BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Sprint-Florida, Incorporated for approval of tariff filing to increase rates for basic and nonbasic services pursuant to Section 364.051, F.S.	DOCKET NO. 010831-TL ORDER NO. PSC-01-1582-FOF-TL ISSUED: July 31, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER REJECTING TARIFF FILING

BY THE COMMISSION:

I. CASE BACKGROUND

Section 364.051(3), Florida Statutes, allows a price regulated local exchange telecommunications company (LEC), on 30 days' notice, to adjust its basic service prices once in any 12-month period in an amount not to exceed the change in inflation minus 1 percent. The provision became operative on January 1, 2000, for local telecommunications companies with less than 3 million basic local telecommunication service access lines in service. It became operative on January 1, 2001, for telecommunications companies with more than 3 million access lines in service.

On June 29, 2000, our staff held a workshop regarding price increases under Section 364.051(3), Florida Statutes, to which all affected carriers were invited. The workshop agenda addressed two major issues: (1) how is the amount of the allowable price increase should determined; and (2) how the allowable price increase should be applied for basic local service. As a result of the

discussions, our staff conducted a second workshop on August 23, 2000.

At the second workshop, the following issues were discussed:

A. Can a telecommunications company choose to "bank" the inflation for one or more years prior to filing for an index increase?

B. Can the telecommunications company file more than once in a 12-month period if they do not request all of the allowable increase in an earlier filing during the year?

C. Should the allowable increase be applied element-by-element or on a composite basis?

On December 15, 2000, and March 12, 2001, respectively, BellSouth Telecommunications, Inc. (BellSouth) and Verizon Florida, Inc. (Verizon) filed tariffs requesting an increase in rates for their basic and nonbasic services pursuant to Sections 364.051(3) and (5), Florida Statutes. Effective January 19, 2001, and February 2, 2001, BellSouth implemented a 5.9835 and a 1.5665 percent increase for its nonbasic and basic service rates, respectively. On April 1, 2001, Verizon implemented a 1.6365 percent increase for its basic and nonbasic service rates. The rate increases for basic and nonbasic services went into effect at the same time. Since the filings were consistent with the criteria set forth in the Statute, were to be implemented on an element-by-element basis, and because the filings did not contain any other controversial issues, the tariff filings for BellSouth and Verizon went into effect as filed.

On June 1, 2001, pursuant to Sections 364.051(3) and (5), Florida Statutes, Sprint-Florida, Incorporated (Sprint) filed a tariff requesting an increase in rates for its basic and nonbasic services. In this filing, Sprint proposes to: (1) eliminate the separate charge for Touch-Tone service; (2) eliminate separate rates and rate groups for the former Centel and former United service areas by moving the former Centel exchanges to the existing United rate groups at the revised rates which include Touch-Tone in the basic rates; (3) eliminate the exception exchange/area rate additives for Fort Meade, Greenville, Groveland and North Golden Gate and include those areas in the appropriate rate groups; (4)

move exchanges that would have to be regrouped, but which have not been regrouped since 1995, to the appropriate rate group based on the increased number of access lines in the local calling areas; and (5) restructure and align service connection charges for the former United/Centel service areas so that the charges are uniform throughout Sprint's service territory. Due to the complexity of the issues involved with this filing, Sprint asked that this tariff filing be presented for our consideration.

We are vested with jurisdiction to consider this matter pursuant to Section 364.051, Florida Statutes.

II. SPRINT'S TARIFF

At the outset, we note that prior to the tariff filing addressed herein, Sprint filed an increase for its nonbasic services that became effective October 13, 2000. Those increases were 4.08% and 1.85% for its nonbasic residential and business exchange baskets, respectively; 5.29% and 1.14% for its nonbasic residential and business optional baskets, respectively; 5.89% for its nonbasic toll basket; and 5.99% for its directory assistance/operator services basket. In this filing, Sprint proposes additional increases for its nonbasic service categories that would result in overall increases for the 12-month period of 4.62% and 1.85% for its nonbasic residential and business exchange baskets, respectively; 5.30% and 1.22% for its nonbasic residential and business optional baskets, respectively; however, the nonbasic toll basket and directory assistance/operator services basket were not affected by the filing.

