

State of Florida

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

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FILE COPY

Public Service Commission

July 8, 1996

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

Re: Docket No. 960720-TL, Proposed Amendment to Rule 25-4.040, Telephone Directories; Directory Assistance

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal comparison statement.
5. A statement of the impact of the rule on small business.
6. An economic impact statement.
7. A statement that the agency has chosen the regulatory alternative that imposes the lowest net cost to society.

If there are any questions with respect to this rule, please do not hesitate to call on me.

Sincerely,

*Christiana T. Moore*  
Christiana T. Moore  
Associate General Counsel

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMI \_\_\_\_\_  
CTR \_\_\_\_\_  
EAM \_\_\_\_\_  
LEI \_\_\_\_\_  
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DRC \_\_\_\_\_  
PCM \_\_\_\_\_  
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WAS \_\_\_\_\_  
OTH \_\_\_\_\_

ENCLOSURES  
cc: Division of Records & Reporting

DOCUMENT DATE

97207 JUL -8 1996

1 25-4.040 Telephone Directories; Directory Assistance.

2 (1) Each local exchange telecommunications company shall  
3 normally publish updated telephone directories once every 12 months  
4 and shall publish updated directories at least once every 15  
5 months. The directories shall normally alphabetically list the  
6 name, address, and telephone number of all subscribers located in  
7 the exchange(s) contained in the directory except the telephone  
8 numbers for public telephones or a name, address, number/address  
9 unlisted or unpublished at the subscriber's request. Also listed  
10 alphabetically shall be a listing designated "Poison Information  
11 Center" and the local telephone number, where the exchange served  
12 by the directory has local calling to a Poison Information Center.  
13 If no local telephone number exists, then the toll-free telephone  
14 number of a Poison Information Center shall be listed. A  
15 description of the local (toll free) calling scope shall be  
16 prominently displayed at the beginning of each alphabetical section  
17 in a directory. At no additional charge and upon the request of  
18 any residential subscriber, the exchange company shall list an  
19 additional first name or initial under the same address, telephone  
20 number and surname of the subscriber. The exchange company shall  
21 place the first names or initials in the order requested by the  
22 subscriber.

23 (2) Each subscriber served by a directory shall be furnished  
24 one copy of that directory for each access line. Subject to  
25 availability, additional directories shall be provided by the local

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~~struck-through~~ type are deletions from existing law.

1 exchange telecommunications company, which may charge a reasonable  
2 fee therefor. Within 30 days after the effective date of this rule  
3 each exchange company shall file with the Commission a tariff  
4 setting forth the fee, if any, and the conditions under which it  
5 will apply. Copies of each directory shall be furnished to the  
6 Bureau of Service Evaluation. When expanded calling scopes are  
7 involved, as with Extended Area Service, each subscriber shall be  
8 provided with directory listings for all published telephone  
9 numbers within the local service area.

10 (3) (a) The name of the local exchange telecommunications  
11 company, the individual exchanges included in the directory and the  
12 month/year of issuance shall appear on the front cover of each  
13 directory.

14 (b) Beginning with directories issued on or after January 1,  
15 1995, the following information shall be listed on the inside of the  
16 front cover of the directory:

17 1. "911" instructions for exchanges with "911" service.  
18 Such "911" instructions shall be at the top of the inside front  
19 cover and shall be outlined in order to be separate from other  
20 information on the inside front cover. "911" shall be the only  
21 listed emergency number; all other numbers on the inside front  
22 cover shall be listed as "nonemergency" or "other important  
23 numbers."

24 2. For exchanges where "911" emergency service is not  
25 provided, emergency calling instructions and numbers including

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1 | those of the police, sheriff, fire departments and ambulance  
2 | services used by local government in case of emergency. Such  
3 | emergency calling instructions shall be listed at the top of the  
4 | inside front cover and shall be outlined and separate from other  
5 | information. All other numbers on the inside front cover shall be  
6 | listed as "nonemergency" or "other important numbers."

7 | 3. The information required by Section 395.1027, F.S.

