

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: Proposed Amendments to Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: October 15, 1998

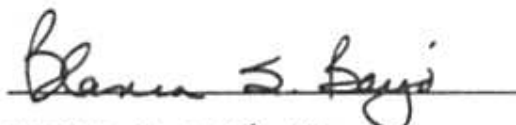
NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rule 25-4.113, Florida Administrative Code, to amend provisions relating to the discontinuance of telecommunications service by a company.

The attached Notice of Proposed Rule Development will appear in the October 23, 1998, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held upon timely and proper notice.

The request must be submitted in writing and received by Diana Caldwell, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than November 13, 1998.

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 48 hours 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).

By Direction of the Florida Public Service Commission, this 15th day of October, 1998.



BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

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NOTICE OF PROPOSED RULE DEVELOPMENT

FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:

RULE NO.:

Refusal or Discontinuance of

25-4.113

Service by Company

PURPOSE AND EFFECT: The purpose of the amendments is to codify past commission orders that allow companies to disconnect long distance service to customers who fail to pay the entire balance due on a service not regulated by the Commission when the services are combined billed with regulated services at the option of the customer. The effect of this amendment encourages competition and consumer choice.

SUBJECT AREA TO BE ADDRESSED: Requirements companies must follow prior to discontinuing service to its customers.

SPECIFIC AUTHORITY: 350.125, 427.704, FS

LAW IMPLEMENTED: 364.03, 364.19, 427.704, FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO DIANA CALDWELL, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ann Shelfer, 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 48 hours 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).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.113 Refusal or Discontinuance of Service by Company.

(1) - (d) No Change.

(e) For noncompliance with or violation of the Commission's rules regulations or the company's ~~rules and~~ regulations on file with the Commission, provided five 5 working days' written notice is given before termination.

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(3), provided that suspension or termination of service shall not be made without five 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) - (4) (d) No Change.

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(e) Failure to pay for a service rendered by the company which is not regulated by the Commission unless the customer has been advised of a choice of either separate or combined billing and, at the customer's choice, the non-regulated service is billed in combination with a regulated service. However, under no circumstance will local exchange access be discontinued for non-payment of a combined bill containing both regulated and non-regulated services.

(f) - (5) No Change.

Specific Authority 350.127, 427.704(8) FS.

Law Implemented 364.03, 364.19, 427.704 FS.

History--Revised 12-1-68, Amended 3-31-76, 10-25-84, 10-30-86,  
1-1-91, 9-16-92, 1-7-93, 1-25-95, XX-XX-XX.