

VOTE SHEET

DATE: September 12, 1995

RE: DOCKET NO. 950918-TX - Proposed rules governing telephone service provided by alternative local exchange companies, creating Part XV, 25-24.800, F.A.C., et. seq., and proposing amendment to Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Issue 1: Recommendation that the Commission should propose new Rules 25-24.800 - 25-24.830, F.A.C., ALEC certification and operations, and amendments to Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

MODIFIED - Approved with the following modifications:

- (1) Do not allow ALECs to offset gross revenues by local interconnection charges when calculating the regulatory assessment fee;
- (2) Distribute quality of service level information to customers either upon request or on or before the first bill for service;
- (3) Paragraph 3 of 25-24.820 is to become Paragraph (1)(e);
- (4) Do not allow filing of price lists by FAX;
- (5) Require prices for packaged services to be included in the price list at the package price (not individual parts);
- (6) File price lists on white or photo copy quality paper;
- (7) Do not establish specific service quality standards for ALECs equal to those of the LECs.

Issue 2: Recommendation that the rules should be filed for adoption with the Secretary of State if no comments or requests for hearing are filed.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the MAJORITY column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08969 SEP 13 1995

1 RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION

2 CHAPTER 25-24

3 TELEPHONE COMPANIES

4 PART - XV

5 RULES GOVERNING TELEPHONE SERVICE PROVIDED BY ALTERNATIVE LOCAL
6 EXCHANGE COMPANIES

7 25-24.800 Scope and Exemption

8 25-24.805 Certificate of Public Convenience and Necessity Required

9 25-24.810 Application for Certificate

10 25-24.815 Application for Approval of Assignment or Transfer of
11 Certificate

12 25-24.820 Cancellation of a Certificate

13 25-24.825 Price List

14 25-24.830 Records & Reports; Rules Incorporated

15
16 25-24.800 Scope and Exemption.

17 (1) This part applies only to Alternative Local Exchange
18 Companies. The provisions of Chapters 25-4, 25-9 or 25-14 shall
19 not apply to Alternative Local Exchange Companies, unless
20 specifically provided by this part.

21 (2) Any Alternative Local Exchange Company may petition for
22 exemption from any provision of this part or from applicable
23 portions of chapter 364, F.S. The Commission may grant an
24 exemption to the extent it is consistent with the public interest.

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

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~~struck-through~~ type are deletions from existing law.

1 to this section shall be subject to all rules applicable to
2 Alternative Local Exchange Telecommunications Companies.

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

4 Law Implemented: 364.01, 364.337, F.S.

5 History: New

6

7 25-24.810 Application for Certificate.

8 (1) An applicant for a certificate shall submit an
9 application on Form PSC/CMU 8 (XX/XX), which is incorporated into
10 this rule by reference. Form PSC/CMU 8 (XX/XX), entitled
11 "Application Form for Authority to Provide Alternative Local
12 Exchange Service Within the State of Florida", may be obtained by
13 contacting the Commission's Division of Communications. A non-
14 refundable application fee of \$250.00 must accompany the filing of
15 each application.

16 (2) An original and six copies of the application shall be
17 filed with the Division of Records and Reporting.

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

19 Law Implemented: 364.335, F.S.

20 History: New

21

22 25-24.815 Application for Approval of Assignment or Transfer of
23 Certificate.

24 (1) A person obtaining a certificate by assignment or
25 transfer from the holder thereof shall submit jointly with the

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1 certificate holder an application on Form PSC/CMU 8 (XX/XX), which
2 is incorporated into this rule by reference. Form PSC/CMU 8
3 (XX/XX), entitled "Application Form for Authority to Provide
4 Alternative Local Exchange Service Within the State of Florida",
5 may be obtained by contacting the Commission's Division of
6 Communications. A non-refundable application fee of \$250.00 must
7 accompany the filing of each application.

8 (2) An original and six copies of the application shall be
9 filed with the Division of Records and Reporting.

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

13 (4) A certificate may be assigned or transferred only as a
14 whole.