8 | (c) The following notice shall be conspicuously listed on the  
9 | inside front cover or first page of the directory:

10 | FLORIDA PUBLIC SERVICE COMMISSION INQUIRIES  
11 | CUSTOMERS OF UTILITIES AND COMPANIES REGULATED BY THE COMMISSION  
12 | WHO HAVE FIRST CONTACTED SUCH A FIRM CONCERNING A PROBLEM, AND ARE  
13 | NOT SATISFIED BY THE CORRECTIVE ACTION TAKEN MAY CONTACT:

14 | COMISION DE SERVICIO PÚBLICO DEL ESTADO DE LA FLORIDA:

15 | TODOS LOS CLIENTES DE UTILIDADES Y EMPRESAS REGULADAS EN LA FLORIDA

16 | QUE HAYAN INICIADO CONTACTO CON DICHA ENTIDAD Y NO ESTÉN

17 | SATISFECHOS CON LA RESOLUCIÓN DE SU QUEJA Y/O INVESTIGACIÓN PUEDEN

18 | DIRIGIRSE A:

19 | THE FLORIDA PUBLIC SERVICE COMMISSION

20 | Division Of Consumer Affairs

21 | 2540 Shumard Oak Boulevard

22 | Tallahassee, Florida 32399-8153

23 | Phone Toll Free (TDD & Voice) 1-800-342-3552

24 | Facsimile Toll Free 1-800-511-0809

25 | Internet E-mail address for filing complaints:

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1 CONTACT@PSC.STATE.FL.US

2 Internet Address for retrieving information:

3 http://www.state.fl.us/psc/psc\_toc.html

4 (4) The following information shall appear in the front pages  
5 of the directory, preceding subscriber listings, along with an  
6 index where there are four ~~(4)~~ or more pages of such information:

7 (a) Directions for the use of local exchange and long  
8 distance telephone services and calls to repair and directory  
9 assistance services.

10 (b) Application and amount of directory assistance charges  
11 contained in company tariffs.

12 (c) Application and amount of charges for line busy  
13 verification, emergency interrupt and maintenance/repair services.

14 (d) The location of telephone company public business offices  
15 located in the area(s) contained in the directory.

16 (e) Identification of customer payment locations and an  
17 explanation of discontinuance of service procedures for local  
18 service.

19 (f) Policy on customer owned equipment and inside wiring  
20 shall include, but not be limited to the following information,  
21 separately stated:

- 22 1. A layman's description of inside wiring.
- 23 2. A layman's description of demarcation point.
- 24 3. A layman's description of the customer's responsibility  
25 for all wiring on the customer's side of the demarcation

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1 point.

2 4. A generic description of the various types of vendors  
3 which sell repair equipment.

4 5. A generic list of the types of service vendors providing  
5 maintenance or repair of inside wire, or customer  
6 premises equipment.

7 6. Instructions on how to determine whether the customer or  
8 the telephone company is responsible for needed repairs.

9 7. Instructions for determining when a phone jack is  
10 defective.

11 8. Instructions for determining when a telephone is  
12 defective.

13 (g) Policy on the recording of telephone conversations.

14 (h) Policy on harassing calls and sales solicitations  
15 generated by illegal automatic dialing equipment.

16 (i) Policy on various violations of law arising from the  
17 illegal use of telephone equipment and service.

18 (j) A conspicuous notice of the availability of the "No Sales  
19 Solicitation" list offered through the Florida Department of  
20 Agriculture and Consumer Services, Division of Consumer Services,  
21 and the 800 number to contact for further information.

22 (5) Directory assistance operators shall maintain records of  
23 all telephone numbers (except for non-published telephone numbers)  
24 in the area for which they have the responsibility of furnishing  
25 service. Directory assistance records must also contain listings

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1 for "Poison Information Center" and the local telephone number,  
2 where the area served by the directory assistance operator has  
3 local calling to a Poison Information Center. If no local  
4 telephone number exists, then the toll-free telephone number of a  
5 Poison Information Center shall be listed. All new or changed  
6 listings shall be provided to directory assistance operators within  
7 ~~forty-eight~~ (48) hours after connection of service, excluding  
8 Saturdays, Sundays and holidays.

9 (6) In the event of an error in the listed number of any  
10 subscriber, each local exchange telecommunications company shall  
11 intercept all calls to the listed number for the period of time  
12 required to comply with Rule 25-4.074, provided the listed number  
13 is not in service. In the event of an error or omission in the  
14 name listing of a customer, the customer's correct name and  
15 telephone number shall be listed in the directory assistance and  
16 intercept records and the correct number furnished the calling  
17 party upon request or interception.

18 (7) When a subscriber will establish a residence or business  
19 shortly after the close of subscriber listing records but preceding  
20 publication, the local exchange telecommunications company shall,  
21 upon request, establish and list service at the requested new  
22 address and immediately place the service on suspension. Service  
23 connection and other appropriate local service charges shall be due  
24 and payable, independent of whether service is later restored.

