

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of Statutory Option for Price Regulated Local Exchange Telecommunications Companies to Publicly Publish Rates, Terms, and Conditions for Nonbasic Services, pursuant to Section 364.051(5)(a), F.S.	DOCKET NO. 060499-TL ORDER NO. PSC-06-0751-PAA-TL ISSUED: September 5, 2006
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The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ADOPTING GUIDELINES FOR PUBLICLY PUBLISHING  
NONBASIC SERVICE OFFERINGS

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

**I. Case Background**

Recent revisions to Section 364.051(5)(a), Florida Statutes, allow price regulated<sup>1</sup> incumbent local exchange companies (ILECs), at their option, to either maintain tariffs with this Commission or otherwise publicly publish the terms, conditions, and rates for each of its nonbasic services, and to set or change, on 1 day's notice, the rate for each of their nonbasic services.<sup>2</sup> In addition, the law states that we may establish guidelines for the publication, but the guidelines may not require more information than what is required to be filed with a tariff. While this change in law provides price regulated ILECs with an option for disseminating information on their nonbasic service offerings, it does not change this Commission's jurisdiction or oversight in any way.

<sup>1</sup> Except for Frontier Communications of the South, Inc. all ILECs in Florida have elected price regulation.

<sup>2</sup> The changes to Section 364.051(5)(a) came about as a result of SB 142 which was signed into law on June 7, 2006, by Governor Bush.

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FPSC-COMMISSION CLERK

Our staff began drafting guidelines<sup>3</sup> in June and provided copies of its draft to each price regulated ILEC on July 18, 2006. The ILECs were asked to review the guidelines and be prepared to discuss them at an informal meeting scheduled for July 26, 2006. Representatives from BellSouth, Embarq, GTCOM, Northeast Telephone, TDS Telecom, and Verizon attended the meeting.<sup>4</sup> In general, those in attendance agreed with the draft and suggested only minor modifications. It is our understanding that BellSouth is the only company planning to publicly publish its nonbasic service offerings at this time.

## **II. Analysis**

The recent changes to Section 364.051(5)(a), Florida Statutes, allow price regulated ILECs to choose whether to maintain tariffs with this Commission or otherwise publicly publish the terms, conditions, and rates for each of its nonbasic services, and to set or change, on 1 day's notice, the rate for each of their nonbasic services. For the ILECs electing to publicly publish, we may establish guidelines for the publication; however, the guidelines cannot require more information than what is required to be filed with a tariff. The guidelines:

- capture the intent of the new law,
- provide this Commission the information it needs to monitor nonbasic service offerings and resolve consumer complaints,
- are efficient to implement and not overly burdensome,
- incorporate input from interested parties.

Price regulated ILECs that opt to publicly publish may do so either via the Internet or in a paper format. The guidelines address both publishing methods but it is more likely that most companies that publicly publish will do so over the Internet. The guidelines fall into three general categories:

1. the minimum information that must appear in the actual publication;
2. the minimum information that must be provided to this Commission;
3. the minimum historical data available to this Commission for use in investigating and resolving consumer complaints.

First, the minimum information that must appear in the actual publication (whether published in paper format or via the Internet) includes the name used to market the service; a description of the service; the current rate(s) for the service; the service specific terms and conditions, and the effective date for the current rates, terms, and conditions. Also, there are minimal requirements that will make the publication(s) user friendly for the consumer.

The second category addresses the minimum information to be provided to this Commission when a company revises, establishes, or deletes any rate, term, or condition. If a company publishes via the Internet, it must send this Commission notification of changes via

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<sup>3</sup> Attached hereto and incorporated herein by reference.