15 (5) In the case of an assignment or transfer where the
16 assignor and assignee or transferor or transferee are all currently
17 certificated by the Commission and there are no pending actions
18 against them, an assignment or transfer shall be considered
19 effective upon filing. Any party protesting the assignment or
20 transfer shall be required to prove why the assignment or transfer
21 is not in the public interest.

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

23 Law Implemented: 364.335, F.S.

24 History: New _____
25

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1 25-24.820 Cancellation of a Certificate.

2 (1) The Commission may on its own motion, after notice and
3 opportunity for hearing, cancel a company's certificate for any of
4 the following reasons:

5 (a) Violation of a term or condition under which the
6 authority was originally granted;

7 (b) Violation of Commission rule or order;

8 (c) Violation of Florida Statute; or

9 (d) Violation of a price list standard.

10 (2) If a certificated company desires to cancel its
11 certificate, it shall request cancellation from the Commission in
12 writing and shall provide the following with its request:

13 (a) A statement of intent and date certain to pay regulatory
14 assessment fee.

15 (b) A statement of why the certificate is proposed to be
16 cancelled.

17 (c) A statement as to how customer deposits and final bills
18 will be handled.

19 (d) Proof of individual customer notice regarding
20 discontinuance of service.

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

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

24 Law Implemented: 364.335, F.S.

25 History: New

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1 25-24.825 Price List.

2 (1) Prior to providing service, each company subject to these
3 rules shall file and maintain with the Commission a current price
4 list which clearly sets forth the following information for basic
5 local telecommunications services, as defined in s. 364.02(2), F.
6 S. If basic local telecommunications service is offered on a
7 package basis, the following information must be provided for the
8 basic local telecommunications services in the package:

9 (a) current prices,

10 (b) customer connection charges,

11 (c) billing and payment arrangements, and

12 (d) levels of service quality which the company holds itself
13 out to provide for each service.

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

18 (3) A price list revision must be physically received by the
19 Commission's Division of Communications at least one day prior to
20 its effective date. Facsimile filings will be accepted but must be
21 followed by an original copy mailed on the same day as the
22 facsimile transmission.

23 (4) Price lists must be on 8 1/2 by 11 inch white paper in
24 loose-leaf form and must utilize an ongoing page identification
25 system which will allow for the identification of inserted and

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1 removed pages.

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

7 Specific Authority: 350.127(2)

8 Law Implemented: 364.04, F.S.

9 History: New

10

11 25-24.830 Records & Reports; Rules Incorporated.

12 The following rules are incorporated herein by reference and
13 apply to alternative local exchange companies.

<u>Section</u>	<u>Title</u>
<u>25-4.0161</u>	<u>Regulatory Assessment Fees</u>
<u>25-4.043</u>	<u>Response to Commission Staff Inquiries</u>
<u>25-4.036</u>	<u>Design and Construction of Plant</u>
<u>25-4.038</u>	<u>Safety</u>

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

20 Law Implemented: 364.336, 364.337, F.S.

21 History: New

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M E M O R A N D U M

August 30, 1995

TO: DIVISION OF APPEALS (CALDWELL)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CBK PJ MA*

SUBJECT: ECONOMIC IMPACT STATEMENT FOR DOCKET NO. 950918-TX; PROPOSED REVISIONS TO RULE 25-4.0161, FAC, REGULATORY ASSESSMENT FEES; PROPOSED NEW RULES CREATING PART XV OF RULE 25-24, FAC, RULES GOVERNING TELEPHONE SERVICE PROVIDED BY ALTERNATIVE LOCAL EXCHANGE COMPANIES

SUMMARY OF THE RULE

The proposed rules would implement statutory language creating a new telecommunications company category, Alternative Local Exchange Companies (ALECs). Rules proposed include Scope and Exemptions, requirements for application and certification, conditions for cancellation of a certificate, requirements for filing price lists, and keeping records and reports. The regulatory assessment fee rule would also be amended to include ALECs.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

The filing of applications for ALEC certification, the review of each application, and the issuance of certificates would create additional paperwork and consume additional time for the Commission staff. The amount of additional work would depend on the number of ALEC applications and ALEC certifications. The total additional staff time that would be required is undeterminable.

