

DOCKET NO. 970882-TI

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

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

58 DEC - 8 PM 2:30

FILED

I do hereby certify:

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

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

(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;

(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 nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

ACK _____
AFA _____
APP _____
CIT _____
CMU _____
CTR _____
EAG _____
LEL _____
LIN _____
OPC _____
RCH _____
SE _____
W _____

DOCUMENT NUMBER - DATE

13945 DEC 10 88

FPSC-RECORDS/REPORTING

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; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

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.

25-24.845

25-24.490

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
BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

DWC

1 25-24.490 Customer Relations; Rules Incorporated.

2 (1) The following rules are incorporated herein by reference
3 and apply to IXC's.

4		Portions	
5	Section	Title	Applicable
6	25-4.110	Customer Billing	Subsections (10),
7			(11), (12), and (13)
8	25-4.111	Customer Complaint	All except
9		and Service Requests	Subsection (2)
10	25-4.112	Termination of Service	All
11		by Customer	
12	25-4.113	Refusal or Discontinuance	
13		of Service by Company	All
14	25-4.114	Refunds	All
15	25-4.117	800 Service	All
16	25-4.118	Local, Local Toll, or	All
17		Toll Provider	
18		Selection	

19 (2) An IXC may require a deposit as a condition of service
20 and may collect advance payments for more than one month of service
21 if it maintains on file with the Commission a bond covering its
22 current balance of deposits and advance payments (for more than one
23 month's service). A company may apply to the Commission for a
24 waiver of the bond requirement by demonstrating that it possesses
25 the financial resources and income to provide assurance of

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

FILED
98 DEC -8 PM 2:30
ALLIANCE FOR STATE
REGULATORY FLORIDA

1 continued operation under its certificate over the long term.

2 (3) Upon request, each company shall provide verbally or in
3 writing to any person inquiring about the company's service:

4 (a) any nonrecurring charge,

5 (b) any monthly service charge or minimum usage charge,

6 (c) company deposit practices,

7 (d) any charges applicable to call attempts not answered,

8 (e) a statement of when charging for a call begins and ends,

9 and

10 (f) a statement of billing adjustment practices for wrong
11 numbers or incorrect bills.

12 In addition, the above information shall be included in the first
13 bill, or in a separate mailing no later than the first bill, to all
14 new customers and to all customers presubscribing on or after the
15 effective date of this rule, and in any information sheet or
16 brochure distributed by the company for the purpose of providing
17 information about the company's services. The above information
18 shall be clearly expressed in simple words, sentences and
19 paragraphs. It must avoid unnecessarily long, complicated or
20 obscure phrases or acronyms.

21 Specific Authority 350.127(2) F.S.

22 Law Implemented 364.03, 364.14, 364.15, 364.19, 364.337 F.S.

23 History: New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96,

24 7-20-98, 12/28/98.

25

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 | 25-24.845 Customer Relations; Rules Incorporated.

2 | The following rules are incorporated herein by reference and
3 | apply to ALECs. In the following rules, the acronym 'LEC' should be
4 | omitted or interpreted as 'ALEC'.

5 Section	Title	Portions Applicable
6 25-4.110	Customer Billing	Subsections (10), (11), 7 (12), and (13)
8 24-4.118	Local, Local Toll, or 9 Toll Provider Selection	All

10 | Specific Authority: 350.127(2) and 364.337(2), F.S.

11 | Law Implemented: 364.337(2).

12 | History: New 7-20-98, 12/28/98.

13 |

14 |

15 |

16 |

17 |

18 |

19 |

20 |

21 |

22 |

23 |

24 |

25 |

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

Rules 25-24.845 and 25-
24.490
Docket No. 970882-TI

SUMMARY OF RULE

The new rule and amendments require IXC's and ALEC's to abide by the rules relating to customer billing and local, local toll, and toll provider selection.

SUMMARY OF HEARINGS ON THE RULE

An evidentiary hearing before the full Commission was held on February 6 and 16, 1998. Evidence and sworn testimony was taken. The Commission adopted the proposed rules with changes to a hearing on May 19, 1998. The rules were challenged. Finally on November 3, 1998, the Commission adopted further changes consistent with a settlement agreement with the parties.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Notwithstanding existing rules, beginning in 1995, the Commission saw a significant increase in complaints regarding the unauthorized switching of a customer's long distance carrier chosen by the customer (slamming). In addition, competition has been allowed for local and local toll service creating more opportunities for slamming to occur. The current rules do not address local or local toll service providers.

FILED
58 DEC -8 PM 2:30
STATE
FLORIDA