

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of) DOCKET NO. 951123-TP
25-4.113(1)(f), F.A.C., Refusal) ORDER NO. PSC-95-1302-NOR-TP
or Discontinuance of Service By) ISSUED: October 23, 1995
Company)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.113, Florida Administrative Code, relating to refusal or discontinuance of service by company.

The attached Notice of Rulemaking will appear in the October 27, 1995 edition of the Florida Administrative Weekly.

A hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., January 9, 1996
Room 152 Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

Written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 4075 Esplanade Way Tallahassee, FL 32399-0850, no later than November 17, 1995.

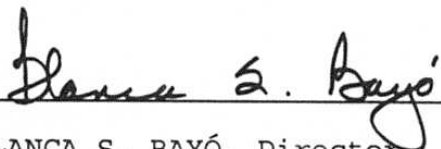
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FFSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 23rd
day of October, 1995.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 951123-TP

RULE TITLE:

RULE NO.:

Refusal or Discontinuance of Service by Company 25-4.113

PURPOSE AND EFFECT: The purpose of the rule would be to eliminate the local exchange company's authority to disconnect local service for non-payment of interexchange carrier long distance toll charges, regardless of whether or not the local exchange company provides billing and collection services. The effect of this amendment would be to allow end user customers, who currently would be disconnected from all telephone services for non-payment of interexchange carrier services, to pay for and maintain local service. The effect would also eliminate the local exchange company's advantage over other billing and collection agencies.

SUMMARY: The proposed rule amendment would eliminate the local exchange company's authority to disconnect local service for non-payment of interexchange long distance toll charges. It would also require partial payments of a customers bill to be applied first toward satisfying unpaid balances related to regulated local exchange service.

RULEMAKING AUTHORITY: 350.127, 427.704(8), F.S.

LAW IMPLEMENTED: 364.03, 364.129, 427.704, 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. TESTIMONY FOR THE HEARING MAY BE PREFILED.

HEARING: A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., January 9, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS 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:

25-4.113 Refusal or Discontinuance of Service by Company.

(1) As applicable, the company may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:

(a) No change.

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) For nonpayment of regulated charges billed bills for local exchange company-provided telephone service, including the telecommunications access system surcharge referred to in Rule 25-

4.160(3), provided that suspension or termination of service shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. Partial payments of a customer bill shall be applied first toward satisfying any unpaid balances related to regulated local exchange company provided service. A company shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) No change.

(h) No change.

(i) Without notice in the event of ~~hazardous~~ conditions likely to cause imminent danger to persons or equipment or tampering with the equipment furnished and owned by the company.

(j) No change.

(2) No change.

(3) No change.

. (4) The following shall not constitute sufficient cause for refusal or discontinuance of service to an applicant or customer:

(a) No change.

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) No change.

(g) No change.

(h) Nonpayment of charges billed and collected by a local exchange company for interexchange company provided telephone service.

(5) No change.

Specific Authority: 350.127, 427.704(8), F.S.

Law Implemented: 364.03, 364.19, 427.704, F.S.

History: Revised 12/1/53, Amended 3/31/76, 10/25/84, 10/30/86, 1/1/91, 9/17/92, 1/11/93, 1/25/95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Stavanja.

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

DATE PROPOSED RULE APPROVED: October 10, 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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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).