

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Repeal of Rules) DOCKET NO. 951315-TI
25-24.460, F.A.C., Major and) ORDER NO. PSC-96-0261-FOF-TI
Minor Interexchange Companies;) ISSUED: February 23, 1996
25-24.495, F.A.C., Revenue)
Requirements; Rules)
Incorporated; and Proposed)
Amendment of Rules 25-24.465)
through 25-24.490, Relating to)
Interexchange Telephone)
Companies)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted repeal of Rules 25-24.460 and 25-24.495 and amendment of Rules 25-24.465 through 25-24.490, Florida Administrative Code, relating to interexchange telephone companies with changes.

The rule amendments were filed with the Department of State on February 22, 1996, and will be effective on March 13, 1996. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 23rd day of February, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DOCUMENT NUMBER-DATE

02227 FEB 23 96

FPSC-RECORDS/REPORTING

PART X RULES GOVERNING INTEREXCHANGE TELECOMMUNICATIONS
TELEPHONE COMPANIES

25-24.460 Major and Minor Interexchange Companies.

~~(1) For purposes of this Part, AT&T Communications of the Southern States, Inc. is determined to be a major interexchange company. All other interexchange companies are minor interexchange companies.~~

~~(2) Upon petition of a customer of an interexchange company or an interexchange company, or on its own motion, the Commission may by order change the status of an interexchange company. In determining whether the status of an interexchange company should be changed, the Commission may consider, but is not limited to, the following factors: market share, number of exchanges served, range of services offered, access to finances, technological resources in areas such as one plus dialing, availability of answer supervision, automatic number identification, and the number, relative size and scope of firms in the market. Except as otherwise provided, rules that are applicable only to a major interexchange company shall apply to a company upon a change in its designation to major interexchange company and shall be inapplicable to a company upon its change to a minor interexchange company.~~

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

Law Implemented: 364.01, 364.337, F.S.

History: New 2/23/87; ~~repealed 3/13/96.~~

25-24.465 Terms and Definitions; Rule Incorporated.

(1) For purposes of this Part, the term ~~following definitions~~ apply:

(a) "Company" means an Interexchange Company.

~~(b) "Equal Access Exchange Areas" or "EAEA" means a geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.~~

(2) ~~In addition to the above, the~~ The following rule is incorporated herein by reference.

<u>Section</u>	<u>Title</u>	Portions not <u>Applicable</u>
25-4.003	Definitions	Subsection <u>(8)</u> (9)

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

Law Implemented: 364.01, 364.02, 364.337, F.S.

History: New 2/23/87, amended 3/13/96.

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 (3/96), which is incorporated into this rule by reference. Form PSC/CMU 31 (3/96), entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida," may be obtained by contacting the Commission's

Division of Communications. ~~An~~ non-refundable application fee of \$250.00 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) No change.

(3) No change.

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

(a) Toll authority granted to all companies is statewide. A company may provide toll service over its own or resold facilities. However, the local exchange company shall be the sole carrier for ~~1+~~ 0+ local, and 0- local and 0- intraLATA ~~local and~~ toll calls dialed by end users. Call aggregators and IXCs shall not change or augment the dialing pattern of end users for such calls. IXCs may only provide intraLATA toll services to end users with whom they have a prior and ongoing relationship or who dial the appropriate access code, e.g.i.e., 950, 800, or 10XXX, ~~or autodial.~~

(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.~~ Companies deemed major ~~Major~~ interexchange companies on December 31, 1994, are required to

provide service in any exchange that is not equal access capable to all customers in that exchange making a request for service.

(c) Where only one interexchange carrier is available in a confinement facility, that interexchange carrier shall provide for completion of all inmate calls allowed by the confinement facility.

(d) A certificate to provide interexchange service does not carry with it the authority to provide local exchange, shared tenant, alternative access, alternative local exchange, or pay telephone service. A separate application must be made for such 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 5/8/91, 11/20/91, 12/22/92, 10/10/94, 3/13/96.

25-24.473 Application for Approval of ~~Sale~~, Assignment or Transfer of Certificate.

(1) A person desiring to obtain a certificate by ~~sale~~, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Commission Form PSC/CMU 31 (3/96) ~~(4/91)~~, which is incorporated into this rule by reference. Form PSC/CMU 31 (3/96) ~~(4/91)~~, entitled "Application Form for Authority to Provide Interexchange Telecommunications

Service Between Points Within the State of Florida," may be obtained by contacting the Commission's Division of Communications.

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

(3) An application for a ~~sale~~, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be ~~sold~~, assigned or transferred only as a whole.

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

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

History: New 2/23/87, Amended 11/20/91, 3/13/96.

25-24.474 Cancellation of a Certificate.

(1) The Commission may on its own motion cancel a company's certificate for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted;

(b) Violation of Commission ~~r~~Rules or orders; or

(c) Violation of Florida Statutes, ~~17~~ ~~or~~

~~(d) Failure to provide service for a period of six (6) months.~~

(2) No change.