Commission staff would benefit from the filing requirements by having necessary information to issue certificates and by having the information in a consistent format.

Local governments which operate 911 emergency service centers may have to coordinate additional companies providing local basic service and ensure that ALEC customers are able to reach 911 centers. Their costs are unknown.

of a separate alternative access vendor license for ALECs, and the potential marketing opportunities from the quick price changes available with the one-day notice.

The main costs of the proposed rules include those associated with ALEC entry to provide local exchange services mentioned above. ILECs may suffer loss of market share with a negative impact on revenues. The long-term impact may be positive for all successful providers, with innovation of services and lower prices stimulating higher volumes of use and increasing revenues.

REASONABLE ALTERNATIVE METHODS

There are no reasonable alternatives to implementing the statutory requirements concerning ALECs. Concerns of interested parties were addressed to the extent possible, given the statutory mandates to develop minimum rules for ALEC entry into the local exchange market.

One company proposed that a price list for all services (basic, non-basic, interconnection, and network access) be filed with the Commission in order to compete. Another company suggested that description in detail be made of the services associated with the prices. It was also suggested that a minimum number of days notice to customers should be made before cancellation of a certificate and responsibility to support Universal service. Another suggestion was to allow the deduction of interconnection fees paid to other local exchange carriers from gross operating revenues.

In addition, one AAV stated that it believes an ALEC cannot place any restriction on the resale of their services in the price list unless the Commission approves. It also believes that all ALECs should be under equal access and presubscriptions for all long distance services.

Several replies were received from entities involved with providing 911 emergency services. Additional language was proposed by the Division of Management Services for the funding of 911 emergency service by ALECs and the requirement for ALECs to provide an operational interface to a fully enhanced E-9-1-1 system. Another suggestion was to include funding requirements for 911 in the ALEC rules. However, adding additional funding language and service requirements to ALECs would increase their cost of providing alternative service.

IMPACT ON SMALL BUSINESSES

The proposed rules incorporate statutory language requiring a showing of technical, financial, and managerial ability to become an ALEC. These requirements should not prevent a qualified small business from becoming an ALEC, per se. There are no proposed requirements which would preclude a small business from applying, and with a showing of qualifications, being certificated as an ALEC.

One small business responded to the data request and had no basis to estimate additional costs. It identified benefits including lower prices, increased choice, more responsive service, and substantial additional investment in Florida infrastructure. Also, benefits from the waiver of regulations provision would depend on the Commission's implementation and interpretation.

Another small business estimated \$32,000 as the final cost for legal, administrative, and other resources to produce the first set of price lists. It responded, however, that the proposed Rule 25-24, FAC, spells out what is required and procedures necessary to comply and there would be clear savings in labor hours and administrative costs to research relevant chapters.

IMPACT ON COMPETITION

The proposed rules and rule changes would allow entry of competitors into the monopoly provision of local exchange services. Incumbent local exchange companies (ILECs) would experience a loss of customers and market share with the successful entry of competitors. Competitors would have to file price lists, but would be able to change prices at will. One ILEC pointed out that price list filing would be significantly less costly than filing tariffs and would give ALECs a competitive advantage. While true, the ILECs have many competitive advantages over incoming competitors such as name recognition, service reputation, etc. Expansion of the number of local exchange providers and viable competition should eliminate the need for filing of tariffs and price lists in the long run.

The overall net effect of the new statutes and proposed rules would be to shift from a near monopoly provision of local exchange service to the opportunity for multiple providers and the possibility of many competitors over time.

COSTS AND BENEFITS TO THOSE PARTIES DIRECTLY AFFECTED BY THE RULE

Those companies applying for ALEC certification and becoming a certified ALEC would be directly affected by the proposed rules and rule changes.

Those companies facing competition from new entrants and consumers of telecommunications services would be indirectly affected.

