

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review and revision of Rules 25-4.002, 4.003, 4.0185, 4.023, 4.038, 4.039, 4.066, 4.070, 4.072, 4.073, 4.0770, 4.080, and 4.085, F.A.C. | DOCKET NO. 991473-TP
| ORDER NO. PSC-05-0282-FOF-TP
| ISSUED: March 16, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

NOTICE OF ADOPTION OF RULES

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rules 25-4.002, 4.003, 4.0185, 4.023, 4.038, 4.066, 4.070, 4.072, 4.073, 4.085, and the repeal of Rules 4.0770 and 4.080, Florida Administrative Code, relating to service rules for telecommunication companies without changes.

The rules were filed with the Department of State on March 14, 2005, and will be effective on April 3, 2005. A copy of the rule as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 16th day of March, 2005.



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

(SEAL)

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25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards ~~which~~ that will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. The rules contained in Part II and Part V apply only to residential service. The rules contained in Part X of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators . The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV apply to all competitive local exchange telecommunications companies.

(2) In addition to the rules contained in this part, any local exchange company that provides operator services in a call aggregator context shall also comply with the rules contained in Part XIII of Chapter 25-24, F.A.C.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.335, 364.337, 364.3376 FS.

History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99 04-03-05.

25-4.003 Definitions.

For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

(1) “Access Line” or “Subscriber Line.” or “Subscriber Loop”. The circuit or channel between the demarcation point at the customer’s premises and the serving end or class 5 central office

~~2) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.~~

(23) “Average Busy Season-Busy Hour Traffic.” The average traffic volume for the busy season busy hours.

(34) “Billing Party.” Any ~~telecommunications company~~ entity that bills an end user ~~consumer~~ on its own behalf or on behalf of an originating party.

(45) “Busy Hour.” The continuous one-hour period of the day during which the greatest volume of traffic is handled in the office.

(56) “Busy Season.” The calendar month or period of the year (preferably 30 days but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

(67) “Call.” An attempted telephone message.

(78) “Central Office.” A location where there is an assembly of equipment that establishes the connections between subscriber access lines, trunks, switched access circuits, private line facilities, and special access facilities with the rest of the telephone network.

(89) “Commission.” The Florida Public Service Commission.

(940) “Company,” “Telecommunications Company,” “Telephone Company,” or “Utility.” These terms may be used interchangeably herein and shall mean “telecommunications company” as defined in Section 364.02 (~~1342~~), Florida Statutes.

(10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

(11) “Completed call.” A call which has been switched through an established path so that two-way conversation or data transmission is possible.

(12) “Disconnect” or “Disconnection.” The dissociation or release of a circuit. In the case of a billable call, the end of the billable time for the call whether intentionally terminated or terminated due to a service interruption.

(13) “Drop or Service Wire.” The connecting link that extends from the local distribution service terminal to the protector or telephone network interface device on the customer’s premises.

(14) “Exchange.” The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

(15) “Exchange (Service) Area.” The territory of a local exchange company (LEC) within which local telephone service is furnished at the exchange rates applicable within that area.

(16) “Extended Area Service.” A type of telephone service whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other exchanges or areas without toll charges, or complete calls to one or more other exchanges or areas without toll message charges.

~~(17) “Extension Station.” An additional station connected on the same circuit as the main station and subsidiary thereto.~~

(1718) "Foreign Exchange Service." A classification of LEC exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.

(1819) "Information Service." Telephone calls made to 900 or 976 type services, but does not include Internet services.

(1920) "Intercept Service." A service arrangement provided by the telecommunications company whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued, or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of conditions such as system blockages, inability of the system to complete a call as dialed, no such office code, and all circuits busy.

~~(21) "Interexchange Company (IXC)." Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDA's as defined in subsection (37) of these definitions.~~

(2022) "Inter-office Call." A telephone call originating in one central office but terminating in another central office, both of which are in the same designated exchange area.

