

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

In re: Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications.

DOCKET NO. 080641-TP
ORDER NO. PSC-09-0054-NOR-TP
ISSUED: January 23, 2009

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 25-4.002, 25-4.0185, 25-4.023, 25-4.066, 25-4.070, 25-4.071, 25-4.073, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110 and repeal Rules 25-4.046, 25-4.067, 25-4.108, Florida Administrative Code, relating to telecommunications regulation.

None of the amendments to Rules 25-4.002, 25-4.0185, 25-4.023, 25-4.071, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110 or rule repeals are intended to impact wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, or the SEEM metrics or payments. None of the rule repeals or amendments are intended to impact the type of data that must be collected and analyzed for purposes of the SEEM plan.

The attached Notices of Rulemaking will appear in the January 23, 2009, 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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than February 13, 2009. Any written requests for hearing or written comments should be filed in Docket No. 080641-TP and include specific rule language requested in legislative type and strike format.

For administrative efficiency purposes, Docket No. 080159-TP shall be closed. Docket No. 080641-TP shall remain open to receive any requests for hearing or written comments.

By ORDER of the Florida Public Service Commission this 23rd day of January, 2009.



ANN COLE
Commission Clerk

(S E A L)

KC

DISSENT IN PART BY COMMISSIONER MCMURRIAN:

Consistent with comments made during the Commission's consideration of this matter on January 6, 2009, COMMISSIONER KATRINA J. MCMURRIAN agrees in part and dissents in part with the majority's decisions regarding the rulemaking proposals addressed in Issues 1 and 2 of staff's recommendation but agrees with the majority's decision regarding dispensation of the dockets and the proper filing of the proposed rules addressed in Issue 3 of staff's recommendation.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.002: Application and Scope

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP

SUMMARY: This rule is amended to delete language which states that Parts II and V of Chapter 25-4 apply to residential service only. This language is outdated and does not correctly reflect that only certain rules apply to residential service only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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) FS

LAW IMPLEMENTED: 364.01, 364.335, 364.337, 364.3375, 364.3376 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards 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 company ~~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- apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., 24, F.A.C., apply to any Interexchange Company. The rules in Part XI 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 of Chapter 25-24, F.A.C., apply to all competitive local exchange telecommunications companies.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375, 364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.0185: Periodic Reports

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rules. Form PSC/CMP 28 (4/05) is revised consistent with the proposed rule amendments. Docket No. 080641-TP

SUMMARY: This rule is amended to add language to clarify that Schedules 2, 3, 11, and 15 of Form PSC/CMP 28 (4/05) apply only to residential service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.17, 364.183(1) FS

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement~~ the information required by Commission Form PSC/SSC~~CMP~~ 28 (xx/xx4/05), which is incorporated into this rule by reference. Form PSC/SSC~~CMP~~ 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement~~.

(1) The information required by schedules 2, 3, 8, 11, and 15 ~~and 16~~ of Form PSC/SSC~~CMP~~ 28 shall be filed ~~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) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to residential service only. ~~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, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of
Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,
Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.046: Incremental Cost Data Submitted by Local Exchange Companies

PURPOSE AND EFFECT: Rule 25-4.046 is repealed as unnecessary or duplicative of statute.
Docket No. 080641-TP.

SUMMARY: Rule 25-4.046 is repealed because it is unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeal
benefits the Commission, companies, and customers by having a more simple, streamlined, and
clarified rule, and companies' administrative costs would likely decrease.

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) FS

LAW IMPLEMENTED: 364.3381 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special
accommodations to participate in this workshop/meeting is asked to advise the agency at least 48
hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard
Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired,

please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.

Specific Authority 350.127(2) FS. Law Implemented 364.3381 FS. History—New 5-24-95,
Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.066: Availability of Service

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP

SUMMARY: This rule is amended to clarify that the rule applies to residential service only. This rule is amended to streamline installation requirements, including a provision that the rule not apply if an applicant requests broadband and/or video service at the same time as residential phone service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer time for installation of new service.