Data requests were sent to 78 companies and interested parties with 21 replies received. Some replies represented more than one company. Specific figures on costs and benefits of the proposed rules were not usually given. General benefits listed include:

- Local service price decreases;
- Freedom of choice;
- Encourage Innovation; and
- Encourage Investment in infrastructure.

Costs include:

- Application fee (\$250);
- Regulatory Assessment fees (based on revenues);
- Expenses for filing price lists; and
- Expenses for regulatory activities.

Four smaller LECs and one larger LEC identified no costs or benefits. One respondent estimated that preparation of the first price list could cost \$32,000 in administration and legal expenses. Other companies noted that they had to file price lists with the Federal Communications Commission (FCC) and there would be minimal costs to file price lists with the Florida Commission. The proposal to allow ALECs to file price lists rather than tariffs was given as a benefit that would save approximately one half of the \$2,000 per tariff filing for internal and consulting costs or \$5,000 per year for five filings. One incumbent LEC (ILEC) noted that because the cost to provide price lists is significantly less than present tariff filings, ALECs may have a competitive advantage, which could cause a loss of customers and revenues.

The main benefits of the proposed rules would be to minimize the regulatory burden of entry into the alternative provision of local exchange services. This should encourage entry and eventually benefit end users with more choices and possibly lower prices. The streamlined nature of the proposed rules should enable new entrants to quickly enter the market without additional regulatory burden. Additional benefits noted include the elimination of the cost

IMPACT ON EMPLOYMENT

The ILECs have been streamlining and decreasing staff prior to the passage the ALEC authorization through automation with the competition from entities offering nonlocal and nonbasic services. There may be additional downsizing of staff with the entry of local exchange service competition.

Two of the incoming ALECs indicated that they would be increasing their work force in Florida. There were no numbers given and the net effect on employment is unknown since ILECs may decrease and ALECs should increase employment.

METHODOLOGY

A workshop was held to gather information and suggestions by affected parties about the proposed rules. Data requests were sent to ILECS, alternative access providers, possible ALEC entrants, and other interested parties. Discussions were held with knowledgeable staff in the Divisions of Communications and Legal. Standard economic analysis was used to assess the possible impacts of the proposed rules.

CBH:tf/e-alecs.tnf
Attachment

FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0866

APPLICATION FORM
for
AUTHORITY TO PROVIDE ALTERNATIVE LOCAL EXCHANGE SERVICE
WITHIN THE STATE OF FLORIDA

INSTRUCTIONS

1. This form is used for an original application for a certificate and for approval of assignment or transfer of an existing alternative local exchange certificate. In case of an assignment or transfer, the information provided shall be for the assignee or transferee.
2. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
3. Use a separate sheet for each answer which will not fit the allotted space.
4. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Communications, Certification & Compliance Section
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0866
(904) 413-6600
5. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250 made payable to the Florida Public Service Commission at the above address.

FORM PSC/CMU 8 (XX/95)
Required by Chapter 364.337 F.S.

1. This is an application for (check one):

- Original authority (new company)
- Approval of transfer (to another certificated company)

Example, a certificated company purchases an existing company and desires to retain the original certificate authority.

- Approval of assignment of existing certificate (to a noncertificated company)

Example, a non-certificated company purchases an existing company and desires to retain the certificate of authority rather than apply for a new certificate.

- Approval for transfer of control (to another certificated company)

Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of applicant:

3. Name under which the applicant will do business:

4. If applicable, please provide proof of fictitious name registration.
Fictitious name registration number: _____

5. A. National and Florida mailing addresses including street name, number, post office box, city, state, and zip code.

B. Florida physical address including street name, number, post office box, city, and zip code.

6. Structure of organization:

- Individual
- Foreign Corporation
- General Partnership
- Joint Venture
- Corporation
- Foreign Partnership
- Limited Partnership
- Other, Please explain _____

7. If applicant is an individual, partnership, or joint venture, please give name, title, and address of each legal entity.

