

DOCKET NO. 980037-TP

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

I do hereby certify:

/X/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/X/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

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

/X/ (a) Are filed not more than 90 days after the notice;

or

/ (b) Are filed not more than 90 days after the notice

ACK \_\_\_\_\_  
AFA not including days an administrative determination was pending;

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
or

CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
/ (c) Are filed more than 90 days after the notice, but not less than 21 days from the date of publication of the notice

EAG \_\_\_\_\_  
LEG \_\_\_\_\_ of change; or

LIN \_\_\_\_\_

OPC \_\_\_\_\_

RCH \_\_\_\_\_

SEC 1

WAS \_\_\_\_\_

OTH \_\_\_\_\_

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

∟/ (d) Are filed more than 90 days after the notice, but within 21 days after the adjournment of the final public hearing on the rule; or

∟/ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

∟/ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

∟/ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered.

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.

Rule No.

25-4.160

Under the provision of subparagraph 120.54(3)(e)6., 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. BAYÓ, Director  
Division of Records & Reporting

\_\_\_\_\_  
Number of Pages Certified

(S E A L)

DWC

1 25-4.160 Operation of Telecommunications Relay Services.

2 (1) For intrastate toll calls received from the relay  
3 service, each local exchange and interexchange telecommunications  
4 company billing relay calls shall discount relay service calls by  
5 50 percent off of the otherwise applicable rate for a voice  
6 nonrelay call except that where either the calling or called party  
7 indicates that either party is both hearing and visually impaired,  
8 the call shall be discounted 60 percent off of the otherwise  
9 applicable rate for a voice nonrelay call. The above discounts  
10 apply only to time-sensitive elements of a charge for the call and  
11 shall not apply to per call charges such as a credit card  
12 surcharge. In the case of a tariff which includes either a  
13 discount based on number of minutes or the purchase of minutes in  
14 blocks, the discount shall be calculated by discounting the minutes  
15 of relay use before the tariffed rate is applied.

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

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

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DEC. 10 P. 10. 11  
F-11 F-17

1 | than 25 basic telecommunications access lines per account bill  
2 | rendered.

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

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

12 | (c) All local exchange telecommunications companies shall  
13 | include the surcharge as a part of the local service charge that  
14 | appears on the customer's bill except that the surcharge may be  
15 | itemized if a company monthly itemizes all local service charges.  
16 | However, the local exchange telecommunications company shall  
17 | itemize the surcharge on the initial bill to the subscriber and  
18 | itemize it at least once annually. The local exchange  
19 | telecommunications company may deduct and retain 1 percent of the  
20 | total surcharge amount collected each month to recover the billing,  
21 | collecting, remitting, and administrative costs attributed to the  
22 | surcharge. All moneys received by the local exchange  
23 | telecommunications company, less the authorized amount retained,  
24 | shall be submitted so as to be received by the Administrator within  
25 | fifteen days after the end of the previous month. Each local

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1 exchange telecommunications company shall follow the same  
2 procedures for collecting this surcharge as for collecting for  
3 other regulated telecommunications services.

4 (4) For purposes of this part, the term "local exchange  
5 telecommunications company" shall be as defined in Section  
6 427.703(7), F.S. The term shall include shared tenant service  
7 providers and alternative local exchange companies.

8 Specific Authority: 427.704(8), F.S.

9 Law Implemented: 427.704(4), (5), F.S.

10 History--New 9/16/92, Amended\_\_\_\_\_.

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**SUMMARY OF RULE**

The proposed amendment clarifies that ALECs and STS providers are included in the definition of the term "local exchange telecommunications company" for purposes of collecting and remitting the surcharge required for funding of the TRS. Clarifies when ALECs are required to file price lists.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

Rule 25-4.160, F.A.C., relating to the telecommunications Relay Service, is not clear as to what types of providers are included in the definition of local exchange telecommunications companies for the purposes of Chapter 427, F.S.

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TALLAHASSEE, FLORIDA

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(a) 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 more than 90 days after the notice, but not less than 21 days from the date of publication of the notice of change; or

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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.

Rule Nos.

