

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to  
Rule 25-4.005, F.A.C., Transfer  
of Certificate of Public  
Necessity as to All or a Portion  
of Service Areas.

DOCKET NO. 990206-TP  
ORDER NO. PSC-99-0521-NOR-TP  
ISSUED: March 18, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.005, Florida Administrative Code, relating to transfer of certificate of public necessity as to all or a portion of service areas.

The attached Notice of Rulemaking will appear in the March 26, 1999 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

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, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, no later than April 16, 1999.

DOCUMENT NUMBER-DATE

03533 MAR 18 99

FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 18th  
day of March, 1999.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

DWC

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 990206-TI

RULE TITLE:

RULE NO.:

Transfer of Certificate of Public Convenience and 25-4.005  
Necessity as to all or Portion of Service Area

PURPOSE AND EFFECT: To eliminate the requirements for a local exchange company (LEC) to provide a complete list of the noticed subscribers to the Commission. Such information contained in the list may be confidential and disclosure of such could violate 364.24, FS.

SUMMARY: The rule requires that when a local exchange carrier (LEC) requests approval to transfer its certificate (or portion thereof), a written notice be issued to each subscriber in the area to be transferred and that a complete list of the noticed subscribers, by telephone number, name, address, and class of service, be submitted to the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC was not prepared since no significant additional costs or negative impacts on utilities, ratepayers, small businesses, small cities, or small counties could be identified. It is expected that the elimination of the requirement would relieve the LECs and the Commission of some administrative burden.

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Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 364.335, FS

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 SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:  
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.005 Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Area.

(1) (b) No Change.

(c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition. ~~A complete lists, by telephone number (numerical sequence), name, address, and class of service of all~~

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~~subscribers sent a written notice shall be furnished the Commission immediately following distribution.~~

(2) - (3) No Change.

(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory. After public hearing, if one is requested, the Commission may, ~~on a finding of just cause,~~ require such transfer and amend the existing certificates of the telephone companies involved or change the exchange service area maps to reflect any changes found justified.

(5) No Change.

Specific Authority 350.127(2) FS.

Law Implemented 364.335 FS.

History--New 12-1-68, Amended 5-4-81, XX-XX-XX, Formerly 25-4.05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:  
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: March 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:  
Volume 24, Number 42, October 16, 1998

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 (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

4697  
931

Date      / 18 / 11

Number of Originals     

Copies Per Original     

Requested By     

Item Presented

Agenda For (Date)      Order No. 11-21 In Docket No.     

Notice of      For (Date)      In Docket No.     

Other     

Special Handling Instructions

Must Be mailed as soon as possible

Distribution/Mailing

Number	Distributed/Mailed To
<u>12</u>	<u>Commission Offices</u>
<u>9</u>	<u>Docket Mailing List - Mailed</u>
<u>13</u>	<u>Docket Mailing List - Faxed</u>

Number	Distribution/Mailed To
<u>469</u>	<u>Public Offices</u>
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Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 159 Verified By     

Date and Time Completed 3-19 Job Checked For Correctness and Quality (Initial)     

Mail Room Verification

Date Mailed 3/19 Verified By W.S.

M E M O R A N D U M

March 18, 1999

RECEIVED-FPSC

99 MAR 18 AM 10:42

RECORDS AND REPORTING

TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, <sup>DWC</sup>ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. 990206-<sup>P</sup>TP - PROPOSED AMENDMENTS TO RULE 25-4.005, F.A.C., TRANSFER OF CERTIFICATE OF PUBLIC NECESSITY AS TO ALL OR A PORTION OF SERVICE AREAS

99-0521-NOR-TP

Attached please find a Notice of Rulemaking for distribution by your office.

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
- Telephone (TL)
- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

*See 1, 2*

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

NOR4005.DWC  
 Attachment  
 cc: File  
 W. Terrell

*received 2:45.  
 Self mailer  
 taken to M.R.  
 3:10*