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) FS

LAW IMPLEMENTED: 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.066 Availability of Residential 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 residential basic local telecommunications 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 installed in each exchange of at least 50,00 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 when broadband or video services are requested in addition to the telecommunications service where special equipment or services are involved.

(3) No change.

(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.~~

~~(5) 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.~~

~~(6) 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.~~

~~(7) 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 and shall include an explanation of the reasons therefor.~~

~~(58) Each company shall report primary residential installation performance pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to the availability of service requirements, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., 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) 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, 4-3-05, 4-3-05.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.~~

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

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008~~

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.070: Customer Trouble Reports

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP

SUMMARY: This rule is amended to apply to residential telephone service only, delete unnecessary provisions, define service standards to require at least 90 percent of reports be cleared within required time periods, and delete the repeat trouble report requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to potentially longer time for repairs to be made.

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) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.070 Customer Trouble Reports for Residential Service.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect residential 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) – (b) No change.

~~(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 standard objectives, but not refunds for service interruptions, OOS conditions.

(b) No change.

(3) Service Standards Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure ~~insure~~ at least 90~~95~~ percent shall be cleared within 24 hours of the report, ~~in each exchange that contains at least 50,000 lines 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 ensure ~~insure~~ at least 90~~95~~ percent of such reports are cleared within 72 hours of the report, ~~in each exchange which contains at least 50,000 lines 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.~~

~~(4e) If the customer requests that the service be restored on a particular day beyond the service standards objectives outlined in subsection (3) paragraphs (a) and (b) above, the trouble report shall be counted as having met the service standards objective if the requested date is met.~~

~~(54) (4) renumbered to (5) No change.~~

~~(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 ~~standards objectives~~ of this rule shall not apply to subsequent customer reports, ~~or (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 report pursuant to ~~periodically report the data specified in~~ Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.

(8) This rule shall apply to residential service only.

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, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.071: Adequacy of Service

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP

SUMMARY: This rule is amended to delete obsolete provisions concerning trunking, and to delete unnecessary and duplicative intercept service requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386
FS

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.071 Adequacy of Service.

~~(1) Each telecommunications company shall provide switching equipment, trunking, and associated facilities within its operating territory for the handling of local and toll traffic, designed and engineered on the basis of realistic forecasts of growth so that during the average busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting, inter-office, extended area service) shall not encounter an all-trunk busy condition.~~

(12) Telephone calls to valid numbers shall ~~should~~ encounter a ring-back tone, line busy signal, or non-working number intercept facility ~~(operator or recording)~~ after completion of dialing. ~~The call completion standards established for such calls by category of call is as follows:~~

- ~~(a) Intra-office Calls—95 percent,~~
- ~~(b) Inter-office Calls—95 percent,~~
- ~~(c) Extended Area Calls—95 percent, and~~
- ~~(d) Intra-LATA DDD Calls—95 percent.~~

~~(3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable recorded intercept facility, preferably a recording other than the non-working number recording used for valid number calls.~~

~~(4) Intercept service shall be as outlined in Rule 25-4.074, F.A.C.~~

~~(25)~~ (5) renumbered to (2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71, Amended 6-24-90, 3-10-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.073: Answering Time

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP

SUMMARY: The rule is amended to make it clear that the rule applies to residential service only, to change company answering time service standards, and to delete as unnecessary the provision concerning answering time studies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer answering times with the ILEC resulting in more abandoned calls.

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) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.386, 365.171 FS

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.073 Answering Time for Residential Service.

(1) Each telephone ~~company~~ 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 ~~standards~~ criteria under normal operating conditions:

(a) At least 90 percent of all calls directed to ~~repair services and 80 percent of all calls to business and repair offices~~ for residential service shall be answered within ~~90~~ 30 seconds after the last digit is dialed when no menu driven system is utilized.

(b) 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 ~~30~~ 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first ~~6~~ 30 seconds of the message.