(2123) "Interstate Toll Message." Those toll messages ~~which~~ that do not originate and terminate within the same state.

(2224) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or between an end office and toll office, over which toll calls are passed.

(2325) “Intra-office Call.” A telephone call originating and terminating within the same central office.

(24) “Intrastate Interexchange Company (IXC).” Any entity that provides intrastate interexchange telecommunications services.

(2526) “Intrastate Intra-state Toll Message.” Those toll messages which originate and terminate within the same state.

(2627) “Invalid Number.” A number comprised of an unassigned area code number or a non-working central office code (NXX).

(2728) “Large LEC.” A LEC certificated by the Commission prior to July 1, 1995, that had in excess of 100,000 access lines in service on July 1, 1995.

(2829) “Local Access and Transport Area (LATA)” or “Market Area.” A geographical area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which a LEC may transport telecommunication signals.

(2930) “Local Exchange Telecommunications Company (LEC).” Any telecommunications company, certificated by the Commission prior to July 1, 1995, to provide local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.

(3031) “Local Provider (LP).” Any telecommunications company providing local telecommunications service, excluding pay telephone providers and call aggregators.

(3132) “Local Service Area” or “Local Calling Area.” The area within which telephone service is furnished subscribers under a specific schedule of rates and without toll charges. A LEC’s local service area may include one or more exchange areas or portions of exchange areas.

(3233) “Local Toll Provider (LTP).” Any entity telecommunications company providing intraLATA or intramarket area long distance telecommunications service.

~~(3334)~~ “Main Station.” The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by a ~~an individual or party line~~ circuit or channel.

~~(3435)~~ “Message.” A completed telephone call.

~~(3536)~~ “Mileage Charge.” A tariff charge for circuits and channels connecting other services that are auxiliary to local exchange service such as off premises extensions, foreign exchange and foreign central office services, private line services, and tie lines.

~~(37)~~ —“Multiple Location Discount Aggregator (MLDA).” ~~An entity that offers discounted long distance telecommunications services from an underlying IXC to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:~~

~~(a)~~ —It collects fees related to interexchange telecommunications services directly from subscribers;

~~(b)~~ —It bills for interexchange telecommunications services in its own name;

~~(c)~~ —It is responsible for an end user’s unpaid interexchange telecommunications bill, or

~~(d)~~ —A customer’s bill cannot be determined by applying the tariff of the underlying IXC to the customer’s individual usage.

(36) “New Construction.” New construction is the installation of facilities to serve unserved areas; new construction is not the rearrangement or repair of defective facilities to serve an existing area. Adding to or the rearrangement of existing facilities is not considered “new construction” unless an engineer work order is issued.

~~(3738)~~ “Normal Working Days.” The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days

for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone ~~company~~ utility.

(3839) “Optional Calling Plan.” An optional service furnished under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

(3940) “Originating Party.” Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term “originating party” does not include any entity specifically exempted from the definition of “telecommunications company” as provided in Section 364.02(13)(a) through (f), Florida Statutes(12), ~~Florida Statutes~~.

(4041) “Out of Service.” The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber’s line. “Out of Service” shall not include:

(a) Service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages;

(b) Interruptions caused by a negligent or willful act of the subscriber; and

(c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

(4142) “Outside Plant.” The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers’ locations or between central offices of the same or different exchanges.

(4243) "Pay Telephone Service Company." Any telecommunications company that provides pay telephone service as defined in Section 364.3375, Florida Statutes.

(4344) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the customer's carrier selection until further notice from the customer.

(4445) "Provider." Any ~~telecommunications company~~ entity providing telecommunication service, excluding pay telephone providers and call aggregators (i.e., local, local toll, and toll providers).

(4546) "Service Objective." A quality of service which is desirable to be achieved under normal conditions.

(4647) "Service Standard." A level of service ~~which~~ that a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995, which had fewer than 100,000 access lines in service on July 1, 1995.