A. INCREASE FOR NONBASIC SERVICES

Upon review of Sprint's filing, the rate increases set forth therein for nonbasic services appear to be within the prescribed limits allowed pursuant to Section 364.051(5), Florida Statutes, and Commission Order No. PSC-96-0012-FOF-TL. We note, however, that this is a combined tariff filing. As such, neither the rate increases for nonbasic services or basic services have been processed administratively.

B. INCREASE FOR BASIC SERVICES

Sprint's filing also includes an overall composite increase of 1.50% for basic service rates, which it contends is consistent with Section 364.051(3), Florida Statutes. Section 364.051(3), Florida Statutes, provides that "inflation shall be measured by the changes in the Gross Domestic Product Fixed 1987 Weights Price Index (GDPPI), or successor fixed weight price index, published in the Survey of Current Business or a publication, by the United States Department of Commerce." The company may adjust its prices "in an amount not to exceed the change in inflation less 1 percent." Sprint used the 4th Quarter 2000 GDPPI-1% (1.64%) to determine the price increase for basic local service. However, the 1st Quarter 2001 GDPPI, which is more recent, has now also been published. The 1st Quarter 2001 GDPPI-1% is 1.80%.

Unlike the price index filings by BellSouth and Verizon, Sprint proposes to apply the rate increase for basic services on a composite basis. Under Sprint's composite method, individual rates for each service may be increased or decreased as long as the average increase is no greater than the allowable percentage in the aggregate.

As previously stated, Sprint's proposed increase in annual revenue for basic services is 1.50% on a composite basis. Sprint has provided a detailed analysis of each component including: (1) eliminating the separate charge for Touch-Tone service; (2) eliminating separate rates and rate groups for the former Centel and former United service areas by moving the former Centel exchanges to the existing United rate groups at the revised rates which include Touch-Tone in the basic rates; (3) eliminating the exception exchange/area rate additives for Fort Meade, Greenville, Groveland and North Golden Gate and including those areas in the appropriate rate groups;(4) moving exchanges that would have regrouped, but which have not been regrouped since 1995, to the appropriate rate group based on the increased number of access lines in the local calling areas; and (5) restructuring and aligning service connection charges for the former United/Centel service areas so that the charges are uniform throughout Sprint's service territory.

Sprint provided supporting documentation that shows the current and proposed basic residential and business retail by exchange. All of the proposed United basic residential service rates reflect a decrease if Touch-Tone is included in the current rate, with the exception of those exchanges that move to a higher rate group. All of the proposed United basic business service rates will increase, with the exception of two exception areas that will be eliminated and moved into rate groups. With the elimination of separate rates and rate groups for Centel customers and moving those customers to the existing United rate groups at the revised rates which include Touch-Tone in the basic rates, all Centel basic service residential customers will experience a rate decrease. All Centel basic service business customers will also experience a rate decrease-- with three exceptions. Business customers in Centel's rate group 5, which will be moved to United's rate group 4, and business customers in Centel's rate group 6, which will be moved to United's rate group 5, will experience a rate increase. Customers in rate group 2, which will remain in rate group 2, will experience no change in their basic service rate.

1. Classification of Rate Changes as Basic or Nonbasic

Inasmuch as Sprint's filing includes basic and nonbasic rate changes, the filing has been thoroughly reviewed to ensure that the various rates were properly classified as "basic" or "nonbasic." We find that Sprint has classified the various rates appropriately.

Specifically, Sprint has treated Touch-Tone service as part of basic service, even though there is presently a separate charge for this service. This treatment is appropriate since "basic local telecommunications service" is defined in Section 364.02(2), Florida Statutes, as including "dual tone multifrequency dialing."

Also, Sprint has separated the rate for Sprint Solutions®, a bundled access line and features package, into basic and nonbasic components. In particular, Sprint has treated the access line demand and associated rates and revenues portion of the Sprint Solutions® package as basic service. The basic rate component of the Sprint Solutions® package was derived by calculating an average of the applicable rates for basic service. While the average was

not calculated on a strict weighted basis, the estimate is reasonable.