(c) For subscribers who ~~either~~ select the option of transferring to a live assistant, ~~or do not interact with the system for twenty seconds,~~ 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 ~~90~~ 55 seconds of being transferred to the attendant.

(d) No change.

~~(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.~~

~~(23)~~ (3) renumbered to (2) No change.

~~(34) Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to answer time, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History--New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 06, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.083: Preferred Carrier Freeze

PURPOSE AND EFFECT: Rule 25-4.083 is amended to clarify, simplify, and streamline the rule. Docket No. 080641-TP

SUMMARY: Rule 25-4.083 is amended to require local providers to meet the requirements of the Federal Preferred Carrier Freeze rule, and duplicative provisions of the rule are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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, 364.01, 364.603 FS

LAW IMPLEMENTED: 364.01, 364.603 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.083 Preferred Carrier Freeze.

(1) A local provider shall make available a PC-Freeze upon a subscriber's request.

~~(2)(4) A PC Freeze shall not be imposed or removed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.~~

~~(3)(2) A PC Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(3) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.~~

~~(4) All notification material regarding PC Freezes must include:~~

~~(a) An explanation of what a PC Freeze is and what services are subject to a freeze;~~

~~(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and~~

~~(c) An explanation that there are no charges for implementing or removing a PC Freeze.~~

~~(5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A local provider is not prohibited, however, from informing an existing or potential new subscriber who expresses concerns about slamming about the availability of a PC Freeze.~~

~~(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:~~

~~(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7);~~

~~(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or~~

~~(c) An independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial~~

~~incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.~~

~~(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed in a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:~~

~~(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;~~

~~(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.;~~

~~(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and~~

~~(d) That there will be no charge to the subscriber for a PC Freeze.~~

~~(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:~~

~~(a) Acceptance of a subscriber's written or electronically signed authorization; and~~

~~(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.~~

~~(9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by the provider for a period of one year.~~

~~(10) A PC Freeze shall not prohibit a local provider from changing wholesale services when serving the same end user.~~

~~(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.~~

~~(12) Local providers shall make available the ability for the subscriber's new local provider to initiate a local PC Freeze using the local service request.~~

(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is incorporated into this rule by reference.

Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS.
History—New 9-9-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of
Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,
Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.109: Customer Deposits

PURPOSE AND EFFECT: This rule is amended in order to streamline, clarify and simplify the
rule. Docket No. 080641-TP

SUMMARY: The amendments streamline and modify provisions relating to customer deposits,
including amending the rule so that it is applicable to residential customers only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule
amendments benefit the Commission, companies, and customers by having a more simple,
streamlined, and clarified rule, and companies' administrative costs would likely decrease.
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) FS

LAW IMPLEMENTED: 364.03, 364.07, 364.19 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special
accommodations to participate in this workshop/meeting is asked to advise the agency at least 48
hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard
Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired,
please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-
8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn
G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-

0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.109 Residential Customer Deposits.

(1) – (2) No change.

(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for the 90-day period immediately prior to the date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. ~~When the company has a good reason to believe payment by a nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.~~

(4) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:

(a) – (d) No change.

(5) Interest on deposit.

(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. ~~The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.~~

(b) – (8) No change.

(9) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,
Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.110: Customer Billing for Local Exchange Telecommunications Companies

PURPOSE AND EFFECT: The amendments streamline, clarify, and simplify the rule requirements. Docket No. 080641-TP

SUMMARY: The rule is amended such that local providers would be required to meet the requirements of the FCC Truth-in-Billing Requirements for Common Carriers, and rule provisions substantially duplicative of these requirements would be deleted. The rule is amended to specify that customers must be notified that a PC-Freeze is available "at no charge."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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, 364.604(5) FS

LAW IMPLEMENTED: 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No change.

~~(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.~~

~~(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.~~

~~(b) The toll free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.~~

~~(c) Each charge shall be described under the applicable originating party heading.~~

~~(d)1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.~~

~~2. The billing party shall either:~~

~~a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or~~

~~b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.~~

~~(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee,~~

~~and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.~~

(2e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request." In addition, the billing party will provide a plain language explanation to any customer who contacts the billing party.