(4849) "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending or receiving telephone messages.

(4950) "Subscriber" or "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telecommunications company.

(5051) "Subscriber Line." Or "Subscriber Loop." See "Access Line."

(5152) "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

(~~5253~~) “Toll Connecting Trunk.” A trunk ~~which~~ that connects a local central office with its toll operating office.

(~~5354~~) “Toll Message.” A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(~~5455~~) “Toll Provider (TP).” Any entity~~telecommunications company~~ providing interLATA long distance telecommunications service.

(~~5556~~) “Traffic Study.” The process of recording usage measurements which can be translated into required quantities of equipment.

(~~5657~~) “Trouble Report.” Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(~~5758~~) “Trunk.” A communication channel between central office units or entities, or private branch exchanges.

(~~5859~~) “Valid Number.” A number for a specific telephone terminal in an assigned area code and working central office which is equipped to ring and connect a calling party to such terminal number.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00, 04-03-05.

25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Competitive Services Markets and Enforcement the information required by Commission Form PSC/CMP 28 (04/053/96), which is incorporated into this rule by reference. Form PSC/CMP 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Competitive Markets and Enforcement.

(1) The information required by schedules 2, 3, 4, 8, 11, ~~13, 14, 15,~~ and 16 ~~and 20~~ of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and semiannually by the small LECs and shall be filed on or before the end of the month following the reporting period.

~~(2) The information required by Schedules 17 and 18 of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and shall be filed on or before the end of the month following the reporting period.~~

~~(3)~~(2) The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a semiannual basis and shall be filed on or before the end of the month following the second and fourth quarters.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS.

History—New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 04-03-05.

25-4.023 Report of Interruptions.

(1) The Commission shall be informed of any major interruptions to service that affecting 1,000 or more subscribers for a period of 30 minutes or more ~~an entire community or a substantial portion of a community~~ as soon as it ~~they~~ comes to the attention of the utility. The

Company shall provide the time, the location, the expected duration of the outage and when the interruption is restored.

(2) In addition, a copy of all Florida service interruption reports made to the Federal Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of Title 47; Code of Federal Regulations; Notification of Common Carriers of Service Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's Division of Competitive Markets and Enforcement, Bureau of Service Quality.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.17, 364.183 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 04-03-05.

25-4.038 Safety.

Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31 of the National Electric Code (NEC), incorporated herein by reference.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03 FS.

History—New 12-1-86, Formerly 25-4.38, Amended 04-03-05.

25-4.066 Availability of Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telephone communications service within its certificated area in

accordance with its filed tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service in any calendar month shall normally be satisfied in each exchange ~~or service center~~ of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.

(3) If the applicant requests an installation date beyond three working days, the requested date shall be counted as day three for measurement purposes.

(4) When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.

(53) Each telecommunications company shall establish as its objective the satisfaction of at least 95 percent of all applications for new service in each exchange within a 30 day maximum interval and, further, shall have as its objective the capability of furnishing service

within each of its exchanges to applicants within 60 days after date of application; except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.

(64) Whenever, for any reason, the service installation cannot be made at the time requested by the applicant or within the prescribed interval, the applicant shall be notified promptly of the delay and the reason therefor.

(75) Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission which ~~and shall~~ include an explanation of the reasons therefor.

(8) Each company shall report pursuant to Rule 25-4.0185, Periodic Reports, the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMP 28 (04/05), incorporated into Rule 25-4.0185 by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.

Specific Authority 350.127(2), 364.14 FS.

Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 04-03-05.

25-4.070 Customer Trouble Reports.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect customer telephone service. Trouble reports will be classified as to their severity on a service interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.

(a) Companies shall make every reasonable attempt to restore service on the same day that the interruption is reported to the serving repair center.