8. State whether any of the officers, directors, or any of the ten largest stockholders have previously been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.
9. If incorporated, please provide proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

Corporate charter number: _____

10. Please provide the name, title, address, telephone number, internet address, and facsimile number for the person serving as ongoing liaison with the Commission, and if different, the liaison responsible for this application.
11. Please list other states in which the applicant is currently providing or has applied to provide local exchange or alternative local exchange service.
12. Has the applicant been denied certification in any other state? If so, please list the state and reason for denial.
13. Have penalties been imposed against the applicant in any other state? If so, please list the state and reason for penalty.
14. Please indicate how a customer can file a service complaint with your company.
15. Please complete and file a price list in accordance with Commission Rule 25-24.825.
16. Please provide all available documentation demonstrating that the applicant has the following capabilities to provide alternative local exchange service in Florida.
 - A. Financial capability.
 - B. Managerial capability.
 - C. Technical capability.
(If you will be providing local intra-exchange switched telecommunications service, then state how you will provide access to 911 emergency services. If the nature of the emergency 911 service access and funding mechanism is not equivalent to that provided by the local exchange companies in the areas to be served, describe in detail the differences.)

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange service in the State of Florida. I have read the foregoing and declare that to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders. Further, I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

Official: _____
Signature

Date

Title: _____

Telephone Number

Address: _____

1 25-4.0161 Regulatory Assessment Fees; Telecommunications
2 Companies.

3 (1) As applicable and as provided in s. 350.113, F.S. s.
4 364.336, F.S., and s. 364.337(4), F.S., each company shall remit a
5 fee based upon its gross operating revenue as provided below. This
6 fee shall be referred to as a regulatory assessment fee, and each
7 company shall pay a regulatory assessment fee in the amount of .15
8 of one percent of its gross operating revenues derived from
9 intrastate business. For the purpose of determining this fee, each
10 interexchange telecommunications company and each pay telephone
11 company shall deduct from gross operating revenues amounts paid for
12 use of the local network to a telecommunications company providing
13 local service. Regardless of the gross operating revenue of a
14 company, a minimum annual regulatory assessment fee of \$50 shall be
15 imposed.

16 (2) Regulatory assessment fees and the applicable regulatory
17 assessment fee return form are due each January 30 for the
18 preceding period or any part of the period from July 1 until
19 December 31, and on July 30 for the preceding period or any part of
20 the period from January 1 until June 30. Commission Form PSC/CMU
21 25 (1/91), entitled "Communication Company Regulatory Assessment
22 Fee Return," applicable to local exchange telecommunications
23 companies; Form PSC/CMU 26 (12/91), entitled "Pay Telephone Service
24 Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34
25 (12/91), entitled "Shared Tenant Service Provider Regulatory

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1 Assessment Fee Return"; Form PSC/CMU 153 (12/91), entitled
2 "Interexchange Company Regulatory Assessment Fee Return"; and Form
3 PSC/CMU 1 (1/95), entitled "Alternative Access Vendor Regulatory
4 Assessment Fee Return"; and Form PSC/CMU 7 (XX/95), entitled
5 "Alternative Local Exchange Company Regulatory Assessment Fee
6 Return" are incorporated into this rule by reference and may be
7 obtained from the Commission's Division of Administration. Each
8 company shall have up to and including the due date in which to
9 submit the applicable form and:

- 10 (a) Remit the total amount of its fee, or
11 (b) Remit an amount which the company estimates is its full
12 fee, or
13 (c) Seek and receive from the Commission a 30-day extension
14 of its due date.

15 (3) Where the company remits less than its full fee pursuant
16 to subsection (2)(b) of this rule, the remainder of the full fee
17 shall be due on or before the 30th day from the due date and shall,
18 where the amount remitted was less than 90 percent of the total
19 regulatory assessment fee, include interest as provided by
20 subsection (5)(b) of this rule.

21 (4) Where a company receives a 30-day extension of its due
22 date pursuant to subsection (2)(c) of this rule, then the company
23 shall remit a charge in addition to the regulatory assessment fees,
24 as set out in s. 350.113(5), F.S.

25 (5) The delinquency of any amount due to the Commission from

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1 | the company pursuant to the provisions of s. 350.113, F.S., and
2 | this rule, begins with the first day after any date established as
3 | the due date either by operation of this rule or by an extension
4 | pursuant to this rule.