(3) – (b) No change.

(4) The annual itemized bill shall be accompanied by a bill insert or bill message staffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill insert or bill message staffer shall be submitted to the Commission's Division of Regulatory Compliance Competitive Markets and Enforcement for prior approval. ~~The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge.~~ An itemized bill shall include, but not be limited to the following information, separately stated:

(a) – (b) No change.

~~(c) Touch tone service charges;~~

~~(cd) Charges for each custom calling features, separated by feature or package;~~

~~(de) (e) – (h) renumbered to (d) – (g) No change.~~

(5) – (b) No change.

(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;

(d) – (i) No change.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. ~~However, the company may demand immediate payment under the following circumstances:~~

- ~~1. Where service is terminated or abandoned;~~
- ~~2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or~~
- ~~3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.~~

~~(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.~~

~~(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.~~

(8) Each telephone company shall include a bill insert or bill message advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert or bill message advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. ~~Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.~~

~~(11) Local Communications Services Tax.~~

~~(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, F.S.~~

~~(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.~~

~~(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.~~

~~(12) State Communications Services Tax.~~

~~(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any local option sales tax.~~

~~(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.~~

~~(113) (13) renumbered to (11) No change.~~

~~(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:~~

~~(a) The name of the certificated company;~~

~~(b) Type of service provided, i.e., local, local toll, or toll; and~~

~~(c) A toll free customer service number.~~

~~(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.~~

~~(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:~~

~~1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;~~

~~2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;~~

~~3. The local or toll free number the end user/customer can call to dispute charges;~~

~~4. The name of the IXC providing 900 service; and~~

~~5. The Pay Per Call service (900 or 976) program name.~~

~~(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:~~

~~1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;~~

~~2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;~~

~~3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;~~

~~4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;~~

~~5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;~~

~~6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;~~

~~7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll-free number for consumer complaints; and~~

~~8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.~~

~~(12)(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer shall be notified of the availability of may agree to free blocking of Pay Per Call service (900 and 976).~~

~~(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:~~

~~1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;~~

~~2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;~~

~~3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;~~

~~4. The Pay Per Call (900 and/or 976) service provided out of date information; or~~

~~5. The end user/customer terminated the call during the preamble described in subparagraph 25-4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).~~

~~(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.~~

~~(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:~~

~~1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or~~

~~2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.~~

~~(g) LECs and IXC's billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.~~

(136) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no charge. Existing customers must be notified annually that a PC-Freeze is available at no charge. Notification shall conform to the requirements of Rule 25-4.083.

~~(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.~~

(148) (18) renumbered to (14) No change.

(a) – 4. No change.

(159)(a) (19) renumbered to (15) No change.

1. – (c) No change.

~~(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.~~

(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference.

Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History–New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,
Number 39, September 26, 2008

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.023: Report of Interruptions

25-4.067: Extension of Facilities - Contributions in Aid of Construction

25-4.074: Intercept Service

25-4.107: Information to Customers

25-4.108: Initiation of Service

PURPOSE AND EFFECT: Rules 25-4.023, 25-4.074, and 25-4.107 are amended to clarify, simplify, and streamline the rules. Rules 25-4.067, and 25-4.108 are repealed as unnecessary or duplicative of statute. Docket No. 080641-TP.

SUMMARY: Rule 25-4.023 is amended to require that the Commission be informed daily during times of named tropical storm systems, including the number of subscribers affected. Rule 25-4.074 is amended to streamline and clarify intercept service requirements. Rule 25-4.107 is amended to apply to residential service only, and to delete provisions which are unnecessary or duplicative of statute. Rule 25-4.067 is repealed as unnecessary. Rule 25-4.108 is repealed because a portion of the rule is unnecessary and duplicative of statute, and because the service connection charge installment plan requirements are being moved to Rule 25-4.107.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having more simple, streamlined, and clarified rules, and companies' administrative costs would likely decrease. 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, 364.01, 364.10, 364.14(2) FS

LAW IMPLEMENTED: 350.127, 364.01, 364.025, 364.0252, 364.03, 364.04, 364.051, 364.07, 364.08, 364.15, 364.17, 364.183 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired,

please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.023 Report of Interruptions.