(b) In the event a subscriber's service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 hours after being reported to the company, an appropriate adjustment or refund shall be made to the subscriber automatically, pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time will be computed on a continuous basis, Sundays and holidays included. Also, if the company finds that it is the customer's responsibility to correct the trouble, it must notify or attempt to notify the customer within 24 hours after the trouble was reported.

(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.

(2) Sundays and Holidays:

(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair

action involves a Sunday or holiday, that period shall be excepted when computing service objectives, but not refunds for OOS conditions.

(b) Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by a subscriber.

(3) Service Objectives:

(a) **Service Interruption:** Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000 lines as and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) **Service Affecting:** Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines as and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.

(c) If the customer requests that the service be restored on a particular day beyond the objectives outlined in (a) and (b) above, the trouble report shall be counted as having met the objective if the requested date is met.

(4) Priority shall be given to service interruptions ~~which~~ that affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as promptly as possible on an emergency basis.

(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.

(6) The service objectives of this rule shall not apply to subsequent customer reports, (not to be confused with repeat trouble reports), emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.

(7) Reporting Criteria: Each company shall periodically report the data ~~as~~ specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (04/05), incorporated into Rule 25-4.0185 by reference and available from the Division of Competitive Markets and Enforcement.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 04-03-05.

25-4.072 Transmission Requirements.

(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. Transmission parameters shall

~~conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted 1984) incorporated herein by reference. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair communications. The maximum loss objective of inter-toll trunks shall be consistent with the requirements of the nationwide switching plan and overall transmission losses within each trunk group will not vary more than plus or minus two db.~~

(2) Accurate dependable milliwatt supplies shall be made a part of each central office. Additionally, for those central offices having an installed line capacity of 1,000 lines or more, the buffered access on a minimum three line rotary group basis shall be a part of the milliwatt supply.

(3) Each central office shall be equipped with a minimum of one termination which shall trip ringing and terminate the line on a balanced basis so that end to end noise measurements may be made.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS.

History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, 04-03-05.

25-4.073 Answering Time.

(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

~~(a) If emergency services for the LEC's total serving area is currently answered by the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator shall be answered within thirty (30) seconds after zero only is dialed.~~

~~(b) If emergency services for the LEC's total serving area is not currently answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be answered within 20 seconds after 911 only is dialed.~~

(ae) At least ninety (90%) percent of all calls directed to and repair services and eighty (80%) percent of all calls to business offices shall be answered within thirty (30) seconds after the last digit is dialed when no menu driven system is utilized.

~~(bd) Notwithstanding paragraph (c) above, w~~When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least (95%) percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall ~~only identify the company and the general options available to the customer.~~ include the option of transferring to a live attendant within the first 30 seconds of the message shall be included in the initial message.

(c) For subscribers who either selecting the option of transferring to a live assistant, or do not interact with the system for twenty seconds, ~~except for business office calls,~~ at least the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within fifty-five (55) seconds of being transferred to the attendant. ~~after the last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business office shall be transferred by the system to a live attendant within fifty five (55) seconds after the last digit is dialed. At any time during the call, the customer shall be transferred to live assistance if the customer fails to interact with the system for a time period of ten (10) seconds following any~~

~~prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual Tone Multiple-Frequency (DTMF) keypad associated with a telephone.~~

~~(e) — In accordance with Rule 25 4.0770, F.A.C., when a menu driven, automated, interactive, answering system is utilized, provisions shall be included to allow the customer to make an appointment or to negotiate with a live attendant, or with the system, any appointment or commitment offered to the customer by the system. The subscriber shall be able to renegotiate appointments using the system.~~

~~(f) — Automated systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.~~

~~(dg) The terms “answered” as used in paragraphs (a) and (cb) above, shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, service representative, or automated system is ready to render assistance, and/or accept the information necessary to process the call. With respect to calls to business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In those instances where the call cannot be extended within the allotted interval, the calling party is to be given the option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with

~~this rule. The company shall add ten (10) seconds to the answer time for each call. This ten (10) second constant will substitute for actual data on the time required for the call to connect to the company's facilities. Monthly summary results of such studies shall be filed with the Commission promptly after the end of each calendar quarter.~~

(3) All ~~telephone~~communications companies are expected to answer their main published telephone number on a ~~twenty-four (24)~~ hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.

