

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition to initiate rulemaking to adopt new rule in Chapter 25-24, F.A.C., amend and repeal Rules in Chapter 25-4, F.A.C., and amend rules in Chapter 25-9, F.A.C., by Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom, and Windstream Florida, Inc.

DOCKET NO. 080159-TP
ORDER NO. PSC-08-0604-NOR-TP
ISSUED: September 19, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

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 25-4.003, 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178, 25-4.040, 25-4.079, 25-4.215, and 25-14.001, and repeal Rules 25-4.006, 25-4.007, 25-4.021, 25-4.024, 25-4.039, 25-4.077, 25-4.116, Florida Administrative Code, relating to telecommunications regulation. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

The attached Notice of Rulemaking will appear in the September 26, 2008 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 Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than October 17, 2008.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 19th day of September, 2008.



ANN COLE
Commission Clerk

(S E A L)

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.003: Definitions

25-4.006: Issuance of Certificate in the Event of Failure to Furnish Adequate Service

25-4.007: Reference to Commission

25-4.017: Uniform System of Accounts

25-4.0174: Uniform System and Classification of Accounts - Depreciation

25-4.0175: Depreciation

25-4.0178: Retirement Units

25-4.021: System Maps and Records

25-4.024: Held Applications for Service

25-4.039: Traffic

25-4.040: Telephone Directories; Directory Assistance

25-4.077: Metering and Recording Equipment

25-4.079: Hearing/Speech Impaired Persons

25-4.116: Telephone Number Assignment Procedure

25-4.215: Limited Scope Proceedings

PURPOSE AND EFFECT: The purposes of the rule amendments are to delete any provisions that are obsolete; to clarify when the rule applies only to rate-of-return regulated local exchange telecommunication companies; to eliminate redundant rules. Docket No. 080159-TP.

SUMMARY: In Rule 25-4.003 on Definitions, language is added to the rule to define “price regulated local exchange telecommunications company” and “rate of return regulated local exchange telecommunications company.” This is intended to reflect the statute and clarify which rules only apply to rate-of-return regulated companies; Rule 25-4.017 on Uniform System of Accounts - the title of the rule should be amended to refer to "Uniform Systems of Accounts for Rate-of-Return Regulated Local Exchange Companies"; Rule 25-4.0174, Uniform System and Classification of Accounts – the title of the rule is amended to refer to “Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies”; Rule 25-4.0175, Depreciation – the title of the rule is amended to refer to “Depreciation for Rate-of-Return Regulated Local Exchange Companies”; Rule 25-4.0178, Retirement Units – the title of the rule is amended to refer to “Retirement Units for Rate-of-Return Regulated Local Exchange Companies”; Rule 25-4.215, Limited Scope Proceedings – language is added to the rule to clarify that it only applies to rate-of-return regulated companies; Rule 25-4.040, Telephone Directories; Directory Assistance

is revised. Dates are removed that are no longer relevant. Also, obsolete provisions relating to 911 service are removed. A sentence is added allowing companies to identify customer payment locations by listing a website and toll-free number; Rule 25-4.079, Hearing/Speech Impaired Persons is revised to reflect the current practice of the Florida Telecommunications Relay, Inc., providing equipment for hearing/speech impaired persons; Rule 25-4.006, Issuance of Certificate in the Event of Failure to Furnish Adequate Service is deleted because it is obsolete; Rule 25-4.007, Reference to Commission is deleted because a declaratory statement already fulfills this purpose of applying for Commission interpretation; Rule 25-4.021, System Maps and Records is repealed because another rule requires similar information; Rule 25-4.024, Held Applications for Service is repealed because another rule requires similar information; Rule 25-4.039, Traffic, is repealed. It is redundant of Sec. 364.24, Florida Statutes; Rule 25-4.077, Metering and Recording Equipment, is repealed because it is outdated and refers to mechanical and electronic equipment which is not used by the companies; Rule 25-4.116, Telephone Number Assignment Procedure is repealed because it adds little to the requirements of the North American Numbering Plan Administrator. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed amendments allow for a simpler approach to identifying rate-of-return LECs. They eliminate ambiguous language. There is no negative impact or direct benefit to the Commission. The costs of the rule amendments are likely negligible. However, they should make it simpler for companies to identify which rules apply. The rule amendments will likely have no impact on ratepayers. There will likely be no impact on small businesses, small cities, or small counties. However, the elimination of ambiguous language will likely lower the transaction cost to provide telecommunications. The proposed repeal of several rules will likely have no impact on ratepayers; no negative impacts on small businesses, small cities or small counties. The proposed repeals may have a positive impact on telecommunications companies by lowering the transactional cost.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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), 364.17, F.S.