In addition, we find that clarification is appropriate as to which non-recurring charges should be classified as basic service. This issue is not new to this Commission. In fact, it was first raised in Docket No. 951159-TL, *Investigation to determine categories of non-basic services provided by local exchange telephone companies pursuant to Chapter 364.051(6), Florida Statutes*, wherein we established nonbasic service categories for purposes of implementing the provision in Section 364.051, Florida Statutes, regarding limitations on price increases for nonbasic services. At that time, non-recurring charges were somewhat of an enigma for all concerned, because these rates are not strictly basic or nonbasic in nature. The matter was resolved by stipulation, which was approved by Order No. PSC-96-0012-FOF-TL, issued January 4, 1996. Therein, it was determined that "(t)he non-recurring charges associated with the initiation of basic local service should not be included in a nonbasic service category." Id. at page 3. Instead, these charges were treated as basic rates, which were capped at that time for price regulated companies.

In the instant case, we are faced with the issue of determining which non-recurring charges are associated with the "initiation of basic local service." Sprint has taken the position that all of the non-recurring charges, which are applicable to basic and nonbasic customers, should be treated as basic service for purposes of its filing. While we find Sprint's simplification acceptable, it does not appear that this simplification has any material effect on the allowable price increase for basic or nonbasic services.

Sprint's current structure of non-recurring charges includes discrete rates for the following: primary service order, secondary service order, access line charge, premises visit, record change, number change, and restore service. Under Sprint's proposed structure, the record change and number change charges are being eliminated and subsumed under the secondary service order charge. According to Sprint, the "secondary service ordering charge is applicable for basic residential service additional lines and should also be classified as basic." While we agree that the secondary service order charge is applicable for basic residential

service additional lines, we note that secondary service order charges may be assessed for many additional reasons other than customers ordering additional lines. The difficulty we find, however, is that it is likely that Sprint has no means of separating the pricing units for secondary service order charges into those associated with ordering additional lines versus those associated with ordering optional services. Therefore, it appears to us that Sprint has erred on the conservative side by treating all secondary service order charges as basic. This would be considered a conservative approach simply because there is less flexibility in the pricing of basic services than for nonbasic services under Section 364.051, Florida Statutes.

Furthermore, we find that Sprint's characterization of the restore service charge as a form of basic local service is appropriate. In other words, reinitiating service must be treated the same as initiating service.

Finally, Sprint also contends that resold services should be included in the basic service price cap filing, because the ALEC customer is the customer of record for the basic service access lines. Sprint contends that Section 364.02(2), Florida Statutes, does not separately address resale. Therefore, Sprint believes it is only logical to include resold services because, otherwise, resold services would be subject to the statutory limitation on price increases for nonbasic services.

Section 364.02(2), Florida Statutes, states:

> "Basic local telecommunications service" means voice-grade, flat-rate residential, and flat-rate single-line business local exchange services which provide dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following: emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, relay services, and an alphabetical directory listing. For a local exchange telecommunications company, such terms shall include any extended area

> service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

Section 364.02(8), Florida Statutes, states:

> "Nonbasic service" means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, a local interconnection arrangement described in s. 364.16, or a network access service described in s. 364.163.

The definition of nonbasic service in Section 364.02(8), Florida Statutes, could be read to include resold services. That definition says that nonbasic service is any service provided by a telecommunications company except for basic service, interconnection under Section 364.16, Florida Statutes, or access services under Section 364.163, Florida Statutes. Arguably, since the definition specifically excludes basic service, interconnection, and access service from the definition of nonbasic service, but does not exclude resale under Section 364.161, Florida Statutes, then the definition could be read to include resale, if one believes that resale is not included in basic service, which is specifically excluded. As Sprint has argued, however, Section 364.02(2), Florida Statutes, does not differentiate between basic service sold directly to end use customers and that which is sold to ALECs for resale. Thus, if resold services are interpreted to be "basic services," then they are specifically excluded from the definition of nonbasic service.

