

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
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JOE GARCIA



DIVISION OF APPEALS
DAVID E. SMITH
DIRECTOR
(904) 413-6245

Public Service Commission

September 22, 1995

TO:

Ms. Laurise Thompson
Small and Minority Business Advocate
107 West Gaines Street
Room 519, Collins Building
Tallahassee, Florida 32399

Mr. Steve Mayberry
Division of Economic Development
Rm. 524, Collins Building
Tallahassee, Florida 32399

Bureau of Minority Business Enterprise
Assistance Office
Department of General Services
2737 Centerview Dr., Knight Building, Suite 201
Tallahassee, Florida 32399-0950

SUBJECT: 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

The Commission has determined that the above rule will affect small business. Accordingly, pursuant to Section 120.54(3)(b), Florida Statutes, enclosed is a copy of the Florida Administrative Weekly (FAW) notice for the proposed rules, which will be published in the October 20, 1995 edition of the FAW. Also enclosed is a copy of the economic impact statement.

If there are any questions with respect to this rule or the Commission's rulemaking procedures, please do not hesitate to call on me.

Sincerely,

Diana W. Caldwell

Diana W. Caldwell
Associate General Counsel

Enclosures
cc: Division of Records & Reporting

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BLVD • TALLAHASSEE, FL 32399-0850

DOCUMENT NUMBER-DATE

09396 SEP 21 85

FPSC-RECORDS/REPORTING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950918-TX

RULE TITLE:	RULE NO.:
Scope and Exemption	25-24.800
Certificate of Public Convenience and Necessity Required	25-24.805
Application for Certificate	25-24.810
Application for Approval of Assignment or Transfer of Certificate	25-24.815
Cancellation of a Certificate	25-24.820
Price List	25-24.825
Consumer Information	25-24.830
Records & Reports; Rules Incorporated	25-24.835

PURPOSE AND EFFECT: The proposed new rules codify the statutory requirements of sections 364.335 and 364.337, Florida Statutes, as amended by Chapter 95-403, Laws of Florida. These sections require each applicant requesting authority to provide alternative local exchange service to become certificated by this Commission. The statute further requires certain criteria be met before a certificate can be granted. The effect of the proposed new rules is to implement the changes to ch. 364, F.S.

SUMMARY: Proposed new Rules 25-24.800, et. seq., F.A.C., Alternative Local Exchange Companies, set forth the requirements of certification for applicants requesting authority to provide alternative local exchange telecommunications service.

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

LAW IMPLEMENTED: 364.01, 364.04, 364.335, 364.336, 364.337, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE 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.

HEARING: 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., November 6, 1995.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION

CHAPTER 25-24

TELEPHONE COMPANIES

PART - XV

RULES GOVERNING TELEPHONE SERVICE PROVIDED BY ALTERNATIVE LOCAL EXCHANGE COMPANIES

25-24.800 Scope and Exemption

25-24.805 Certificate of Public Convenience and Necessity Required

25-24.810 Application for Certificate

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

25-24.820 Cancellation of a Certificate

25-24.825 Price List

25-24.830 Consumer Information

25-24.835 Records & Reports; Rules Incorporated

25-24.800 Scope and Exemption.

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

(2) Any Alternative Local Exchange Company may petition for exemption from any provision of this part or from applicable portions of chapter 364, F.S. The Commission may grant an exemption to the extent it is consistent with the public interest.
Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.337, F.S.

History: New _____

25-24.805 Certificate of Public Convenience and Necessity Required.

(1) No person shall provide alternative local exchange telecommunications service without first obtaining a certificate of public convenience and necessity from the Commission. The certificate shall be for statewide authority, unless precluded by s. 364.337(1), F.S., to provide all Commission approved telecommunications services. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate. However, marketing and development activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. Prior to certification, the applicant must advise the public in any customer contacts or advertisements that certification has not and may not be granted.

(2) Any Alternative Access Vendor certificated prior to July

1, 1995, may become an Alternative Local Exchange Company by filing with the Commission's Division of Records and Reporting a letter of intent to provide local exchange service. An application fee is not required to be paid in conjunction with such filing. Authorization associated with such letter of intent shall be effective January 1, 1996, or upon receipt by the Commission, whichever is later. Alternative Access Vendors authorized pursuant to this section shall be subject to all rules applicable to Alternative Local Exchange Telecommunications Companies.

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

Law Implemented: 364.01, 364.337, F.S.

History: New _____

25-24.810 Application for Certificate.

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

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

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

Law Implemented: 364.335, F.S.

History: New _____

25-24.815 Application for Approval of Assignment or Transfer of

Certificate.

(1) A person obtaining a certificate by assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMU 8 (XX/XX), which is incorporated into this rule by reference. Form PSC/CMU 8 (XX/XX), entitled "Application Form for Authority to Provide Alternative Local Exchange Service Within the State of Florida", may be obtained by contacting the Commission's Division of Communications. A non-refundable application fee of \$250.00 must accompany the filing of each application.

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

(3) An application for an 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 assigned or transferred only as a whole.

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

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

Law Implemented: 364.335, F.S.

History: New

25-24.820 Cancellation of a Certificate.

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

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

(b) Violation of Commission rule or order.

(c) Violation of Florida Statute; or

(d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

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

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

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

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

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

Law Implemented: 364.335, F.S.

History: New

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 basic local telecommunications services, as defined in s. 364.02(2), F. S. If basic local telecommunications service is offered on a package basis, the following information must be provided for the 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 paragraph (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 Communications 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.

Specific Authority: 350.127(2)

Law Implemented: 364.04, F.S.

History: New

25-24.830 Consumer Information

The quality of service information in paragraph (1)(d) of rule 25-24.825 shall be provided, verbally or in writing, upon request to any person inquiring about the company's basic local exchange telecommunications service. In addition, the above information shall be provided in writing before or in the basic local exchange telecommunications customer's first bill for service. The above information shall be expressed in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure phrases or acronyms must be avoided.

25-24.835 Records & Reports; Rules Incorporated.

The following rules are incorporated herein by reference and 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>

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

Law Implemented: 364.336, 364.337, F.S.

History: New

NAME OF PERSON ORIGINATING PROPOSED RULES: Rick Moses

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: September 12, 1995.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950918-TX

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees; Telecommunications
Companies.

25-4.0161

PURPOSE AND EFFECT: Pursuant to statutory changes, amendments to Rule 25-4.0161, F.A.C., are proposed to include alternative local exchange telecommunications companies (ALECs). ALECs will be required to report and pay regulatory assessment fees.

SUMMARY: Proposed amended Rule 25-24.0161, F.A.C., Regulatory Assessment Fees, establishes the requirement for ALECs to file a report and pay regulatory assessment fees.

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

LAW IMPLEMENTED: 364.01, 364.04, 364.335, 364.336, 364.337, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE 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.

HEARING: 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., November 6, 1995.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications

Companies.

(1) No change.

(2) Regulatory assessment fees and the applicable regulatory assessment fee return form are due each January 30 for the preceding period or any part of the period from July 1 until December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30. Commission Form PSC/CMU 25 (1/91), entitled "Communication Company Regulatory Assessment Fee Return," applicable to local exchange telecommunications companies; Form PSC/CMU 26 (12/91), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (12/91), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (12/91), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (1/95), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (XX/95), entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. Each company shall have up to and including the due date in which to submit the applicable form and:

(a) Remit the total amount of its fee, or

(b) Remit an amount which the company estimates is its full fee, or

(c) Seek and receive from the Commission a 30-day extension of its due date.

(3) No change.

(4) No change.

(5) No change.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: September 12, 1995.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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