

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



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

# Public Service Commission

November 29, 1995

Mr. Carroll Webb  
Joint Administrative Procedures  
Committee  
120 Holland Building  
Tallahassee, Florida 32399

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

Dear Mr. Webb:

Enclosed is a statement of changes for the proposed rules of Part XV, 25-24.800 and amendment of Rule 25-4.0161.

The rule has an impact on small business and the Small and Minority Business Advocate, the Division of Economic Development and the Minority Business Enterprise Assistance Office have not offered alternatives regarding the impact of the rule on small business.

Sincerely,

*Diana W. Caldwell*

Diana W. Caldwell  
Associate General Counsel

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_ LTRPART4.MRD
- CAF \_\_\_\_\_ Enclosure
- cc: Division of Records & Reporting
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OFC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEI \_\_\_\_\_
- WFS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER DATE

11936 NOV 29 81

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

\$ \_\_\_\_\_ 1

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

\_\_\_\_\_  
F.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.

STATEMENT OF CHANGES

The provision relating to exemption in Rule 25-24.800 is deleted as unnecessary as exemptions are provided for in the statutes. Rule 25-24.820, is revised to provide authority to the Commission to revoke certificates rather than cancel them on their own motion as provided by statute. Additional statutory references are added to Rules 25-24.825 and 25-24.830.

1 RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION

2 CHAPTER 25-24

3 TELEPHONE COMPANIES

4 PART - XV

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

7 25-24.800 Scope

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 Consumer Information

15 25-24.835 Records & Reports; Rules Incorporated

16 25-24.800 Scope

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

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

23 History: New \_\_\_\_\_

24 25-24.805 Certificate of Public Convenience and Necessity Required.

25 (1) No person shall provide alternative local exchange

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1 telecommunications service without first obtaining a certificate of  
2 public convenience and necessity from the Commission. The  
3 certificate shall be for statewide authority, unless precluded by  
4 s. 364.337(1), F.S., to provide all Commission approved  
5 telecommunications services. Services may not be provided, nor may  
6 deposits or payment for services be collected, until the effective  
7 date of a certificate. However, marketing and development  
8 activities may begin prior to the effective date of the certificate  
9 at the applicant's risk that it may not be granted. Prior to  
10 certification, the applicant must advise the public in any customer  
11 contacts or advertisements that certification has not and may not  
12 be granted.

13 (2) Any Alternative Access Vendor certificated prior to July  
14 1, 1995, may become an Alternative Local Exchange Company by filing  
15 with the Commission's Division of Records and Reporting a letter of  
16 intent to provide local exchange service. An application fee is  
17 not required to be paid in conjunction with such filing.  
18 Authorization associated with such letter of intent shall be  
19 effective January 1, 1996, or upon receipt by the Commission,  
20 whichever is later. Alternative Access Vendors authorized pursuant  
21 to this section shall be subject to all rules applicable to  
22 Alternative Local Exchange Telecommunications Companies.

23 Specific Authority: 350.127(2), F.S.  
24 Law Implemented: 364.01, 364.337, F.S.  
25 History: New \_\_\_\_\_

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1 25-24.810 Application for Certificate.

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

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

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

13 Law Implemented: 364.335, F.S.

14 History: New

15 25-24.815 Application for Approval of Assignment or Transfer of  
16 Certificate.

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

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

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

6       (4) A certificate may be assigned or transferred only as a  
7 whole.

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

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

16 Law Implemented: 364.335, 364.345(2), F.S.

17 History: New \_\_\_\_\_

18 25-24.820 Revocation of a Certificate.

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

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

24       (b) Violation of Commission rule or order;

25       (c) Violation of Florida Statute; or

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1        (d) Violation of a price list standard.

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

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

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

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

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

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

16 Law Implemented: 364.335, F.S.

17 History: New \_\_\_\_\_

18 25-24.825 Price List.

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

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1        (a) current prices,  
2        (b) customer connection charges,  
3        (c) billing and payment arrangements, and  
4        (d) levels of service quality which the company holds itself  
5 out to provide for each service.

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

10       (3) A price list revision must be physically received by the  
11 Commission's Division of Communications at least one day prior to  
12 its effective date.

13       (4) Price lists must be on 8 1/2 by 11 inch paper in loose-  
14 leaf form and must utilize an ongoing page identification system  
15 which will allow for the identification of inserted and removed  
16 pages. The color of paper on which price lists are filed must be  
17 amenable to being clearly photocopied on standard photocopy  
18 equipment.

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

24 Specific Authority: 350.127(2)

25 Law Implemented: 364.04, 364.337(5), F.S.

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1 History: New

2 25-24.830 Consumer Information

3 The quality of service information in paragraph (1) (d) of rule  
4 25-24.825 shall be provided, verbally or in writing, upon request  
5 to any person inquiring about the company's basic local exchange  
6 telecommunications service. In addition, the above information  
7 shall be provided in writing before or in the basic local exchange  
8 telecommunications customer's first bill for service. The above  
9 information shall be expressed in simple words, sentences, and  
10 paragraphs. Unnecessarily long, complicated, or obscure phrases or  
11 acronyms must be avoided.

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

13 Law Implemented: 364.337(5), F.S., Ch. 95-403, §32, L.O.F.

14 History: New

15 25-24.835 Records & Reports; Rules Incorporated.

16 The following rules are incorporated herein by reference and  
17 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>

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

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

25 History: New

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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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