Another possible interpretation of these definitions in Section 364.02, Florida Statutes, is that neither definition contemplates any service provided to another carrier, be it interconnection, resale, or access, as falling within its parameters, which could mean that the provisions of Section 364.051(3) and (5), Florida Statutes, simply do not apply to them at all. This interpretation would also mean that resold services should not be included in this filing by Sprint.

We agree, however, with Sprint that the most reasonable interpretation is that resold services are included under basic service, because the definition of basic service does not differentiate between basic service sold to end-use customers and that sold to ALECs. Therefore, we find that Sprint's inclusion of resold services in its basic service price cap filing is consistent with the statute. We note that other recent tariff filings by other companies implementing Section 364.051(3), Florida Statutes, have also interpreted basic service as including resold services.

2. Application of Allowable Increase for Basic Service Prices

Section 364.051(3), Florida Statutes, states:

> In the event that it is determined that the level of competition justifies the elimination of price caps in an exchange served by a local exchange telecommunications company with less than 3 million basic local telecommunications service access lines in service, or at the end of 5 years for any local exchange telecommunications company, the local exchange telecommunications company may thereafter on 30 days' notice adjust its basic service prices once in any 12-month period in an amount not to exceed the change in inflation less 1 percent. Inflation shall be measured by the changes in the Gross Domestic Product Fixed 1987 Weights Price Index, or successor fixed weight price index, published in the Survey of Current Business or a publication, by the United States Department of Commerce. In the event any local exchange telecommunications company, after January 1, 2001, believes that the level of competition justifies the elimination of any form of price regulation, the company may petition the Legislature.

Sprint argues that this provision does not require that the increases be addressed on an element-by-element basis; instead,

Sprint contends that the statute allows the percentage increase to be implemented on an aggregate basis. Sprint contends that an aggregate approach should also be approved because this Commission has applied a similar interpretation to the nearly identical wording used in Section 364.163, Florida Statutes, regarding reductions to access charges.

Sprint contends that the plain language of Section 364.051(3), Florida Statutes, should not be read to require an element-by-element approach, even though at the Staff Workshop regarding the implementation of this provision, some commenters noted that an element-by-element approach was the proper interpretation. Sprint notes that some commenters believe that the use of the word "categories" in the following subsection of the statute, 364.051(5), indicates that the Legislature intended the use of a "basket" approach with regard to nonbasic services, while the absence of that same word from subsection (3) indicates the need for an element-by-element approach. Sprint emphasizes that the absence of the word "category" from subsection (3) is, however, logical because there is no need to divide services into "baskets" when one is talking about basic service. It is a "discrete service category" unto itself. Sprint further contends that even the headings for each of the subsections of the statute support this interpretation. Sprint notes that the heading for subsection (2) refers only to BASIC LOCAL TELECOMMUNICATIONS SERVICE (emphasis added), while the heading for subsection (5) refers to NONBASIC SERVICES (emphasis added). Sprint believes that this difference clearly indicates that the Legislature recognized that there was only one category of basic service, but several for nonbasic.

Sprint further contends that we have used similar rationale in determining the appropriate access charge reductions under Section 364.163, Florida Statutes. Sprint explains that in Order No. PSC-97-1028-FOF-TP, issued in Docket No. 970274-TP, we allowed Sprint to use a basket approach to bring Centel and United's rates into parity. Sprint also notes that in an earlier decision in Docket No. 960910-TP, in which this Commission implemented Section 364.163(6) for the first time, we stated that, "Percentage reductions may vary by switched access element, but must yield the overall reduction required by Subsection 364.163(6), Florida Statutes." Order No. PSC-96-1265-FOF-TP at p. 3. Sprint notes that the only difference between the language in Section 364.051(3)

and Section 364.163(6), Florida Statutes, is the use of the word "rates" instead of the word "prices." Sprint also contends that it is significant that Section 364.163(6), Florida Statutes, states that each "specific network access service rate" is capped, while the absence of the word "specific" from 364.051(3), Florida Statutes, means that the percentage increases for basic service need not be limited to an element-by-element approach.