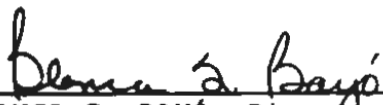
25-24.585

25-24.825

25-24.835

Under the provision of subparagraph 120.54(3)(e)6., 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. BAYÓ, Director  
Division of Records & Reporting

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Number of Pages Certified

(S E A L)

DWC

1 | 25-24.585 ~~Records and Reports~~, Rules Incorporated.

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

4		PORTIONS
5	SECTION TITLE	NOT APPLICABLE
6	25-4.019 Records and Reports in General	All None
7	25-4.020 Location and Preservation of Records	All except (1)
8		and (3) <del>(2)</del>
9	25-4.043 Response to Commission Staff Inquiries	All None
10	25-4.0161 Regulatory Assessment Fees;	
11	Telecommunication Companies	All None
12	<u>25-4.160 Operation of Telecommunications</u>	All
13	<u>Relay Service</u>	

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

17 | (a) The mailing address of the certificate holder.

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

20 | Specific Authority: 350.127(2), 427.704(8), F.S.

21 | Law Implemented: 350.113, 364.016, 364.17, 364.18, 364.183,  
22 | 364.185, 364.339, F.S.

23 | History--New 1/28/91, Amended 12/29/91, 11/13/95, 7/29/97.

24 | 25-24.825 Price List.

25 | (1) Prior to providing service, each company subject to these

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1 | rules shall file and maintain with the Commission a current price  
2 | list which clearly sets forth the following information for the  
3 | provision of residential dial tone, single-line business dial tone,  
4 | and dial tone with any combination of the services included as part  
5 | of basic local telecommunications services, as defined in s.  
6 | 364.02(2), F.S. If residential dial tone, single-line business  
7 | dial tone, or dial tone with any combination of the services  
8 | included as part of basic local telecommunications service is  
9 | offered on a package basis, the following information must be  
10 | provided for each the package:

- 11 |       (a) current prices,  
12 |       (b) customer connection charges,  
13 |       (c) billing and payment arrangements, and  
14 |       (d) levels of service quality which the company holds itself  
15 | out to provide for each service.

16 |       (2) At the company's option, price list information in  
17 | paragraph (1) above and other information concerning the terms and  
18 | conditions of service may be filed for services other than basic  
19 | local telecommunication services.

20 |       (3) A price list revision must be physically received by the  
21 | Commission's Division of Communications at least one day prior to  
22 | its effective date.

23 |       (4) Price lists must be on 8 1/2 by 11 inch paper in  
24 | loose-leaf form and must utilize an ongoing page identification  
25 | system which will allow for the identification of inserted and

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1 removed pages. The color of paper on which price lists are filed  
2 must be amenable to being clearly photocopied on standard photocopy  
3 equipment.

4 (5) Complete information concerning a company's service  
5 offerings, rates and charges, conditions of service, service  
6 quality, terms and conditions, service area, and subscribership  
7 information identified by local exchange company exchange must be  
8 made available to Commission staff upon request.

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

10 Law Implemented: 364.04, 364.337(5), F.S.

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

12 ~~25-24.835 Records and Reports~~, Rules Incorporated.

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

15 Section Title

16 25-4.0161 Regulatory Assessment Fees

17 25-4.043 Response to Commission Staff Inquiries

18 25-4.036 Design and Construction of Plant

19 25-4.038 Safety

20 25-4.160 Operation of Telecommunications Relay Service

21 Specific Authority: 350.127(2), 427.704(8), F.S.

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

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

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Rules 25-24.585, 25-24.825  
and 25-24.835  
Docket No. 980037-TP

**SUMMARY OF RULE**

The proposed amendment clarifies that ALECs and STS providers are included in the definition of the term "local exchange telecommunications company" for purposes of collecting and remitting the surcharge required for funding of the TRS. Clarifies when ALECs are required to file price lists.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

Rule 25-24.825, F.A.C., can be interpreted to mean that unless ALECs provide the full panoply of services included under the definition of basic services, they do not have to file a price list. As a result certain price information is not available for the public for certain carriers.

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