

DOCKET NO. 950918-TX

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

DOCUMENT NUMBER-DATE

12346 DEC 11 88

FPSC-RECORDS/REPORTING

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

| <u>Rule No.</u> | <u>Rulemaking Authority</u> | <u>Specific Law Being Implemented, Interpreted or Made Specific</u> |
|-----------------|-----------------------------|---|
| 25-24.800 | 350.127(2), F.S. | 364.01, 364.337, F.S. |
| 25-24.805 | 350.127(2), F.S. | 364.01, 364.337, F.S. |
| 25-24.810 | 350.127(2), F.S. | 364.335, F.S. |
| 25-24.815 | 350.127(2), F.S. | 364.335, 364.345(2), F.S. |
| 25-24.820 | 350.127(2), F.S. | 364.335, F.S. |
| 25-24.825 | 350.127(2), F.S. | 364.04, F.S. |
| 25-24.830 | 364.01(2), F.S. | 364.337, F.S. |
| 25-24.835 | 350.127(2), F.S. | 364.336, 364.337, F.S. |

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
 (month) (day) (year)


 BLANCA S. BAYO, Director
 Division of Records & Reporting

 Number of Pages Certified

(S E A L)
 DWC

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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 _____

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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:

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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.

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

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> |
|---------------------|---|
| 18 <u>25-4.0161</u> | <u>Regulatory Assessment Fees</u> |
| 19 <u>25-4.043</u> | <u>Response to Commission Staff Inquiries</u> |
| 20 <u>25-4.036</u> | <u>Design and Construction of Plant</u> |
| 21 <u>25-4.038</u> | <u>Safety</u> |

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

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

24 History: New

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

Rule 25-24.800
Docket No. 950918-TX

SUMMARY OF RULE

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.

SUMMARY OF HEARINGS ON THE RULE

No hearing was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Sections 364.335 and 364.337, Florida Statutes, were amended by Chapter 95-403, Laws of Florida, to allow for the provision of local exchange telecommunications services by alternative local exchange companies (ALECs) and to require the Commission to certificate the ALECs. Rules are the appropriate means of codifying the requirements necessary to this process.

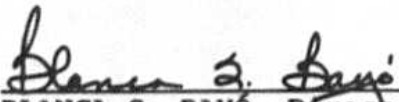
RECEIVED
SEP 7 1995

CERTIFICATION OF
PUBLIC SERVICE COMMISSION
FORM INCORPORATED BY REFERENCE IN RULE 25-24.810
FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I hereby certify that the attached is a true and complete copy of Form PSC/CMU 8 (11/95) "Application Form to Authority to Provide Alternative Local Exchange Service Within the State of Florida", which is incorporated by reference in Rule 25-24.810, Florida Administrative Code.

Under the provisions of paragraph 120.54(13)(a), F.S., the incorporated material takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



BLANCA S. BAYO, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

RECEIVED
DIVISION OF RECORDS & REPORTING
SEP 17 1995

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.

RECEIVED
TALLAHASSEE, FLORIDA
JUN 11 1995
L-32305

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:

CERTIFICATION OF
PUBLIC SERVICE COMMISSION
FORM INCORPORATED BY REFERENCE IN RULE 25-24.815
FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I hereby certify that the attached is a true and complete copy of Form PSC/CMU 8 (11/95) "Application Form to Authority to Provide Alternative Local Exchange Service Within the State of Florida", which is incorporated by reference in Rule 25-24.815, Florida Administrative Code.

Under the provisions of paragraph 120.54(13)(a), F.S., the incorporated material takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



BLANCA S. BAYO, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

REC-7
1-23-95