We acknowledge the practicalities of the approach Sprint proposes, as well as the somewhat unique situation in which Sprint finds itself. This filing is unique in that Sprint is proposing to use it to accomplish several things, including eliminating Touch-Tone, as well as the separate rates, rate groups, and service charges for the United and Centel customers. It is likely that the specifics of this situation were not contemplated when Section 364.051(3), Florida Statutes, was promulgated. That being said, we interpret this provision to preclude the basket approach proposed by Sprint.

First, the statute states that the company's basic service "prices," rather than "price," may be adjusted. This seems to be contrary to Sprint's argument that basic service should be treated as its own "category" of service, as that term is used in Section 364.051(5), Florida Statutes. In Section 364.051(5), Florida Statutes, when the term "category" is used, the singular form, "rate," is used. Even if the Legislature truly viewed basic service as an entire category unto itself, it appears that the adjustments allowed under Section 364.051(3), Florida Statutes, were envisioned to apply to individual "prices" within that category, as opposed to the overall "price" for the category. This interpretation is consistent with our prior interpretation of Section 364.051(2), Florida Statutes, in Order No. PSC-97-0488-FOF-TL, issued April 28, 1997, in Docket No. 951354-TL, in which this Commission stated that, "'Rates' means all rates <u>to customers</u> for basic local and protected non-basic telecommunications services." Order at p. 8 (emphasis added). Further discussion of this decision is set forth in the following subsection of this Order.

As for our interpretation of the language in Section 364.163, Florida Statutes, we agree that the language is quite similar; however, the service addressed, as well as the customers of that

service, are distinctly different. In Order No. PSC-96-1265-FOF-TP, we determined that:

> Since switched access rates are composed of multiple elements, we believe that a meaningful comparison can only be made by calculating the current intrastate composite rate per minute and the December 31, 1994, interstate composite rate per minute. While comparisons could be made on an element-by-element basis, the current intrastate rates for certain elements may be lower than the December 31, 1994, interstate levels, and the current intrastate rates for other elements may be higher than the December 31, 1994, interstate levels. Through the composite approach, intrastate rate elements that are currently priced lower than December 31, 1994, interstate levels will help offset the need to reduce intrastate rate elements that are currently priced higher than December 31, 1994, interstate levels. . . .We believe this approach is appropriate because customers (IXCs) are concerned with the bottom line per minute charge.

Order at pgs. 2-3. While intrastate switched access is composed of multiple components, IXCs that purchase access get similar service. Therefore, a composite approach was still effective in yielding a net reduction to the customers of access service, the IXCs. Purchasers of basic service do not, however, get the same product. In fact, "basic service" covers a myriad of products obtained by end-users, including basic service purchased by residential customers and that which is purchased by business customers. Because basic service customers can purchase such different services, using Sprint's aggregate or composite approach would result in a number of customers seeing increases that exceed the Gross Domestic Product Fixed 1987 Weights Price Index minus 1 percent. We find that this is not what was intended by Section 364.051(3), Florida Statutes.

Furthermore, unlike an IXC, an end-user is located in a specific location. As such, end-users will only see the single rate that they pay for their location. The aggregate approach was less problematic for IXCs, however, because an IXC operates over a wide area. As such, even if the IXC was paying a higher rate in certain respects, its access payments would likely be much lower in other respects depending upon the type of transport used, still resulting in a net reduction in the access charges it paid. This "net benefit" analysis cannot be applied to typical end-users of basic service. We interpret Section 364.051(3), Florida Statutes, as providing a level of assurance to all end use customers that increases in their basic service rates will not exceed the specified allowable amount. Thus, when the interests of the customers for the service are considered, as we did in interpreting the access charge reduction provisions, the proposal by Sprint must be rejected.

3. Regrouping

Sprint also argues that if it is not allowed to regroup, customers under the Centel and United tariffs will be charged different rates, which would result in discriminatory treatment between similarly situated customers, as prohibited by Section 364.10, Florida Statutes. Sprint adds that regrouping will eliminate locality-based disparity consistent with prior decisions of this Commission. In a prior decision, however, we have determined that regrouping constitutes a rate increase. In Order No. PSC-97-0488-FOF-TL, we stated that:

> The parties in this proceeding have misinterpreted the clear language of section 364.051, Florida Statutes. Section 364.051 prohibits rate increases by price regulated LECs in basic and protected non-basic telecommunications services for the time set out in the statute, period. It does not make any exceptions to that prohibition, for rate regrouping, extended area service after July 1, 1995, or any other price "adjustment". We believe that the parties have misinterpreted section 364.051 to permit the price increases at issue here, because they have applied traditional regulatory pricing principles of rate setting and rate structure to a statutory scheme that rejects those principles, and

> instead embraces a deliberate move to the pricing mechanisms of a competitive market for telecommunications services in Florida.