(3) No change.

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

Law Implemented: 350.113, 350.127(1), 364.03, 364.285, 364.337,
364.345, F.S.

History: New 2/23/87, amended 3/13/96.

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>	<u>Portions Not 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)
25-4.076	Pay Telephone Service Provided By Local Exchange Companies	All Subsections except (12)
25-4.077	Metering and Recording Equipment	(5)
24-4.160	Operation of Telecommunications Relay Service	Subsections (2), (3)

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

Section	Title	Portions Not Applicable
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) No change.

~~(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, 9/16/92, 2/3/93, 3/13/96.

25-24.480 Records & Reports; 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>	<u>Portions not Applicable</u>
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of Records	(1), (3)
25-4.043	Inquiries	None
25-4.0161	Regulatory Assessment Fees	None
25-4.079	Hearing/Speech Impaired Persons	Subsections (1), (2), (3), and (5)
25-4.115	Directory Assistance	Subsections (1) and (2)

~~(b) The following rules apply to major interexchange companies only:~~

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.017	Uniform System of Accounts	Subsections (2), (3), (4), (5), (6), (7) (8), (9), (10)
25-4.135	Annual Reports	Subsection (2)
25-4.1352	Earnings Surveillance Report	None

~~(2) Each minor interexchange company shall file, with the Commission's Division of Communications, an updated list of exchanges where originating service is offered. This exchange list~~

~~shall be filed within 10 days of service being offered or discontinued in an exchange area, on Appendix A of Form PSC/CMU 31 (4/91).~~

~~(2)(3)~~ Each company shall file updated information for the following items with the Division of Communications and the Division of Records and Reporting within 10 days after such changes occur.

(a) No change.

(b) No change.

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

Law Implemented: 350.113, 350.115, 350.117, 364.17, 364.18, 364.185, 364.337, F.S.

History: New 2/23/87, Amended 4/5/88, 7/11/88, 6/30/90, 10/25/90, 11/20/91, 12/29/91, 12/22/92, 12/27/94, 3/13/96.

25-24.485 Tariffs.

All tariffs must be filed with the Commission, using the following guidelines, before becoming effective.

(1) General.

(a) Each company shall maintain on file with the Commission tariffs which set forth all of the rates and charges for customer services, the different services available to subscribers and the conditions and circumstances under which service will be furnished. ~~However, minor~~ Interexchange carriers are authorized to provide services to other certificated telephone companies by individually

negotiated contract rates in addition to filing and providing those services to end users pursuant to tariffs. When an ~~a minor~~ interexchange carrier chooses to utilize such individually negotiated contract rates for services to other certificated telephone companies, and in any other instances in which the Commission has authorized contract rates for specific offerings, the conditions under which such contracts may be offered shall be clearly stated in the company's tariff but the contracts themselves need not be part of the tariff. The contracts must, however, be available for Commission review. The tariff shall not include charges for customer premises equipment.

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) No change.

(g) All proposed changes to the existing tariff shall be directed to the Director of the Division of Communications, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0866~~±~~. A filing must be received by the Division of Communications before 5:00 p.m. of a normal Commission workday in order for it to be "filed" on that day.

(h) No change.

(i) Companies shall charge only the rates contained in their tariff. If a company desires to charge rates or charges at a lower level than is contained in an existing tariff and wishes to charge those lower rates only temporarily and afterwards return to the existing tariff level, it may, instead of filing two tariff revisions to decrease and then later increase the rate, file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the specific tariff charges to be reduced, the temporary level of charges, a description of the customers who would be eligible for the decrease, the conditions under which customers would receive a decrease, and the beginning and ending dates of the reduction. The tariff page(s) describing the terms and rates of the temporary reduction shall immediately precede the permanent tariff pages for the service in the same section of the tariff. ~~Temporary reductions should not result in any individual customer being able to receive temporary reduced rates for a given service offering for more than 90 days in any twelve (12) month period. Any tariff provisions in existing tariffs on the effective date of this rule which do not contain the above information or meet the above requirements must be refiled within ninety (90) days after the effective date of this rule to comply with the above.~~

(j) No change.

(2) Effective Date.

(a) No change.

(b) For all companies, changes to an existing tariff will become effective on the ~~30th~~ day following the day it is filed with the Division of Communications unless the company requests a later effective date, or the Commission suspends or denies the filing prior to the effective 30th date.

(3) No change.

(4) Information to Accompany Tariff Filings.

(a) No change.

(b) No change.