~~(1) The Commission shall be informed of any major interruptions to service which are the result of a tropical system named by the National Hurricane Center that affect 1,000 or more subscribers for a period of 30 minutes or more as soon as it comes to the attention of the utility. On a daily basis, the cCompany shall provide the time, the location, the number of subscribers affected, and the estimated 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, 4-3-05,_____.~~

25-4.067 Extension of Facilities - Contributions in Aid of Construction.

~~Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS. History— Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96, Repealed_____.~~

25-4.074 Intercept Service.

~~(1) Intercept service shall be engineered to provide a 90 percent completion for changed numbers (with the exception of the 30 day period immediately following an inter-office transfer with directory) and for vacant or non-working numbers.~~

~~(2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept (preferably operator intercept).~~

~~(3) All private branch exchanges and In-Dial Paging Systems, whether provided by the company or customer and which are equipped for direct in-dialing and installed after the effective date of these rules, shall meet the service requirements outlined herein prior to the assignment of a number block by the telephone company.~~

~~(1)(4) With the exception of n~~Numbers that are changed coincident with the issuance of a new directory, are not subject to the requirements of this rule. intercept service shall be provided by each telephone company in accordance with the following:

~~(2a)~~ Intercept service shall be provided for non-working, non assigned, and changed numbers until assigned, re-assigned, or no longer listed in the directory.

~~(3)~~ Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept.

~~(4)~~ Intercept service shall be provided for calls to invalid numbers.

~~(5b) Any 7-digit number (or other number serving a public safety or other emergency agency) when replaced by the universal emergency number "911" shall be intercepted by either a telecommunications company assistance or a public safety agency operator or special recorded announcement for at least one year or until the next directory issue. Also, intercept service or alternative routing to a default number shall be provided for the universal emergency telephone number "911" shall be provided in central offices where the number is inoperable. The intercept service may be automated with a message indicating the "911" emergency number is inoperable in that area and to consult the directory for the appropriate emergency number or if a directory is not available to dial operator for assistance.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96, _____.

25-4.107 Information to Residential Customers; Installment Plan.

~~(1) At the time of initial contact, Each company shall provide such information and assistance as is reasonable to assist any customer or applicant in obtaining telephone service adequate to his communications needs. At the time of initial contact, each local exchange telecommunications company shall advise the person applying for or inquiring about residential or single line business service of the rate for the least expensive one party basic local exchange telephone service available to him unless he requests specific equipment or services. eEach company shall inform all persons applying for residential service of the availability of the company's installment plan for the payment of service connection charges. Each company shall permit residential customers to pay service connection charges in equal monthly installments over a period of at least 3 months. A company may charge a monthly service fee of \$1.00 to applicants who elect to pay the service connection charge in installments. The information will be provided at the time of initial contact and shall include, but not be limited to, information on rate amounts and installment time periods and procedures.~~

(2) Upon customer request, the person shall also be given an 800 number to call to receive information on the "No Sales Solicitation" list offered through the Department of Agriculture and Consumer Services, Division of Consumer Services.

(3) In any discussion of enhanced or optional services, each service shall be identified specifically, and the price of each service shall be given. ~~Such person shall also be informed of the availability of and rates for local measured service, if offered in his exchange. Local exchange telecommunications companies shall submit copies of the information provided to customer service representatives to the Division of Competitive Markets and Enforcement for prior approval.~~

~~(2) At the earliest time practicable, the company shall provide to that customer the billing cycle and approximate date he may expect to receive his monthly billing.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03, 364.04, 364.051, 364.15, 350.127 FS. History—New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-91, 10-30-91, _____.

25-4.108 Initiation of Service.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04, 364.051, 364.08, 364.15 FS. History—New 12-1-68, Amended 10-30-91, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

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