

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules 25-24.471,)
 25-24.473, 25-24.480, 25-24.511,) DOCKET NO. 900787-TI
 25-24.567, and 25-24.569, F.A.C., in)
 order to incorporate by reference) ORDER NO. 25036
 revised forms for interexchange)
 telecommunications company, pay) ISSUED: 9/10/91
 telephone company, and shared tenant)
 services company applications.)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-24.471, 25-24.473, 25-24.480, 25-24.511, 25-24.567, and 25-24.569, F.A.C., relating to incorporation by reference revised forms for interexchange telecommunications company, pay telephone company, and shared tenant services company applications.

The attached Notice of Rulemaking will appear in the September 13, 1991, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., October 14, 1991
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than October 4, 1991.

By Direction of the Florida Public Service Commission, this
10th day of SEPTEMBER, 1991.

STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

WEW

by: Kay J. J. J.
 Chief, Bureau of Records

amd24471.cjp

DOCUMENT NUMBER-DATE
 08959 SEP 10 1991
 FPSC-RECORDS/REPORTING

ORDER NO. 25036
 DOCKET NO. 900787-TP
 PAGE 2

FLORIDA PUBLIC SERVICE COMMISSION
 DOCKET NO. 900787-TP

RULE TITLE:	RULE NO.:
APPLICATION FOR CERTIFICATE	25-24.471
APPLICATION FOR APPROVAL OF SALE, ASSIGNMENT OR TRANSFER	25-24.473
RECORDS AND REPORTS; RULES INCORPORATED	25-24.480
APPLICATION FOR CERTIFICATE	25-24.511
APPLICATION FOR CERTIFICATE	25-24.567
APPLICATION FOR APPROVAL OF SALE, ASSIGNMENT, OR TRANSFER OF CERTIFICATE	25-24.569

PURPOSE AND EFFECT:

The purpose of this rulemaking is to incorporate by reference several revised forms which are used to request the Commission to grant a Certificate of Public Convenience and Necessity to provide telecommunications services within the State of Florida. The effect will be that applicants will use the revised forms. These new forms will be specifically referenced in the rules.

SUMMARY:

The forms have been redesigned in order to make the application process more efficient. The most significant change to the forms occurs with PSC/CMU 37, which was previously used to apply as a minor Shared Tenant Services (STS) provider. Recently, PSC/CMU 37 has been merged with the old PSC/CMU 36, which was previously used to apply as a major STS provider. PSC/CMU 36 has been discarded, and this is consistent with the fact that the rules no longer distinguish between major and minor STS providers.

RULEMAKING AUTHORITY: 350.127(2), F. S.

LAW IMPLEMENTED: 350.113, 350.115, 350.117, 364.03, 364.17,

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 3

364.18, 364.32, 364.33, 364.185, 364.335, 364.337, 364.3375,
364.339, 364.345, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES:

The revised forms take less time to process which results in less costs to the agency. No other significant economic impact has been identified.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., OCTOBER 14, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE RULES ARE:

25-24.471 Application for Certificate.

(1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMU 31 (4/91) ~~(2/87)~~, which is incorporated into this rule by reference. Form PSC/CMU 31 (4/91) ~~(2/87)~~, entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 4

State of Florida," ~~was effective on February 23, 1987~~ and may be obtained by contacting the Commission's Division of Communications. An application fee of \$250.00 must accompany the filing of all applications. This is a non-refundable fee to cover the costs of processing the application and it has no relevance on the approval or denial of a certificate.

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) Any interexchange authority previously granted or granted hereafter is subject to the following:

(a) Interexchange authority granted to all companies is statewide. A company may provide inter-EAEA service over its own or resold facilities. Intra-EAEA toll service is limited to WATS and MTS resale. However, a company not having screening capability may carry intra-EAEA traffic over its own facilities existing prior to October 4, 1984 if it pays the existing message toll service (MTS) rates to the local exchange company.

(b) Minor interexchange companies are not required to provide service throughout their certificated service area, but must accept customers on a nondiscriminatory basis up to the limits of their capacity from customers meeting the company's credit rating requirements. Major interexchange companies are required to

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 5

provide service to all customers making a request for service.

(c) A certificate to provide interexchange service does not carry with it the authority to provide local exchange or pay telephone service. A separate application must be made for such authority.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 2/23/87, Amended 5/8/91, _____.

25-24.473 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Commission Form PSC/CMU 31 (4/91) ~~(2/87)~~, which is incorporated into this rule by reference. Form PSC/CMU 31 (4/91) ~~(2/87)~~, entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida," ~~was effective on February 23, 1987 and~~ may be obtained by contacting the Commission's Division of Communications.

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) An application for a sale, assignment or transfer of a certificate will be granted if the Commission determines that such

ORDER NO. 25036
 DOCKET NO. 900787-TP
 PAGE 6

approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 2/23/87, Amended _____.

25-24.480 Records & Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to interexchange companies. In these rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(a) The following rules apply to all companies:

<u>Section</u>	<u>Title</u>	Portions not <u>Applicable</u>
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of Records	None
25-4.043	Inquiries	None
25-4.0161	Regulatory Assessment Fees	None
25-4.079	Hearing/Speech Impaired Persons	Subsections (1), (2), (3), and (5)
25-4.115	Directory Assistance	Subsections (1) and (2)

(b) The following rules apply to major interexchange companies

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 7

only:

<u>Section</u>	<u>Title</u>	Portions not <u>Applicable</u>
25-4.0166	Implementation of Uniform System and Classification of Accounts	None
25-4.017	Uniform System and Classification of Accounts	Subsections (2), (3), (4), (5), (6), (7)
25-4.0174	Uniform System and Classification of Accounts - Depreciation	None
25-4.0175	Depreciation	None
25-4.0176	Recovery Schedules to Promote an Economical and Efficient Telecommunications Network	None
25-4.018	Annual Reports	Subsection (4)
25-4.245	Rate of Return Report	None

(2) Each minor interexchange company shall file, with the Commission's Division of Communications, an updated list of exchanges where originating service is offered. This exchange list shall be filed within 10 days of service being offered or discontinued in an exchange area, on Appendix A of Form PSC/CMU 31 (4/91) ~~(2/87)~~.

