused by the

rule and that entity.

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., July 28, 1992

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.

THE FULL TEXT OF THE RULE IS:

PART X - TELECOMMUNICATIONS ACCESS SYSTEM

25-4.150 - THE ADMINISTRATOR

(1) The Administrator is a corporation not for profit incorporated pursuant to the provisions of Chapter 617, F.S., and designated by the Florida Public Service Commission to administer the telecommunications relay service system and the distribution of specialized telecommunications devices pursuant to the provisions of Part II ~~III~~ of Chapter 427, F.S., and rules and regulations adopted by the Commission.

(2) For the purposes of implementing Part II ~~III~~ of Chapter 427, F.S., the Florida Telecommunications Relay, Inc. is designated as the Administrator identified in Chapter 427.704(2). The

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Administrator's offices are located at 1311 N. Paul Russell Road, Suite 203-B, Tallahassee, FL 32301-4860, telephone number (904) 656-1414.

(3) The Administrator will be responsible for receiving and distributing funds from the operating fund. The Administrator will expend no funds from the operating fund to be used to pay for the cost of the Advisory Committee. The Administrator will expend no funds from the operating fund to be used to pay for entertainment.

(4) The Administrator shall remit payment from available operating funds for all bills rendered by the Provider of relay services within 15 days of receipt. If the Administrator challenges the accuracy of a bill, payment may be withheld only for the challenged portion of the bill and the Administrator shall present to the Commission any unresolved billing issues within 30 days of the bill's original due date.

Specific Authority: 427.704(8), F.S.

Law Implemented: 427.703(8), 427.705(1), F.S.

History: New, 2//25/92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Tudor, Division of Communications.

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

DATE PROPOSED RULE APPROVED: June 16, 1992

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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.

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920275-TP

RULE TITLE:

RULE NO.:

Operation of Telecommunications Relay Service

25-4.160

PURPOSE AND EFFECT: The purpose is to implement the Telecommunications Access System Act, and to address the operation of the relay system and the duties of the participating entities.

SUMMARY: This is a proposed rule to implement the Telecommunications Access System Act. The rule addresses implementation, operation and administration of the Act. The rule provides for a discount on relay service calls; a provider's obligation when passing a call to another company; requirement on local exchange companies to forward certain calls; the treatment of

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account bill rendered.

RULEMAKING AUTHORITY: 427.704(8), F.S.

LAW IMPLEMENTED: 427.704(4), 427.704(5), F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE:

No additional cost to the agency has been identified. Five groups were identified as being directly affected by the rule proposal: local exchange companies (LECs), inter-exchange companies (IXCs), the Relay Service Administrator, public pay telephone service providers, and the Relay Service Provider. The LECs estimated minimal or no economic impact except for Rule 25-4.160. There is some perception that revenues would be lost due to the discount rate structures. However, as the telephone-to-TDD calls and TDD-to-telephone calls are not possible at present, this will be new traffic. The IXCs anticipated a range of costs from minimal to material impact. The pay phone providers estimated no economic impact. There appears to be no impact on the Administrator.

The IXCs who identified themselves as small businesses estimated no economic impact or minimal impact. No impact on competition or employment is foreseen. A data request was sent out to potentially affected parties.

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:

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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.

THE FULL TEXT OF THIS RULE IS:

25-4.160 Operation of Telecommunications Relay Service

(1) For intrastate toll calls received from the relay service, each local exchange and interexchange telecommunications company billing relay calls shall discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party certifies that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge. In the case of a tariff which includes either a discount based on number of minutes or the purchase of minutes in blocks, the discount shall be calculated by discounting the minutes of relay use before the tariffed rate is applied.

(2) When the relay service provider passes a call to another telecommunications company for billing, it shall also provide to

that telecommunications company an indication that the call is a relay call and provide the caller's originating telephone number, the terminating telephone number and start time of the call. In lieu of providing this information, the relay service provider may enter into a billing arrangement, if so desired by the other telecommunications company, whereby the relay service provider bills the call on behalf of the other local or interexchange telecommunications company.

(3) When a local exchange telecommunications company passes a call to the Florida relay service provider, it shall also forward the calling party's originating telephone number if the calling party's central office has that capability.

(4) To fund the telecommunications access system established under Part II of Chapter 427, F.S., all local exchange companies shall impose a monthly surcharge on all local exchange company subscribers, excluding federal and state agencies, on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

(a) A local exchange company shall consider an account bill rendered in a manner consistent with its billing practices for other telecommunications services as either a bill: (1) for all access lines at one location or (2) for all access lines at multiple locations.

(b) Except as otherwise provided by law, the surcharge billed by the local exchange companies is not subject to any sales, use, franchise, income, municipal utility, gross receipts, or any other tax, fee, or assessment, nor shall it be considered revenue of the local exchange telecommunications companies for any purpose.

(c) All local exchange companies shall include the surcharge as a part of the local service charge that appears on the customer's bill except that the surcharge may be itemized if a company monthly itemizes all local service charges. However, the local exchange company shall itemize the surcharge on the initial bill to the subscriber and itemize it at least once annually. The local exchange company may deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge. All moneys received by the local exchange company, less the authorized amount retained, shall be submitted so as to be received by the Administrator within fifteen days after the end of the previous month. Each local exchange company shall follow the same procedures for collecting this surcharge as for collecting for other regulated telecommunications services.

Specific Authority: 427.704(8)

Law Implemented: 427.704(4), 427.704(5)

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Tudor, Division

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of Communications.

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

DATE PROPOSED RULE APPROVED: June 16, 1992

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