<sup>4</sup> Alltel, ITS, and Smart City did not participate in the meeting. Our staff did contact these companies after the meeting to solicit their feedback; Smart City responded that it had no issues with the draft.

electronic mail. The notification must include a brief description of the change(s) in the body of the e-mail, a PDF text + image format attachment with an executive summary which includes specific information on the rate change (i.e., effective date, percentage change in revenue for each affected nonbasic service category etc.) or a synopsis of the changes to a term or condition, and provide, as part of the attachment, the page number references for the complete service offering(s) as it(they) will appear on the company's web page, or the applicable page(s). If paper publishing, the minimum information to be provided is generally the same with two exceptions: 1) the company may file with this Commission notification either by electronic mail or hard copy; and 2) the company must provide (or attach to its e-mail notice) the applicable pages for the complete service offering(s) as it(they) will appear in the company's paper publication.

The third category addresses Commission access to historical data on the rates, terms, and conditions for the nonbasic service offerings so that this Commission may investigate and resolve consumer complaints. This proposed guideline provides the company with options as to how this Commission will access this data. In addition, this guideline only applies to companies that publish via the Internet and do not attach applicable pages but instead only provide the page number references for the complete service offering(s) as it(they) will appear on the company's web page.

### **III. Conclusion**

Based upon the foregoing analysis, we find that the guidelines are appropriate. Therefore, we hereby adopt the guidelines, as set forth in Attachment A, for publicly publishing nonbasic service offerings because they

- consider the interests of the companies, consumers, and this Commission;
- were developed with input from the ILECs;
- require no more information than that which is required to be filed with a tariff;  
and
- ensure this Commission has the information it needs to continue resolving consumer complaints and monitoring rates for nonbasic service offerings.

If no person, whose substantial interests are affected by this proposed agency action files a protest within 21 days of the issuance of this Order, then this docket shall be closed upon issuance of a Consummating Order. If, however, a timely protest is received, this docket shall remain open.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the guidelines for publicly publishing nonbasic service offerings in Attachment A, attached hereto and incorporated herein by reference, are hereby adopted. It is further

ORDERED that if no person, whose substantial interests are affected by this proposed agency action files a protest within 21 days of the issuance of this Order, then this docket shall be closed upon issuance of a Consummating Order. If, however, a timely protest is received, this docket shall remain open.

By ORDER of the Florida Public Service Commission this 5th day of September, 2006.

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

By:   
Kay Flynn, Chief  
Bureau of Records

(SEAL)

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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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 26, 2006.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

## ATTACHMENT A

### PROPOSED GUIDELINES FOR PUBLICLY PUBLISHING NONBASIC SERVICES

These guidelines were developed based on recent changes to Section 364.051(5)(a), Florida Statutes, which provide a price-regulated ILEC the option to publicly publish its terms, conditions and rates for each of its nonbasic service offerings. We envision a company could either publicly publish its nonbasic service offerings via its corporate web site or in paper format.

#### WEB PUBLISHING GUIDELINES

1. The company's corporate homepage shall have a highly visible hyperlink or similar device (web button, icon, etc.), which leads to a user-friendly listing of all nonbasic services and the general terms and conditions. The listing shall be maintained in a consistent format over time. At a minimum, for each nonbasic service offering, the company shall publish
  - a. The name(s) used to market the service,
  - b. A description of the service,
  - c. The current rate(s) for the service,
  - d. The service specific terms and conditions, and
  - e. The effective date(s) for the web page or pages containing the current rates, terms, and conditions.
  
2. The company shall notify this Commission, via electronic mail, on one day's notice, of any changes to its nonbasic service offerings that revise, establish, or delete a rate. The electronic mail notification shall
  - a. Be addressed to ([telephone.tariffs@psc.state.fl.us](mailto:telephone.tariffs@psc.state.fl.us)),
  - b. Contain a brief description of the change(s) in the body of the e-mail,
  - c. Attach, in PDF text + image format, an executive summary containing the old rate(s) and effective date(s), the new rate(s) and effective dates(s), and the percentage change in revenue for each affected nonbasic service category, and
  - d. Provide, as part of the attachment, the page number references for the complete service offering(s) as it(they) will appear on the company's web page, or the applicable page(s).
  
