

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: RULES 25-4.160, F.A.C., OPERATION OF TELECOMMUNICATIONS RELAY SERVICE; 25-24.585, F.A.C., RECORDS & REPORTS; RULES INCORPORATED; 25-24.825, F.A.C., PRICE LIST; 25-24.835, F.A.C., RECORDS & REPORTS, RULES INCORPORATED

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: September 29, 1997

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-4.160, 25-24.585, 25-24.825 and 25-24.835, Florida Administrative Code, to amend provisions relating to the Telecommunications Relay Service.

The attached Notice of Proposed Rule Development will appear in the October 10, 1997, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at the following time and place:

Florida Public Service Commission
10:00 a.m., Thursday, November 13, 1997
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

The request must be submitted in writing and received by Diana Caldwell, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, no later than October 24, 1997.

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. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

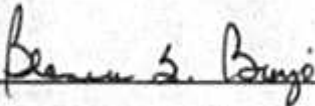
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UNDOCKETED
PAGE 2

By Direction of the Florida Public Service Commission, this
29th day of September, 1997.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

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UNDOCKETED
PAGE 3

FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:

RULE NO.:

Operation of Telecommunications Relay Services 25-4.160

PURPOSE AND EFFECT: The purpose of the amendments is to ensure that the public has access to the information on certain telecommunications services defined as "basic", to define the term "local exchange telecommunications company" and to provide cross references in the parts relating to alternative local exchange companies and shared tenant service providers.

The effect of the proposed amendments is to make available to the public price list information for 'basic' services and to ensure that providers of local telecommunications exchange services will collect and remit the surcharge required for funding of the Telecommunications Relay Service.

SUBJECT AREA TO BE ADDRESSED: Expanding the scope of telecommunications relay service operations and price lists to include STS providers and ALECs.

SPECIFIC AUTHORITY: 427.704(8), FS.

LAW IMPLEMENTED: 427.704(4), (5), FS.

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:

TIME AND DATE: 10:00 a.m. Thursday, November 13, 1997

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room

UNDOCKETED
PAGE 4

152, Tallahassee, FL 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO DIANA CALDWELL, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marsh, Division of Communications, Florida Public 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:
25-4.160 Operation of Telecommunications Relay Services.

(1) For intrastate toll calls received from the relay service, each local exchange and interexchange telecommunications company billing relay calls shall discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge. In the case of a tariff which includes either a discount based on number

of minutes or the purchase of minutes in blocks, the discount shall be calculated by discounting the minutes of relay use before the tariffed rate is applied.

(2) When a local exchange telecommunications company passes a call to the Florida relay service provider, it shall also forward the calling party's originating telephone number if the calling party's central office has that capability.

(3) To fund the telecommunications access system established under Part II of Chapter 427, F.S., all local exchange telecommunications companies shall impose a monthly surcharge on all local exchange telecommunications company subscribers, excluding federal and state agencies, on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

(a) A local exchange telecommunications company shall consider an account bill rendered in a manner consistent with its billing practices for other telecommunications services.

(b) Except as otherwise provided by law, the surcharge billed by the local exchange telecommunications companies is not subject to any sales, use, franchise, income, municipal utility, gross receipts, or any other tax, fee, or assessment, nor shall it be considered revenue of the local exchange telecommunications companies for any purpose.

(c) All local exchange telecommunications companies shall include the surcharge as a part of the local service charge that

UNDOCKETED
PAGE 6

appears on the customer's bill except that the surcharge may be itemized if a company monthly itemizes all local service charges. However, the local exchange telecommunications company shall itemize the surcharge on the initial bill to the subscriber and itemize it at least once annually. The local exchange telecommunications company may deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge. All moneys received by the local exchange telecommunications company, less the authorized amount retained, shall be submitted so as to be received by the Administrator within fifteen days after the end of the previous month. Each local exchange telecommunications company shall follow the same procedures for collecting this surcharge as for collecting for other regulated telecommunications services.

(4) For purposes of this part, the term "local exchange telecommunications company" shall be as defined in Section 427.703(7), FS. The term shall include shared tenant service providers and alternative local exchange companies.

Specific Authority 427.704(8) FS.

Law Implemented 427.704(4), (5) FS.

History--New 9-16-92, Amended_____.

UNDOCKETED
PAGE 7

FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE:	RULE NO.:
Records and Reports , Rules Incorporated	25-24.585
Price List	25-24.825
Records and Reports , Rules Incorporated	25-24.835

PURPOSE AND EFFECT: The purpose of the amendments is to ensure that the public has access to the information on certain telecommunications services defined as "basic", to define the term "local exchange telecommunications company" and to provide cross references in the parts relating to alternative local exchange companies and shared tenant service providers.

The effect of the proposed amendments is to make available to the public price list information for 'basic' services to ensure that providers of local telecommunications exchange services will collect and remit the surcharge required for funding of the Telecommunications Relay Service.

SUBJECT AREA TO BE ADDRESSED: Expanding the scope of telecommunications relay service operations and price lists to include STS providers and ALECs.

SPECIFIC AUTHORITY: 350.127(2), 427.704(8) FS.

LAW IMPLEMENTED: 350.113, 364.04, 364.016, 364.17, 364.18, 364.183, 364.185, 364.336, 364.337(5), 364.339 FS.

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:

UNDOCKETED
PAGE 8

TIME AND DATE: 10:00 a.m. Thursday, November 13, 1997

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399-0850

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marsh, Division of Communications, Florida Public 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:

25-24.585 ~~Records and Reports~~, Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:

SECTION	TITLE	PORTIONS NOT APPLICABLE
25-4.019	Records and Reports in General	<u>All None</u>
25-4.020	Location and Preservation of Records	<u>All except (1) and (3)-(2)</u>
25-4.043	Response to Commission Staff Inquiries	<u>All None</u>
25-4.0161	Regulatory Assessment Fees;	

	Telecommunication Companies	<u>All</u> None
25-4.160	<u>Operation of Telecommunications</u>	<u>All</u>
	<u>Relay Service</u>	

(2) Each shared tenant service company shall file with the Commission's Division of Communications updated information for the following items within ten days after either such change occurs.

(a) The mailing address of the certificate holder.

(b) Name, title, and phone number of individual responsible for Commission contacts.

Specific Authority 350.127(2), 427.704(8) FS.

Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS.

History--New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, _____.
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 the provision of residential dial tone, single-line business dial tone, and dial tone with any combination of the services included as part of basic local telecommunications services, as defined in s. 364.02(2), F.S. If residential dial tone, single-line business dial tone, or dial tone with any combination of the services included as part of basic local telecommunications service is offered on a package basis, the following information must be provided for each 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) FS.

Law Implemented 364.04, 364.337(5) FS.

History--New 12-27-95, Amended.

25-24.835 ~~Records and Reports~~, Rules Incorporated.

UNDOCKETED
PAGE 11

The following rules are incorporated herein by reference and apply to alternative local exchange companies.

Section Title

25-4.0161 Regulatory Assessment Fees

25-4.043 Response to Commission Staff Inquiries

25-4.036 Design and Construction of Plant

25-4.038 Safety

25-4.160 Operation of Telecommunications Relay Service

Specific Authority 350.127(2), 427.704(8) FS.

Law Implemented 364.336, 364.337 FS.

History--New 12-27-95, Amended.