LAW IMPLEMENTED: 350.115, 364.01, 364.02, 364.025, 364.0251, 364.03, 364.04, 364.051, 364.14, 364.16, 364.163, 364.17, 364.183, 364.20, 364.28, 364.335, 364.385, 365.171, 395.1027,

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IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.003 Definitions.

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

(1) – (43) No change.

(44) “ Price regulated local exchange telecommunications company.” Any local exchange telecommunications company certificated by the Commission prior to July 1, 1995 that has elected to become subject to price regulation pursuant to Section 364.051, F.S.

(45) (44) renumbered to (45) No change.

(46) “Rate-of-return regulated local exchange telecommunications company.” Any local exchange telecommunications company certificated by the Commission prior to July 1, 1995 that has not elected to become subject to price regulation pursuant to Section 364.051, F.S.

(47) (45) – (58) renumbered to (47) – (60) No change.

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, 4-3-05, Repromulgated 5-8-05, Amended _____.

25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.025, 364.335 FS.

History–Revised 12-1-68, Formerly 25-4.06, Repealed _____.

25-4.007 Reference to Commission.

Specific Authority 364.20 FS.

Law Implemented 364.28 FS.

History–New 12-1-68, Formerly 25-4.07, Repealed _____.

25-4.017 Uniform System of Accounts for Rate-of-Return Regulated Local Exchange Companies.

(1) – (4) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.17 FS.

History–Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85, Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96, 9-15-03, _____.

25-4.0174 ~~Uniform System and Classification of Accounts~~–Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies.

(1) – (6) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.17 FS.

History–New 4-25-88, Amended 9-11-96, _____.

25-4.0175 Depreciation for Rate-of-Return Regulated Local Exchange Companies.

(1) – (16) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.03 FS.

History–New 9-8-81, Amended 4-28-83, 1-6-85, Formerly 25-4.175, Amended 4-27-88, 12-12-91, 9-11-96, _____.

25-4.0178 Retirement Units for Rate-of-Return Regulated Local Exchange Companies.

(1) – (7) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.17 FS.

History–New 4-25-88, Amended _____.

25-4.021 System Maps and Records.

Specific Authority 350.127(2), 364.17 FS.

Law Implemented 364.17, 364.183 FS.

History–Revised 12-1-68, Formerly 25-4.21, Repealed _____.

25-4.024 Held Applications for Service.

Specific Authority 350.127(2), 364.17 FS.

Law Implemented 364.025, 364.163, 364.17 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.24, 3-10-96, Repealed.

25-4.039 Traffic.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39, Amended

3-10-96, Repealed.

25-4.040 Telephone Directories; Directory Assistance.

(1) No change.

(2) Each subscriber served by a directory shall be furnished one copy of that directory for each access line. Subject to availability, additional directories shall be provided by the local exchange telecommunications company, which may charge a reasonable fee therefor. ~~Within 30 days after the effective date of this rule~~ Each exchange company shall file with the Commission a tariff setting forth the fee, if any, and the conditions under which it will apply. Copies of each directory shall be furnished to the Bureau of Service Quality. When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

(3)(a) No change.