Order at p. 7. We added that:

> . . . We still agree with our analysis in Order No. PSC-96-0036-FOF-TL where we said:
>
> > [T]he rate grouping plans are something that have [sic] originated from rate of return regulation. With the revisions of Chapter 364 and the encouragement of competition, current rate structures of the local exchange companies ultimately may vary greatly to respond to competitive pressures. As competition develops, particularly price competition, pricing plans such as regrouping will become an historic anachronism.
> >
> > Order No. PSC-96-0036-FOF-TL, p. 4.
>
> We do not believe that the statute contemplates a rate increase for price-regulated LECs under the rationale that it is appropriate to raise basic telecommunications service rates for certain customers by moving them into a different group as long as the rates of any group are not raised. The statute does not say that <u>rate group</u> rates will be capped. It says that <u>rates</u> will be capped. "Rates" means all rates to customers for basic local and protected non-basic telecommunications services.

Order No. PSC-97-0488-FOF-TL at p. 7-8. Similarly, Section 364.051(3), Florida Statutes, says that the company may adjust its prices in accordance with the statute, which under a consistent interpretation would mean all prices paid by customers. Our decision in Order No. PSC-97-0488-FOF-TL does not prohibit rate regrouping as a concept; nevertheless, we clearly indicated that rate regrouping constitutes a rate increase for some customers. Thus, if regrouping would cause the rates to exceed the cap, or in this case the allowable increase, then we cannot allow the regrouping. According to Sprint's filing, regrouping would result

in increases for certain customers, particularly business customers, that exceed the allowable increase under Section 364.051(3), Florida Statutes. As such, the filing is rejected because it does not comply with Section 364.051(3), Florida Statutes.

In Order No. PSC-97-0488-FOF-TL, we also explained that price differences that result from implementation of rate caps under Section 364.051, Florida Statutes, do not constitute undue discrimination, particularly when customers within the same exchange will continue to pay the same rate. See Order No. PSC-97-0488-FOF-TL, issued April 28, 1997, in Docket No. 951354-TL. Our decision on this point was upheld by the Florida Supreme Court in BellSouth Telecommunications, Inc. v. Johnson, 708 So. 2d 594 (Fla. 1998). It seems logical that the same rationale we employed in that case to address potential rate disparities is equally applicable to rate disparities that may result when other portions of Section 364.051, Florida Statutes, are implemented, including the provisions regarding rate increases. We find that such disparities do not constitute "undue or unreasonable prejudice or disadvantage," as set forth in the statute, such that the statute would be viewed as requiring this Commission to approve Sprint's regrouping proposal.

For the foregoing reasons, we find that Sprint's tariff filing shall be rejected, because it is not in compliance with Section 364.051(3), Florida Statutes.

It is therefore

ORDERED by the Florida Public Service Commission that Sprint-Florida, Inc.'s tariff filing to implement increases pursuant to Section 364.051(3), Florida Statutes, is hereby rejected for the reasons set forth in the body of this Order. It is further

ORDERED that this Docket shall be closed after the time for seeking reconsideration or filing an appeal has expired.

By ORDER of the Florida Public Service Commission this 31st Day of July, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

BK

CONCURRENCE

Commissioner Deason

I agree with the end result of the Commission's decision reflected herein. I disagree, however, with the rationale used by the Commission as it relates to regrouping. As reflected by my dissent to the Commission's decision in Order No. PSC-97-0488-FOF-TL, I do not consider regrouping to constitute a rate increase for purposes of determining compliance with any portion of Section 364.051, Florida Statutes.

DISSENT

Commissioner Jaber dissents from the majority's decision in this matter.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.