25 (8) When scheduled additions or changes in plant, records or

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1 operations will require a large group of number changes, the  
2 earliest possible notice shall be given to affected customers.  
3 regardless of the time of the change relative to the directory  
4 issuance cycle.

5 (9) The local exchange telecommunications company shall not  
6 change a subscriber's telephone number without good cause and at  
7 least 30 days prior notice to the affected subscriber.

8 Specific Authority 350.127(2) FS.

9 Law Implemented 364.03, 395.1027 FS.

10 History--New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly  
11 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-6-94, 5-8-96, \_\_\_\_\_

12 \_\_\_\_\_.

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960720-TL

RULE TITLE:

RULE NO.:

Telephone Directories; Directory Assistance

25-4.040

PURPOSE AND EFFECT: The amendment to Rule 25-4.040(3)(c) is proposed to increase customer awareness of the Commission's complaint process; increase access to Commission rules, orders, and other documents and information; and furnish additional and faster methods of communicating with the Commission.

SUMMARY: Rule 25-4.040(3)(c) is amended to require local exchange companies to include additional information in telephone directories about methods of contacting the Commission when a customer is not satisfied with the company's response to a complaint, and to include a Spanish translation of the Commission complaint information.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 395.1027 FS.

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: 10:00 A.M., August 27, 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:

25-4.040 Telephone Directories; Directory Assistance.

(1) - (2) No Change.

(3)(a) - (b)1. - 3. No Change.

(c) The following notice shall be conspicuously listed on the inside front cover or first page of the directory:

FLORIDA PUBLIC SERVICE COMMISSION INQUIRIES

CUSTOMERS OF UTILITIES AND COMPANIES REGULATED BY THE COMMISSION WHO HAVE FIRST CONTACTED SUCH A FIRM CONCERNING A PROBLEM, AND ARE NOT SATISFIED BY THE CORRECTIVE ACTION TAKEN MAY CONTACT:

COMISION DE SERVICIO PÚBLICO DEL ESTADO DE LA FLORIDA:

TODOS LOS CLIENTES DE UTILIDADES Y EMPRESAS REGULADAS EN LA FLORIDA QUE HAYAN INICIADO CONTACTO CON DICHA ENTIDAD Y NO ESTÉN SATISFECHOS CON LA RESOLUCIÓN DE SU QUEJA Y/O INVESTIGACIÓN PUEDEN DIRIGIRSE A:

THE FLORIDA PUBLIC SERVICE COMMISSION

Division Of Consumer Affairs

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399-8153

Phone Toll Free (TDD & Voice) 1-800-342-3552

Facsimile Toll Free 1-800-511-0809

Internet E-mail address for filing complaints:

CONTACT@PSC.STATE.FL.US

Internet Address for retrieving information:

[http://www.state.fl.us/psc/psc\\_toc.html](http://www.state.fl.us/psc/psc_toc.html)

(4) The following information shall appear in the front pages of the directory, preceding subscriber listings, along with an index where there are four ~~(4)~~ or more pages of such information:

(a) - (j) No Change.

(5) Directory assistance operators shall maintain records of all telephone numbers (except for non-published telephone numbers) in the area for which they have the responsibility of furnishing service. Directory assistance records must also contain listings for "Poison Information Center" and the local telephone number, where the area served by the directory assistance operator has local calling to a Poison Information Center. If no local telephone number exists, then the toll-free telephone number of a Poison Information Center shall be listed. All new or changed listings shall be provided to directory assistance operators within ~~forty-eight~~ ~~(48)~~ hours after connection of service, excluding Saturdays, Sundays and holidays.

(6) - (9) No Change.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 395.1027 FS.

History--New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-6-94, 5-8-96, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses, Division of Communications

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

DATE PROPOSED RULE APPROVED: June 25, 1996.

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).

**STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE**

Rule 25-4.040(3)(c) requires local exchange companies (LECs) to include in the front of the telephone directory information about how customers may contact the Commission when they are not satisfied with a company's response to a complaint. In addition to a toll free telephone number that is currently published, the Commission now has available a toll free facsimile number to receive consumer complaints, an Internet address for receiving consumer complaints, and a Web site on the Internet for consumers to retrieve information from the Commission. The rule amendment requires companies to publish this information, and also requires publication of a Spanish translation of the existing English language notice.

