

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-4.034,
F.A.C., Tariffs, proposed adoption of Rule 25-
4.0341, F.A.C., Filing of Service Schedules,
and proposed repeal of Rule 25-24.825,
F.A.C., Price List.

DOCKET NO. 120265-TP
ORDER NO. PSC-12-0657-NOR-TP
ISSUED: December 14, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that pursuant to Section 120.54, Florida Statutes (F.S.), the Florida Public Service Commission has initiated rulemaking to amend Rule 25-4.034, adopt Rule 25-4.0341, and repeal Rule 25-24.825, Florida Administrative Code, relating to telecommunications tariffs, service schedules, and price lists.

The attached Notice of Rulemaking appeared in the December 13, 2012, edition of the Florida Administrative Register. 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 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 January 3, 2013.

By ORDER of the Florida Public Service Commission this 14th day of December, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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DOCUMENT NUMBER

08141 DEC 14 2012

FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-4.034: Tariffs

25-4.0341: Filing of Service Schedules

PURPOSE AND EFFECT: Rule 25-4.034 would be amended and Rule 25-4.0341 would be added to comply with recent changes to section 364.04(1), FS. Rule 25-4.034 would require local exchange telecommunications companies to maintain tariffs on file with the Commission setting forth all intrastate rates, terms and conditions for network access services pursuant to section 364.163, FS, and would otherwise simplify requirements when schedules or tariffs are published with the Commission. Rule 25-4.0341 would offer limited guidance to telecommunications companies choosing to file service schedules with the Commission.

Docket No. 120265-TP

SUMMARY: Rule 25-4.034 currently requires local exchange telecommunications companies to maintain tariffs on file with the Commission setting forth all rates and charges for customer service. Except with respect to network access services, for which tariffs are required to be filed pursuant to section 364.163, FS, section 364.04(1), FS, now permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules. The proposed amendment of Rule 25-4.034 and adoption of Rule 25-4.0341 implement these statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 364.01, FS

LAW IMPLEMENTED: 364.01, 364.04, 364.163, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.034 Network Access Tariffs.

(1) Pursuant to Section 364.163, F.S., ~~Except to the extent otherwise permitted by Section 364.051(5)(a), F.S., each local exchange telecommunications company shall maintain on file with the Commission tariffs which shall set forth all intrastate rates, terms and conditions and charges for network access customer services, the classes and grades of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company. The rates and charges for contract service arrangements for an individual customer need not be filed where the company's tariff~~

provides a description of the circumstances under which such arrangements are offered for specified tariffed services.

(2) Filing shall mean received by the ~~Office of Telecommunications~~ office of the ~~Division of Regulatory Analysis~~ during normal business hours. Any tariff received by the ~~Office of Telecommunications~~ ~~Division of Regulatory Analysis~~ after 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to an existing tariff shall either be filed that are submitted by hard copy with shall be directed to the Director of the ~~Office of Telecommunications~~, ~~Division of Regulatory Analysis~~, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or shall be filed electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes," which are incorporated herein by reference and which are available at: ~~[hyperlink]~~. These instructions can also be accessed from the Commission's website at <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Hard copy filings and shall include an original and ~~one (1) copy two (2) copies~~ of each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists the included sheets, by sheet number and revision level as specified in paragraphs ~~(3) (c)-(e)~~, and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned and a postage paid envelope shall be provided for that purpose.

(3) Network access tariffs shall comply with the following conventions:

(a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs shall be in loose leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certificated with the Commission and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example: First Revised Sheet No. 4, Cancels Original Sheet No. 4.

(f) The network access tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All network access tariffs shall have a table of contents identifying the page location of each section in the tariff.

2. Symbols Used in Tariff Filings. All symbols shall be defined in the network access tariff. Symbols used to indicate rate changes shall appear on the right hand side of each rate change sheet on the same line(s) in which any change has been made. If three or more consecutive lines of text are affected, one symbol shall be placed on the right hand margin on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes.

3. Technical Terms and Abbreviations. This section shall contain all company-specific technical and special terms and abbreviations used in the network access tariff. Each company shall file, as an integral part of its tariff, maps defining the exchange service areas. These maps shall delineate the boundaries in sufficient detail that they may be located in the field and shall embrace all territory included in the certificate of convenience and necessity.

