

ORIGINAL
FILE COPY

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 980312-TP

RULE TITLE:

RULE NO.:

Application and Scope

25-4.002

PURPOSE AND EFFECT: The purpose of the rules is to implement Section 364.3376(3), F.S. to codify previous Commission orders that cap operator service rates, de-link the rate cap from the AT&T tariffed rates, and expand the scope of Commission rules to include price caps for LEC operator service providers.

The effect of the propose amendments is to set rates to allow competition while protecting consumers from being subjected to excessive charges.

SUBJECT AREA TO BE ADDRESSED: Defining the scope to which rate caps will apply for the provision of operator services.

SPECIFIC AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.01, 364.337, F.S.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE

SHOWN BELOW:

- ACK _____
- AFA _____ TIME AND DATE: 10:00 a.m. Tuesday, October 28, 1997
- APF _____ PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade
- CAF _____ Way, Tallahassee, FL
- CMU _____
- CTR _____ THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF
- EAL _____ THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND
- LEI _____ REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.
- WFL _____

-THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT

IS: Natalie Montiero, Division of Communications, Florida Public

DOCUMENT NUMBER-DATE

08474 SEP 17 5

FPSC-RECORDS/REPORTING

Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 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).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.002 Application and Scope.

(1) These rules and regulations are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I--IX of this Chapter apply to any Local Exchange Company ~~as defined in Section 25-4.003(26)~~. The rules contained in Part X of Chapter 25-24 apply to any Interexchange Company ~~as defined in Section 25-4.003(18)~~. The rules in Part XI of Chapter 25-24 apply to any pay telephone service company ~~as defined in Section 25-4.003(36)~~. The rules in Part XII of Chapter 25-24 apply to all Shared Tenant Service Companies ~~as defined in Section 25-24.560(10)~~. The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies ~~as defined in Section 25-24.610(1)(f)~~. The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers ~~as defined in Section 25-24.710(2)~~. The rules contained in Part XV apply to all Alternative Local

Exchange Telecommunications Companies.

(2) In addition to the rules contained in this part, any Local Exchange Company that provides operator services in a call aggregator context shall also comply with the rules contained in Part XIII of Chapter 25-24, F.A.C.

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, written application may be made to the Commission for modification of the rule or for temporary exemption from its requirements.~~

~~(3) The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion or upon the application of any utility, upon due notice and opportunity for hearing, from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions.~~

~~(4) Except as provided in Parts X and XI of Chapter 25-24, the adoption of these rules shall not in any way relieve any utility from any of its duties under the laws of this State.~~

Specific Authority 350.127 FS.

Law Implemented 364.01, 364.337 FS.

History--Revised 12-1-68, Formerly 25-1.02, Amended 2-23-87,
1-8-95,_____.