(3) For long distance traffic within toll monopoly areas, each

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 8

interexchange company shall file with each applicable local exchange company quarterly reports showing monthly data, stating the units carried over the interexchange company's facilities for which the interexchange company will pay the existing Message Toll Service (MTS) rates to the local exchange company.

(4) Each company shall file updated information for the following items with the Division of Communications and the Division of Records and Reporting within 10 days after such changes occur.

(a) The address of the certificate holder's main corporate and Florida offices (if any), including street name and address and post office box, city, state and zip code.

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company

(5) Each company shall file Form PSC/CMU 38 (date) with the Division of Communications by January 31 of each year. Form PSC/CMU 38 (_/_), entitled IXC Annual Report Form, is incorporated by reference into this rule and may be obtained from the Division of Communications.

Specific Authority: 350.127(2), F. S.

Law Implemented: 350.113, 350.115, 350.117, 364.17, 364.18, 364.185, 364.337, F.S.

History: New 2/23/87, Amended 4/5/88, 7/11/88, 6/30/90, 10/25/90.

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 9

25-24.511 Application for Certificate.

(1) An applicant shall submit an application on Form PSC/CMU 32 ~~(1/91)~~ ~~(1/87, amended 8/89)~~, which is incorporated into this rule by reference. Form PSC/CMU 32 (1/91) ~~(1/87, amended 8/89)~~, entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida," ~~was effective on January 5, 1987, amended on September 28, 1989,~~ and may be obtained from the Commission's Division of Communication. An application fee of \$100.00 must accompany the filing of all applications. This is a non-refundable fee to cover the costs of processing the application and it has no relevance on the approval or denial of a certificate.

(2) An original and five (5) ~~twelve (12)~~ copies of the application shall be filed with the Division of Records and Reporting.

(3) Any pay telephone service authority previously granted or granted hereafter is subject to the following:

(a) Authority granted is statewide.

(b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to provide pay telephone service does not carry with it the authority to provide local exchange or interexchange service. A separate application must be made for such authority.

(4) A certificate will be granted if the Commission determines that grant of the application is in the public interest.

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 10

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.3375,
364.345, F.S.

History: New 1/5/87. Amended 9/28/89, 4/8/91.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide ~~major~~ shared tenant service shall submit an application on Commission Form PSC/CMU 37 (4/91) ~~36 (4/90)~~, which is incorporated into this rule by reference. Form PSC/CMU 37 (4/91) ~~36 (4/90)~~, entitled "Application Form For Authority To Provide Shared Tenant Service," was ~~effective on January, 28, 1991,~~ and may be obtained by contacting the Commission's Division of Communications. An application fee of \$100.00 must accompany the filing of all applications. This is a non-refundable fee to cover the costs of processing the application, and it has no relevance on the approval or denial of a certificate.

~~(2) An applicant desiring to provide minor shared tenant service shall submit an application on Commission Form PSC/CMU 37 (4/90), which is incorporated into this rule by reference. Form PSC/CMU 37 (4/90), entitled "Application To Provide Shared Tenant Service within the State of Florida, Resale of Local Telephone Service on a Key System with Six or Fewer Access Lines" was effective on January 28, 1991 and may be obtained from the Commission's Division of Communications.~~

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 11

(2) ~~(3)~~ An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) ~~(4)~~ A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) ~~(5)~~ Any shared tenant service authority previously granted or granted hereafter is subject to the following:

(a) Shared tenant authority granted to all companies is on a location-by-location basis and is restricted to commercial tenants in a single building.

(b) Each shared tenant service applicant shall agree to:

1. Advise all customers of its current rates for resold local exchange service and its quality of service standards.

2. Inform each customer in advance of agreement to provide service, that the Florida Public Service Commission will not set rates or regulate the service quality standards.

(c) A certificate to provide shared tenant service does not carry with it the authority to provide interexchange or pay telephone service. A separate application must be made for such authority.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.339, 364.345, F.S.

History: 1/28/91, Amended 5/8/91.

25-24.569 Application for Approval of Sale, Assignment, or

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 12

Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on either Commission Form PSC/CMU 37 (4/91) ~~36 (04/90)~~ ~~for a major shared tenant service company or Commission Form PSC/CMU 37 (04/90) for a minor shared tenant service company, which is are incorporated into this rule by reference. Form PSC/CMU ~~36 (04/90)~~ is entitled "~~Application Form for Authority to Provide Shared Tenant Service~~" and became effective on January 28, 1991. Form PSC/CMU 37 (4/91) ~~37 (04/90)~~ is entitled "Application Form for Authority to Provide Shared Tenant Service Wwithin the State of Florida, ~~Resale of Local Telephone Service on a Key System with Six or Fewer Access Lines,~~" and became effective January 28, 1991. The Either application form may be obtained by contacting the Commission's Division of Communications.~~

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority: 350.127(2), F.S.

ORDER NO. 25036
DOCKET NO. 900787-TP
PAGE 13

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.339,
364.345, F.S.

History: New 1/28/91.