5 | (a) A penalty, as set out in s. 350.113, F.S., shall apply to
6 | any such delinquent amounts.

7 | (b) Interest at the rate of 12 percent per annum shall apply
8 | to any such delinquent amounts.

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

10 | Law Implemented: 350.113, 364.336, 364.337(4), F.S.

11 | History: New 5/18/83, formerly 25-4.161, Amended 10/16/86, 1/1/91,
12 | 12/29/91, 1/8/95, _____.

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Alternative Local Exchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

_____ Actual Return
 _____ Estimated Return

PERIOD COVERED:

FOR PSC USE ONLY

Check# _____
 \$ _____ 0603001
 _____ 003001
 \$ _____ P
 _____ 0603001
 _____ 004010
 \$ _____ I
 Postmark Date _____
 Initials of Preparer _____

 (Name of Company)

 (Address)

 (City/State)

 (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Local Services	\$ _____	\$ _____
2.	Long Distance Services	_____	_____
3.	Access Services	_____	_____
4.	Miscellaneous Services	_____	_____
5.	TOTAL REVENUES For Regulatory Assessment Fee Calculation	\$ _____	\$ _____
6.	Regulatory Assessment Fee Due (Multiply Line 5 by 0.0015)	_____	_____
7.	LESS: APPROVED Prior-Period Overpayment	_____	(_____)
8.	NET REGULATORY ASSESSMENT FEE DUE	_____	_____
9.	Penalty for Late Payment	_____	_____
10.	Interest for Late Payment	_____	_____
11.	TOTAL AMOUNT DUE	_____	\$ _____

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

() Facilities-Based Provider () Reseller () Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

 (Name) _____
 (Address: City/State/Zip) _____

 (Telephone)

COMPANY INFORMATION

Do you lease telecommunications facilities? () YES () NO
 If YES, who do you lease these facilities from? Name: _____

Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief, the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official)

 (Title)

 (Date)

 (Please Print Name)

Telephone Number (_____) _____

P.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Alternative Local Exchange Company)

1. **WHO MUST FILE:** Each regulated company under the jurisdiction of the Florida Public Service Commission (Commission) must file for any part of the period in which a certificate was active and which preceded the due date reflected in the following paragraph.
2. **WHEN TO FILE:** To avoid payment of penalties and interest, this Regulatory Assessment Fee Return form must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
On or before January 30 for the six-month period July 1 through December 31.*

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

3. **FEES:** Each Commission-regulated company shall pay the presently established percentage of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C., and indicated on Line 6 on the reverse side. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not consider any expenses, taxes, or uncollectibles in these amounts.
4. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 9). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 10). An Alternative Local Exchange Company Regulatory Assessment Fee Return must be filed regardless of whether there are no revenues to report or if the minimum is due.

When a company fails to file a Regulatory Assessment Fee Return, the Commission may order the company to show cause why the company should not be assessed a penalty and/or why the company's certificate should not be canceled.

5. **EXTENSION:** A utility, for good cause shown in a written request, may be granted an extension for a period not to exceed 30 days. Such request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. If an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

6. **AUTHORITY:** The authority to collect regulatory assessment fees is granted to the Commission by Sections 350.113, 364.336 and 364.337, Florida Statutes.
7. **REGULATORY ASSESSMENT FEE DUE:** Amounts are due and payable to the Commission within 30 days of the end of the period.
8. **FEE ADJUSTMENTS:** Computation errors and/or differences in gross operating revenues reported for regulatory assessment fee purposes and those reported in the annual report may cause adjustments to amounts paid to the Commission. You will be notified as to the amount and reason for any adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment.
9. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. However, if you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

10. **ADDITIONAL ASSISTANCE:** If you need additional information or assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Auditing and Financial Analysis at (904) 413-6480.

For assistance regarding telecommunications facilities, please contact the Division of Communications at (904) 413-6600.

Both divisions may be contacted at the above-referenced address, by changing the Attention line.