

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rules 25-4.002, 25-24.505, 25-24.514, 25-24.555, and 25-24.560, F.A.C., and amendment of Rules 25-4.003, and 25-22.061, F.A.C.

DOCKET NO. 140141-TP
ORDER NO. PSC-14-0490-NOR-TP
ISSUED: September 12, 2014

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF ADOPTION OF RULES

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has repealed without changes Rules 25-4.002, 25-24.505, 25-24.514, 25-24.555, and 25-24.560, and amended without changes Rule 25-22.061, Florida Administrative Code, concerning telecommunications companies.

The rules were filed with the Department of State on September 12, 2014 and will be effective on October 2, 2014. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this Notice.

ORDER NO. PSC-14-0490-NOR-TP
DOCKET NO. 140141-TP
PAGE 2

By ORDER of the Florida Public Service Commission this 12th day of September, 2014.



CARLOTTA S. STAUFFER

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.

KC

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 and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. The rules contained in Part X of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to any pay telephone service. The rules in Part XII 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) In addition to the rules contained in this part, any local exchange company that provides operator services in a call aggregator context shall also comply with the rules contained in Part XIII of Chapter 25-24, F.A.C.

Rulemaking 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, 3-26-09, Repealed

_____.

25-22.061 Stay Pending Judicial Review.

(1) When the order being appealed involves the refund of moneys to customers or a decrease in rates charged to customers, the Commission shall, upon motion filed by the utility or company affected, grant a stay pending judicial proceedings. The stay shall be conditioned upon the posting of good and sufficient bond the posting of a corporate undertaking, or such other conditions as the Commission finds appropriate to secure the revenues collected by the utility subject to refund.

(2) Except as provided in subsection (1), a party seeking to stay a final or nonfinal order of the Commission pending judicial review may file a motion with the Commission, which has authority to grant, modify, or deny such relief. A stay pending review granted pursuant to this subsection may be conditioned upon the posting of a good and sufficient bond or corporate undertaking, other conditions relevant to the order being stayed, or both. In determining whether to grant a stay, the Commission may, among other things, consider:

(a) Whether the petitioner has demonstrated a likelihood of success on the merits on appeal;

(b) Whether the petitioner has demonstrated a likelihood of sustaining irreparable harm if the stay is not granted; and

(c) Whether the delay in implementing the order will likely cause substantial harm or be contrary to the public interest if the stay is granted.

(3) When a stay is conditioned upon the posting of a bond, corporate undertaking, or other appropriate form of surety, the Commission shall at the time it grants the stay set the rate of interest to be paid by the utility or company pursuant to ~~subsection 25-4.114(4), F.A.C., for telecommunication companies,~~ subsection 25-6.109(4), F.A.C., for electric public utilities, subsection 25-7.091(4), F.A.C., for gas public utilities, and subsection 25-30.360(4), F.A.C., for water and wastewater utilities in the event that the Court's decision requires a refund to customers.

(4) Motions filed pursuant to this rule shall be heard by those Commissioners who were on the deciding panel for the order being appealed.

Rulemaking Authority 350.127(2), 366.05(1), 368.05(2) FS. Law Implemented 120.68(3), 350.01(5), ~~364.01(4), 366.04(1),~~ 366.05(1), 366.06(1), 367.011(2), 367.081(2), 367.0814, 367.121(1)(g), 368.05(2) FS. History—New 2-1-82, Formerly 25-22.61, Amended 6-27-10, _____.

25-24.505 Scope.

~~This part applies to any person providing pay telephone service. As provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapter 25-4, 25-9, or 25-14, F.A.C., shall apply to pay telephone service companies, except the following: Rules 25-4.003 (Definitions), 25-4.0161 (Regulatory Assessment Fees; Telecommunications Companies), 25-4.019 (Records and Reports in General), subsection 25-4.020(2) (Location and Preservation of Records), and 25-4.043, F.A.C. (Response to Commission Staff Inquiries).~~

~~*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.115, 350.117, 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337, 364.3375 FS. History—New 1-5-87, Amended 11-13-95, 2-1-99, Repealed _____.*~~

25-24.514 Cancellation of a Certificate.

~~(1) The Commission's cancellation of a certificate shall be based on one or more of the following reasons:~~

~~(a) Violation of the terms and conditions under which the authority was originally granted;~~

~~(b) Violation of Commission rules or orders;~~

~~(c) Violation of Florida Statutes; or~~

~~(4) Failure to provide service for a period of six (6) months.~~

~~(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide a statement of intent and date to pay Regulatory Assessment Fees with its request.~~

~~(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).~~

~~*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285 FS. History—New 1-5-87, Amended 2-7-13, Repealed _____.*~~

25-24.555 Scope and Waiver.

~~(1) This part applies to persons or companies who provide for sharing or resale of local telecommunications service as defined in subsection 25-24.560(10), F.A.C.~~

~~(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, regarding shared tenant service, companies subject to this Part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telecommunications companies under the authority of Section 364.339, Florida Statutes.~~

~~(3) A shared tenant service company may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telecommunications companies by Chapter 364, Florida Statutes, under the authority of Section 364.339, Florida Statutes.~~

~~*Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.339 FS. History—New 1-28-91, Amended 7-29-97, 1-31-00, Repealed _____.*~~

25-24.560 Terms and Definitions.

~~For purposes of this Part, the definitions for the following terms apply:~~

~~(1) “Alternative Access Vendor” (AAV) means any telecommunications company, as defined in Section 364.337(6)(a), Florida Statutes.~~

~~(2) “Agent” means one authorized to act on behalf of another.~~

~~(3) “Competitive local exchange telecommunications company” (CLEC) means any company as defined in Section 364.02(1), Florida Statutes.~~

~~(4) “Company” means a shared tenant service company.~~

(5) "Interexchange Company" (IXC) means any telecommunications company, as defined in Section 364.02(6), Florida Statutes, which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.

(6) "Local Exchange Telecommunications Company" (LEC) means any telecommunications company, as defined in Section 364.02(6), Florida Statutes.

(7) "Local Service Area" or "Local Calling Area" means the area within which telecommunications service is furnished to subscribers under a specific schedule of exchange rates and within which calls may be completed without toll charges. A local service area may include one or more exchange areas or portions of exchange areas.

(8) "Pay telephone service company" means any telecommunications company, as defined in Section 364.02(6), Florida Statutes, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(3), Florida Statutes.

(9) "Private Branch Exchange" (PBX) means a system in which trunk lines connect a telephone company central office to a switching system which directs incoming calls to the appropriate user.

(10) "Shared tenant service" (STS) as defined in Section 364.339(1), Florida Statutes, means the provision of service which duplicates or competes with local service provided by an existing local exchange telecommunications company and is furnished through a common switching or billing arrangement to tenants by an entity other than an existing local exchange telecommunications company.

(11) "Tenant" means any person entitled to occupy a premises under a rental or lease agreement.

(12) "Unaffiliated Entities" means those corporations, partnerships, proprietorships, or other groups that control less than 50 percent of the stock of the entity which claims to be affiliated.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339 FS. History—New 1-28-91,

Amended 7-29-97, Repealed_____.