(b) ~~Beginning with directories issued on or after January 1, 1995,~~ The following information shall be listed on the inside of the front cover of the directory:

1. ~~“911” instructions for exchanges with “911” service. Such “911” instructions shall be at the top of the inside front cover and shall be outlined in order to be separate from other information on the inside front cover. “911” shall be the only listed emergency number; all other numbers on the inside front cover shall be listed as “nonemergency” or “other important numbers.”~~

~~2. For exchanges where “911” emergency service is not provided, emergency calling instructions and numbers including those of the police, sheriff, fire departments and ambulance services used by local government in case of emergency. Such emergency calling instructions shall be listed at the top of the inside front cover and shall be outlined and separate from other~~

~~information. All other numbers on the inside front cover shall be listed as “nonemergency” or “other important numbers.”~~

~~23.~~ The information required by Section 395.1027, F.S.

~~(c) – (4)d.~~ No change.

~~(e)~~ Identification of customer payment locations and an explanation of discontinuance of service procedures for local service. Identification of customer payment locations may be accomplished by listing a website and toll-free number.

~~(f) – (9)~~ No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171, 395.1027 FS.

History– New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-16-94,_____.

25-4.077 Metering and Recording Equipment.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03, 364.051, 364.19, FS.

History–New 12-1-68, Amended 3-31-76, Formerly 25-4.77, Amended 6-24-90, 3-10-96,

Repealed_____.

25-4.079 Hearing/Speech Impaired Persons.

~~(1) – (4)~~ No change.

~~(5)~~ Each LEC shall inform persons inquiring about specialized customer premises equipment for hearing/speech impaired persons of Florida Telecommunications Relay, Inc., which provides such equipment at no cost., pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each LEC shall provide at least one type of each of the following categories of specialized CPE:

~~(a)~~ Audible ring signalers;

~~(b)~~ Visual ring signalers;

~~(c)~~ TDDs;

~~(d) Volume control handsets.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS.

History—New 4-5-88, Amended 6-3-90, 5-8-05,_____.

25-4.116 Telephone Number Assignment Procedure.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.14, 364.16, FS.

History—New 2-9-87, Repealed_____.

25-4.215 Limited Scope Proceedings.

A rate-of-return regulated small local exchange company may seek to change its existing overall rate relationships without affecting its total revenues by filing a petition for a limited scope proceeding pursuant to Sections 364.05 and 364.058, F.S., and submitting Schedule E-2 (the priceout schedule) in Form PSC/ECR 20-T (3/96), entitled “Minimum Filing Requirements,” which is incorporated herein by reference in Rule 25-4.141, F.A.C., and may be obtained from the Commission’s Division of Economic Regulation. The required MFR Schedule E-2 must show that the revenues generated under the proposed rate relationships shall not exceed the revenues generated under the small local exchange company’s existing rate relationships, based on data for units and revenues for the last full calendar year available.

Specific Authority 350.127(2) FS.

Law Implemented 364.05, 364.052, 364.058 FS.

History—New 3-10-96, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Incumbent local exchange companies. Also, Dale Mailhot, Division of Regulatory Compliance.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 04, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008, Vol. 34, No. 17

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-14.001: In General

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that Chapter 14 does not apply to Competitive Local Exchange Companies or Price Regulated Local Exchange Companies. Docket No. 080159-TP.

SUMMARY: The revision would clarify that Chapter 14 does not apply to certain telecommunications companies. The rule amendment is not intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is no regulatory cost from this rule revision.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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), 366.05(1), 367.121, FS

LAW IMPLEMENTED: 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-14.001 In General.

The Commission is responsible for the setting of reasonable rates and charges of numerous utility companies. In determining reasonable charges to be paid by the customers of these companies, the Commission promulgates policy determinations affecting all companies subject to its jurisdiction. This chapter has been established to identify policy determinations affecting

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the rates, charges and tariffs of all companies subject to our rate-setting jurisdiction. ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, or Alternative Access Vendor Service Providers, Competitive Local Exchange Companies or Price Regulated Local Exchange Companies.

Specific Authority 350.127(2), 366.05(1), 367.121 FS.

Law Implemented 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121 FS.

History— New 7-25-73, Formerly 25-14.01, Amended 2-23-87, 1-8-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008, Vol. 34, No. 17.