Chapter 95-403, §32, Laws of Florida, required the Commission to implement a consumer information program by January 1, 1996. In addition, staff anticipates that the recent changes in the law allowing local competition as well as resale of local service to residents by shared tenant service providers will result in an increase in the number of complaints.

The amendment to Rule 25-4.040(3)(c) is proposed to increase customer awareness of the Commission's complaint process; increase access to Commission rules, orders, and other documents and information; and furnish additional and faster methods of communicating with the Commission.

**STATEMENT ON FEDERAL STANDARDS**

There is no federal standard on the same subject.

**STATEMENT OF IMPACT ON SMALL BUSINESS**

No direct impact on small businesses is foreseen as none of the affected utilities qualify as a small business as defined in section 288.703(1), Florida Statutes.

**STATEMENT THAT THE AGENCY HAS CHOSEN THE REGULATORY ALTERNATIVE  
THAT IMPOSES THE LOWEST NET COST ALTERNATIVE TO SOCIETY**

The Commission has chosen the regulatory alternative that imposes the lowest net cost to society.

M E M O R A N D U M

June 3, 1996

RECEIVED

96 JUN -3 PM 3:45

FLORIDA PUBLIC SERVICE COMMISSION  
DIVISION OF APPEALS

TO: DIVISION OF APPEALS (Moore)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (Harlow) *BT*  
*PD*

SUBJECT: ECONOMIC IMPACT STATEMENT FOR PROPOSED REVISIONS TO RULE 25-4.040,  
FAC, TELEPHONE DIRECTORIES; DIRECTORY ASSISTANCE

SUMMARY OF THE RULE

The proposed rule amendments would require certificated local exchange companies (LECs) to include on the inside front cover or first page of the telephone directory a Spanish translation of the existing English language notifying customers to contact the Commission in the event that a complaint cannot be resolved with the company. LECs would also be required to include the Commission's: 1) toll free consumer complaint facsimile number, 2) Internet address for filing consumer complaints, and 3) Internet address for retrieving information from the Commission.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

No direct costs to the Commission or other state or local government entities are expected to result from the proposed rule amendments.

COSTS AND BENEFITS TO THOSE PARTIES DIRECTLY AFFECTED BY THE RULE

Companies are expected to experience some additional costs to format and review the new information for the directories. Customers are expected to benefit from the increased ease of reaching the Commission to resolve disputes with LECs.

A data request was sent to the thirteen local exchange companies. Ten of the companies responded. Eight of the ten companies expect minimal costs to result from the proposed rule amendments. Frontier believes there will be additional costs, but cannot estimate the costs at this time. Sprint notes that there is currently no space available on the directory pages to accommodate the new information without relocating some current information. The company estimates a total cost of \$6,000 to add the new information and relocate current information.

BellSouth believes that customers could benefit because "the proposed rule changes provide additional avenues for customers to access the Florida Public Service Commission if the customers are not satisfied with our company's response." Sprint believes there would be some benefit from the "increased customer-focused service and recognition to our Hispanic customers." TDS Telecom/Quincy Telephone Company responded that the company has a significant number of Spanish-speaking customers within its service territory and these customers should benefit from the proposed rule amendments.

#### REASONABLE ALTERNATIVE METHODS

Floralá, Gulf Telecommunications and St. Joseph Communications suggested that due to the limited space on the front page of the telephone directory, the Commission should allow the company to determine if the Spanish-speaking population is large enough to warrant the inclusion of the Spanish translation.

#### IMPACT ON SMALL BUSINESSES

No direct impact on small businesses is foreseen as none of the affected utilities qualify as a small business as defined in Section 288.703(1), Florida Statutes (1995).

#### IMPACT ON COMPETITION

Because the costs of the proposed amendments is expected to be minimal, there will be little impact on competition. However, Sprint notes that independent directories are not required to fulfill the Commission's rules regarding directory information. Therefore, according to Sprint, any additional directory information requirements placed on LECs "would add to the already uneven playing field between us and other independent directories."

#### IMPACT ON EMPLOYMENT

Minimal impact on employment is expected to result from the proposed rule amendments. There may be some additional or redirected effort to format and review the required directory information and to provide updates to Commission staff.

METHODOLOGY

A data request was sent to all certificated local exchange companies. Several meetings were held with other Commission staff for the purposes of discussion of the present rule and the proposed amendments.

JGH:tf/e-dirspn