3. The company shall notify this Commission, via electronic mail, on one day's notice, of any changes to its nonbasic service offerings that revise, establish, or delete a term or condition. The electronic mail notification shall
  - a. Be addressed to ([telephone.tariffs@psc.state.fl.us](mailto:telephone.tariffs@psc.state.fl.us)),
  - b. Contain a brief description of the change(s) in the body of the e-mail,
  - c. Attach, in PDF text + image format, an executive summary containing the old effective date(s), the new effective date(s), and a synopsis of the change(s), and

- d. Provide, as part of the attachment, the page number references for the complete service offering(s) as it(they) will appear on the company's web page, or the applicable page(s).

4. A company electing to provide page number references under 2.d and 3.d shall provide this Commission with access to historical data of the rates, terms, and conditions for its nonbasic service offerings so that this Commission may investigate and resolve consumer complaints, or other matters. For companies with more than 100,000 access lines in service on July 1, 1995, the historical data shall be maintained in an electronic database. Archived data shall be maintained for no less than 3 years from the effective date of each change.

### PAPER FORMAT PUBLISHING

1. The guidelines below shall only apply to nonbasic service offerings publicly published in paper format.

- a. A copy of the publication shall be maintained in each of the company's business offices and Commission-approved locations (if applicable).

- b. The publication shall contain current information on all nonbasic services and the general terms and conditions. The publication shall be printed on 8 1/2" X 11" paper in a readable type of sufficient size to be clearly legible, and be maintained in a consistent format over time. At a minimum, for each nonbasic service offering, the company shall publish

- (1) the name(s) used to market the service,
- (2) a description of the service,
- (3) the current rate(s) for the service,
- (4) the service specific terms and conditions, and
- (5) the effective date(s) for the page or pages containing the current rates, terms, and conditions.

2. The company shall notify this Commission, via electronic mail or hard copy filing, on one day's notice, of any changes to its nonbasic service offerings that revise, establish, or delete a rate.

- a. The notification sent via electronic mail shall

- (1) be addressed to ([telephone.tariffs@psc.state.fl.us](mailto:telephone.tariffs@psc.state.fl.us)),
- (2) contain a brief description of the change(s) in the body of the e-mail,
- (3) attach, in PDF text + image format, an executive summary containing the old rate(s) and effective date(s), the new rate(s) and effective dates(s), and the percentage change in revenue for each affected nonbasic service category, and
- (4) include, as part of the attachment, the applicable pages for the complete service offering(s) as it(they) will appear in the publication.

- b. The notification made by hard copy filing shall
    - (1) be addressed to the Division of Competitive Markets and Enforcement,
    - (2) contain a brief description of the change(s) in the body of the letter,
    - (3) include an executive summary containing the old rate(s) and effective date(s), the new rate(s) and effective dates(s), and the percentage change in revenue for each affected nonbasic service category, and
    - (4) include the applicable pages for the complete service offering(s) as it(they) will appear in the publication.
3. The company shall notify this Commission, via electronic mail or hard copy filing, on one day's notice, of any changes to its nonbasic service offerings that revise, establish, or delete a term or condition.
- a. The notification sent via electronic mail shall
    - (1) be addressed to (telephone.tariffs@psc.state.fl.us),
    - (2) contain a brief description of the change(s) in the body of the e-mail,
    - (3) attach, in PDF text + image format, an executive summary containing the old effective date(s), the new effective date(s), and a synopsis of the change(s), and
    - (4) include, as part of the attachment, the applicable pages for the complete service offering(s) as it(they) will appear in the publication.
  - b. The notification made by hard copy filing shall
    - (1) be addressed to the Division of Competitive Markets and Enforcement,
    - (2) contain a brief description of the change(s) in the body of the letter,
    - (3) include an executive summary containing the old effective date(s), the new effective date(s), and a synopsis of the change(s), and
    - (4) include the applicable pages for the complete service offering(s) as it(they) will appear in the publication.