(4) Each telecommunications company shall make available for public inspection upon request, either a printed copy or an electronic copy of its retail tariffs.

(5) Companies shall charge only the rates and credits contained in their tariff. If a company desires to deviate temporarily from its normal tariffed rates and credits, the company shall file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name of the promotion, a specific description of the tariffed service(s) involved, including all applicable rates, benefits, terms, and conditions, and the beginning and ending dates of the promotion.

(6) Tariffs shall comply with the following conventions:

(a) Each sheet shall have a left hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certificated with the Commission, the name and title of the issuing officer, and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right hand corner and the number of the sheet it replaces. As an example:

First Revised Sheet No. 4

Cancels Original Sheet No. 4

(f) The tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. Each section shall also be individually indexed by subject.

2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff shall appear on the right hand side of each sheet on the same line(s) in which any change has been made. If three or more consecutive lines are affected, one symbol shall be placed on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes. The symbol page shall identify all symbols used in the tariff.

3. Technical Terms and Abbreviations. This section shall contain all technical and special terms and abbreviations used in the tariff.

(7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens.

Rulemaking Authority 350.127(2), 364.01 FS. Law Implemented 364.01, 364.04, 364.163 FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-10-96, 1-25-09, XX-XX-XX.

25-4.0341 Filing of Service Schedules.

(1) Telecommunications companies electing to file service schedules with the Florida Public Service Commission shall either file an original and one (1) hard copy of all new service schedules and proposed changes to existing service schedules with the Director of the Office of Telecommunications, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or shall file electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes," which are incorporated herein by reference and which are available at: [hyperlink]. These instructions can also be accessed from the Commission's website at <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Any schedule received by the Office of Telecommunications after 5:00 p.m. shall be considered filed on the next regular business day. A letter of transmittal shall accompany each filing, which lists the included sheets by sheet number and revision level and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned and a postage paid envelope shall be provided for that purpose.

(2) Each local telecommunications company that elects not to file service schedules with the Commission shall notify the Office of Telecommunications at the address listed in (1) of the location where such service schedules are available to its customers.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.04 FS. History—New XX-XX-XX.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Bates

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 59,
October 26, 2012; Volume 37, Number 45, November 10, 2011

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-24.825: Price List

PURPOSE AND EFFECT: Rule 25-24.825 would be repealed to comply with recent changes to section 364.04(1), FS, which permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and which provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules.

Docket No. 120265-TP

SUMMARY: Rule 25-24.825 currently requires competitive local exchange telecommunications companies to maintain with the Commission a current price list setting forth the terms and conditions for the provision of basic local telecommunications service. Pursuant to section 364.04(1), FS, such price lists are no longer required to be filed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC .

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.

RULEMAKING AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 364.04, 364.337(5), FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.825 Price List.

~~(1) Prior to providing service, each company subject to these rules shall file and maintain with the Commission a current price list which clearly sets forth the following information for the provision of residential dial tone, single-line business dial tone, and dial tone with any combination of the services included as part of basic local telecommunications services, as defined in Section 364.02(2), F.S. If residential dial tone, single-line business dial tone, or dial tone with any combination of the services included as part of basic local telecommunications service is offered on a package basis, the following information must be provided for each package:~~

- ~~(a) Current prices,~~
- ~~(b) Customer connection charges,~~
- ~~(c) Billing and payment arrangements, and~~
- ~~(d) Levels of service quality which the company holds itself out to provide for each service.~~

~~(2) At the company's option, price list information in subsection (1) above and other information concerning the terms and conditions of service may be filed for services other than basic local telecommunication services.~~

~~(3) A price list revision must be physically received by the Commission's Division of Regulatory Analysis at least one day prior to its effective date.~~

~~(4) Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an ongoing page identification system which will allow for the identification of inserted and removed pages. The color of paper on which price lists are filed must be amenable to being clearly photocopied on standard photocopy equipment.~~

~~(5) Complete information concerning a company's service offerings, rates and charges, conditions of service, service quality, terms and conditions, service area, and subscribership information identified by local exchange company exchange must be made available to Commission staff upon request.~~

~~*Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—New 12-27-95, Amended 4-8-98, Repealed XX-XX-XX.*~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Bates

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 37, Number 45,
November 10, 2011.

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