

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rules 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, and 25-24.815, F.A.C., Application for Certificate; or Application for Approval of Assignment, or Transfer of Certificate.	DOCKET NO. 050681-TP ORDER NO. PSC-05-1104-NOR-TP ISSUED: November 3, 2005
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR
ISILIO ARRIAGA

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, and 25-24.815, Florida Administrative Code, relating to application for certificate or application for approval of assignment, or transfer of certificate.

The attached Notice of Rulemaking will appear in the November 10, 2005 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 rules must be received by the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than December 2, 2005.

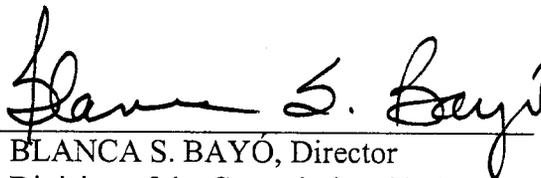
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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 3rd day of November, 2005.



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

(SEAL)

CTM

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050681-TP

RULE TITLE:	RULE NO.:
Application for Certificate	25-24.511
<u>Application for Approval of Sale, Assignment or Transfer of Certificate</u>	
Improper Use of a Certificate	25-24.512
Application for Certificate	25-24.456
Application for Approval of <u>Sale</u> , Assignment or Transfer of Certificate	25-24.569
Application for Certificate	25-24.720
Application for approval of Sale, Assignment, or Transfer of Certificate	25-24.730
Application for Certificate	25-24.810
Application for Approval of <u>Sale</u> , Assignment or Transfer of Certificate	25-24.815

PURPOSE AND EFFECT: To increase the fees charged for processing applications for new and transferred certificates to provide pay telephone service, shared tenant service, alternative access vendor service, and competitive local exchange service; and to allow the transfer of a certificate from one pay telephone service company to another.

SUMMARY: Raises the application fee from \$100 to \$250 for an applicant for a pay telephone certificate or a shared tenant services certificate, and from \$250 to \$400 for an applicant for a competitive local exchange service certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Applicants for certificates to provide certain telecommunications' services will pay increased application fees.

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: 364.32, 364.33, 364.335, 364.337, 364.3375, 2364.339, 364.345, 364.345(2), FS

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, 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 THESE PROPOSED RULES ARE:

Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-24.511 Application for Certificate.

(1) Any person desiring to provide pay telephone services must have a pay telephone service certificate.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Authority Certificate to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from

the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(3) – (4) No change.

(5) Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, _____.

25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate
~~Improper Use of a Certificate.~~

(1) Certificates ~~No certificate~~ of public convenience and necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 32 (xx/xx), entitled “Application Form for Authority to Provide Pay Telephone Service Within the State of Florida”. The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(3) An original and two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

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

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

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 5-15-89,_____.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMP 37 (~~xx/xx7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx7/97~~), entitled “Application Form For Authority To Provide Shared Tenant Service Within the State of Florida,” may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 \$100.00 must accompany the filing of all applications.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) – (4) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.33, 364.335, 364.339, 364.345 FS.

History–New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97,_____.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 37 (~~xx/xx7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx7/97~~) is entitled “Application Form for Authority to Provide Shared Tenant

Service Within the State of Florida.” The application form may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for 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) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History–New 1-28-91, Amended 11-20-91, 7-29-97, _____.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx1/95~~), entitled “Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida,” which is incorporated into this rule by reference. The form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and two ~~12~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS.

History—New 1-8-95, Amended _____.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 43 (~~xx/xx1/95~~) (entitled “Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida”). The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two ~~12~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) – (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History—New 1-8-95, Amended _____.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx1/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx1/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 ~~\$250.00~~ must accompany the filing of each application.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History--New 12-27-95, Amended.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8 (~~xx/xx11/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx11/95~~), entitled "Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida", may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$400.00~~\$250.00 must accompany the filing of each application.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, ~~an~~ 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.

(5) In the case of sale, ~~an~~ assignment or transfer where the assignor and assignee or transferor or transferee are all currently certificated by the Commission and there are no pending actions against them, a sale, ~~an~~ assignment or transfer shall be considered effective upon filing. Any party protesting the sale, assignment or transfer shall be required to prove why the sale, assignment or transfer is not in the public interest.

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Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History—New 12-27-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: November 1, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 31, Number 26, July 1, 2005

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services 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).