(4) Each company shall report, pursuant to Rule 25-4.0185, Periodic Reports, the performance of the company with respect to answer time as outlined in Form PSC/CMP 28 (04/05), incorporated into Rule 25-4.0185 by reference and available from the Division of Competitive Markets and Enforcement.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.17, 364.03, 364.386, 365.171, F.S.

History: New 12/1/68, formerly 25-4.73, Amended 3/31/76, 11/24/92, 04-03-05.

25-4.0770 Customer Appointments.

~~(1) When the company determines that it is likely that a premises visit and entry to the customer's premises (for installation, moves, changes, or repairs) will be necessary, the company shall, with customer approval, advise the customer of the time that its representative~~

~~will be at the premises. Appointments shall be set within the time frames of 7-12 a.m., 12-5 p.m., or 5-9 p.m., or, upon customer and company agreement, appointments may be set for a specific hour or day. Appearance of the company representative to render the service during the set period shall constitute a kept appointment by the company. Failure of the company representative to be present during the prescribed period for the appointment shall constitute a missed appointment by the company. In confirming the appointment, the company shall specifically advise the customer of the hour or hours applicable to the appointment.~~

~~—— (2) —— Each company shall keep at least 95 percent of all appointments each month.~~

~~Where appointments cannot be kept by the company, the customer shall be notified by telephone call prior to the beginning of the appointment period if a can-be-reached number is obtained from the customer and a new appointment shall be scheduled. No appointment cancelled in this manner shall constitute a kept or missed appointment by the company.~~

~~—— (3) —— Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, indicating the date, time, name of subscriber, telephone number, and signature of the representative. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall constitute a missed appointment by the customer.~~

~~—— (4) —— Appointments may be cancelled by the customer by telephone or personal notification, prior to the start of the appointment period.~~

~~—— (5) —— The company shall maintain data and records sufficient to allow the Commission to ascertain compliance with this rule.~~

~~———— (a) ——— Each company shall at least maintain the following information on each appointment made: reason for premises entry (installation, move, change, or repair); the date and time the customer requested service; the appointment date and time period agreed upon; the date and time the appointment is cleared without a premises visit, if applicable; the date and time of cancellation of an appointment by either party; the date and time of arrival at the customer's premises; and the date and time of completion of the service. This information shall be maintained for one year following the completion of the service.~~

~~———— (b) ——— Each company shall report quarterly to the Commission the record of the company with respect to missed appointments. The report shall contain, on both a monthly and annual basis, the total number of customer appointments made pursuant to this rule, the number of appointments cleared without a premises visit, the number of appointments kept by the company, the number of appointments missed by the company, the number of appointments missed by customers, the number of appointments cancelled by the company, and the number of appointments cancelled by the customers.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.025, 364.03(1), 364.19 FS.

History—New 7-13-82, Formerly 25-4.770, Amended 3-10-96, Repealed 04-03-05.

25-4.080 Weighted Measurement of Quality of Service.

~~In considering the adequacy of service provided by a local exchange company, the Commission may utilize a weighted index system developed by the Public Utility Research Center. Under this weighting system, a company exactly meeting all FPSC standards on all criteria would receive an overall satisfactory rating of 75 points. Using indices assigned to each criterion, adjustments to the base of 75 would be made on all results that either exceed or fall below the standards. The~~

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~~criteria and indices are contained in the Weighted Index (Form CMU 41, 4/1/93), which is incorporated by reference into this rule. Local exchange companies shall be responsible for complying with each service standard, whether or not an overall score of 75 or more is achieved when the weighted index is employed.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS.

History—New 6-2-93, Repealed 04-03-05.