~~(c) Each tariff filing shall also include one coded format copy of each tariff page filed showing changes to the existing tariff page. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens. In the case where all changes to a sheet cannot be fitted onto one page, for the purpose of providing the coded format copy only, the changes may be carried over to an additional sheet.~~

~~(d) For major interexchange companies, the Commission may establish a rate cap or floor or both for new and existing services. Where no such range has been established, existing tariff rates are both the floor and cap. In addition to the items contained in (a) through (c) above, the following are also required:—~~

- ~~1. For existing offerings where the proposed rate is between the authorized floor and cap and the charge is, to the extent practicable, an equal percentage change to all rate elements for a given service category:
 - ~~a. A tabulation in typical bill form setting forth, at representative consumption levels, the charges applicable under the present and proposed rates, together with the differences expressed in dollars and in percent;~~
 - ~~b. A statement that the proposed rates are above the floor and below the cap.~~~~
- ~~2. For existing offerings where the proposed rate is below the floor or above the cap or where the charge is not, to the extent practicable, an equal percentage change to all rate elements for a given service category:
 - ~~a. A tabulation in typical bill form setting forth, at representative consumption levels, the charges applicable under the present and proposed rates, together with the difference expressed in dollars and in percent;~~
 - ~~b. The estimated gross increase or decrease in annual revenues resulting therefrom, if ascertainable.~~~~

~~e. A cost information statement where available,
containing a summary of the cost study performed,
including:~~

~~(i) All underlying assumptions;~~

~~(ii) The cost study number, if assigned;~~

~~(iii) The cost of providing the service or equipment;~~

~~(iv) The proposed contribution above or below direct
cost, stated in both dollars and percent; and,~~

~~(v) A statement as to why each above cost or
below cost contribution rate was chosen.~~

~~(vi) The anticipated effect on the company's rate of
return; and~~

~~(vii) A statement as to why the proposed rate is above
the cap or below the floor.~~

~~3. For new service offerings:~~

~~a. An estimate of the annual revenue to be derived
from the new service offering and the change in
overall revenue expected from the offering of the
new service.~~

~~b. An estimate of the number of customers to be served
by the new service offering.~~

~~e. A description of the offering and a statement
explaining the reason for the new offering.~~

~~d. A statement that the aggregate revenues from the new service offering at the proposed rates exceed the floor.~~

~~(e) Major interexchange companies who request a change in rates, charges, terms or conditions of private line/special access service or who propose a new private line/special access service shall, upon staff request, provide cost support for the request in accordance with Rule 25-4.044.~~

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

Law Implemented: 364.03, 364.035, 364.04, 364.05, 364.057, 364.08, 364.09, 364.10, 364.11, 364.14, 364.337, F.S.

History: New 2/23/87, Amended 11/20/89, 3/13/96.

25-24.490 Customer Relations; Rules Incorporated.

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

~~(1) The following rules apply to all companies:~~

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.111	Customer Complaint and Service Requests	Subsection (2)
25-4.112	Termination of Service	None

	by Customer	
25-4.113	Refusal or Discontinuance	None
	of Service by Company	
25-4.114	Refunds	None
25-4.117	800 Service	None
25-4.118	Interexchange Carrier	None
	Selection	

~~(2) The following rules apply to major interexchange companies only:~~

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.109	Customer Deposits	None
25-4.110	Customer Billing	Subsection (4)
25-4.111(2)	Customer Complaints & Service Reports	None

~~(2)(3) An minor interexchange company may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term. This subsection applies to all minor~~

~~interexchange companies that apply for a certificate of public convenience and necessity on or after the effective date of this rule and will become applicable to all other minor interexchange companies 90 days after the effective date of this rule.~~

(3)~~(4)~~ Upon request, each company shall provide verbally or in writing to any person inquiring about the company's service:

- (a) any nonrecurring charge,
 - (b) any monthly service charge or minimum usage charge,
 - (c) company deposit practices,
 - (d) any charges applicable to call attempts not answered,
 - (e) a statement of when charging for a call begins and ends,
- and
- (f) a statement of billing adjustment practices for wrong numbers or incorrect bills.

In addition, the above information shall be included in the first bill, or in a separate mailing no later than the first bill, to all new customers and to all customers presubscribing on or after the effective date of this rule, and in any information sheet or brochure distributed by the company for the purpose of providing information about the company's services. The above information shall be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms.

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

Law Implemented: 364.03, 364.14, 364.15, 364.337, F.S.

History: New 2/23/87, Amended 10/31/89, 3/5/90, 3/4/92, 3/13/96.
25-24.495 Revenue Requirements; Rules Incorporated.

~~The following rules are incorporated herein by reference and apply to interexchange carriers. In the following rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.~~

~~(1) The following rules apply to major interexchange companies only:~~

Section	Title	Portions not Applicable
25 4.140	Applicability, Test Year Approval	None
25 4.141	Contents of a Rate Case Application and Number of Copies	None
25 4.142	Burden of Proof and Audit Provisions	None
Ch. 25 14	Corporate Income Tax	None

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

Law Implemented: 364.05, 364.337, F.S.

History: New 2/23/87, repealed 3/13/96.