

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Rules Governing ) DOCKET NO. 950918-TX  
Telephone Service Provided by ) ORDER NO. PSC-95-1523-FOF-TX  
Alternative Local Exchange ) ISSUED: December 11, 1995  
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 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

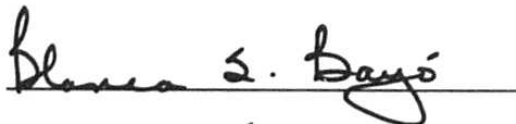
NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted Rules 25-24.800, Florida Administrative Code, relating to Alternative Local Exchange Companies, and 25-4.0161, Florida Administrative Code, relating to Regulatory Assessment Fees with changes.

The rules were filed with the Department of State on December 6, 1995 and will be effective on December 26, 1995. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 11th day of December, 1995.



BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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 12/26/95.

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 12/26/95.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMU 8 (11/95), which is incorporated into this rule by reference. Form PSC/CMU 8 (11/95), 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 12/26/95.

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 (11/95), which is incorporated into this rule by reference. Form PSC/CMU 8 (11/95), 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 12/26/95.

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 12/26/95.

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 12/26/95.

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.

Specific Authority: 364.01(2), F.S.

Law Implemented: 364.337, F.S.

History: New 12/26/95.



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 12/26/95.

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. s. 364.336, F.S., and s. 364.337(4), F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each interexchange telecommunications company and each pay telephone company shall deduct from gross operating revenues amounts paid for use of the local network to a telecommunications company providing local service. Regardless of the gross operating revenue of a

company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(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 (11/95), 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) Where the company remits less than its full fee pursuant to subsection (2)(b) of this rule, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by subsection (5)(b) of this rule.

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

(5) The delinquency of any amount due to the Commission from the company pursuant to the provisions of s. 350.113, F.S., and this rule, begins with the first day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

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

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

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

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

ORDER NO. PSC-95-1523-FOF-TX  
DOCKET NO. 950918-TX  
PAGE 12

History: New 5/18/83, formerly 25-4.161, Amended 10/16/86, 1/1/91,  
12/29/91, 1/8/95, 12/26/95.