



Beverly Y. Menard  
Regulatory & Governmental Affairs  
Assistant Vice President - Florida/Georgia

GTE Service Corporation

One Tampa City Center  
Post Office Box 110, FLTC0616  
Tampa, Florida 33601-0110  
813-483-2526  
813-223-4888 (Facsimile)

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Mr. Walter D'Haeseleer, Director  
Division of Telecommunications  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Dear Mr. D'Haeseleer:

**Subject: Docket No. 991473- Review and Revision to Service Standard Rules**

Enclosed is GTE Florida (GTEFL) and GTE Communications Corporation (GTECC) (hereafter collectively GTE) post workshop comments and recommended rule changes.

If you have any questions or require additional information, please contact Debby Kampert of my staff at 813-483-2531.

Sincerely,

*Beverly Y. Menard*

Beverly Y. Menard

BYM:DBK:wjh

Enclosure

- \_\_\_\_\_ AFA
- \_\_\_\_\_ APP
- \_\_\_\_\_ CAF
- \_\_\_\_\_ CMU
- \_\_\_\_\_ CTR
- \_\_\_\_\_ EAG
- \_\_\_\_\_ LEG
- \_\_\_\_\_ MWS
- \_\_\_\_\_ PSC
- \_\_\_\_\_ RFP
- \_\_\_\_\_ SCC
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- \_\_\_\_\_ WTR

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FPSC-RECORDS/REPORTING

**GTE FLORIDA'S POST WORKSHOP COMMENTS  
RECOMMENDED QUALITY OF SERVICE RULE CHANGES  
DOCKET NO. 991473**

GTE Florida (GTEFL) and GTE Communications Corporation (GTECC) (hereafter collectively GTE) submit these comments in response to the workshop.

**THE RULES MUST BE REVISED TO FOSTER COMPETITION**

The Commission's most critical regulatory goal in recent years has been to foster competition. As the parties review the service rules, every effort should be made to ensure that this chapter is revised: 1) to remove obsolete, duplicative or ambiguous rules; 2) to provide the results they were originally designed to achieve; 3) to be more clear and concise; 4) to be consistent with the legislative intent of the statutes authorizing them; 5) to not duplicate and/or be inconsistent with other similar regulatory authority; 6) to remove administrative burdens and unnecessary implementation costs; and 7) to be fair and equitably administered for all telecommunications companies subject to Commission jurisdiction.

Competition in Florida's telecommunications markets is rapidly evolving. Today, there are over 310 competitive local carriers authorized to compete in Florida, including both resale- and facilities-based carriers. Some existing rules are not consistent with a competitive market; others are not particularly relevant to new entrants. For example, it is illogical to apply service quality measurements and reporting requirements to ALECs that are pure resellers.<sup>1</sup> Therefore, GTE proposes that the rules be tailored to the nature of the provider to which they might apply.

**THE RULES' CHIEF PRIORITY SHOULD BE CONSUMER PROTECTION**

The Commission should ultimately move to eliminate all service quality standards. However, GTE recognizes this may require stages to accomplish. Therefore, the FPSC should first institute a minimum set of regulations that are designed to protect consumers from fraud and misrepresentation. Customer interests should be protected by rules that promote timeliness, commitments met, and reliability. These goals can be accomplished without today's cumbersome regulations. For instance, service quality measures should be minimized where competition exists. Rather than impose specific

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<sup>1</sup> While GTE generally supports the concepts of competitive neutrality, parity and non-discrimination, it also recognizes that strict parity in the application of service quality reporting and measurements is not appropriate in every circumstance.

rules, the Commission should allow market forces to work. Market forces will generally require carriers to deploy state of the art technology and to provide high quality service in order to compete and to survive. **The Commission is not deprived of the authority to investigate any consumer's complaints and assure that the carrier's practices are applied in a nondiscriminatory manner consistent with statutory consumer protection requirements.**

In this rulemaking GTE will propose revisions to current rules which will continue to protect customer interests and reduce unnecessary regulatory burdens.

### **THE COMMISSION SHOULD NOT IMPOSE REPORTING AND SERVICE MEASUREMENTS ON ALL CARRIERS**

While GTE generally supports the concepts of competitive neutrality, parity and nondiscrimination, it also recognizes that strict parity in the application of service quality reporting and measurements is not appropriate in every circumstance. For example, it is illogical to apply service quality measurements and reporting requirements to ALECs that are pure resellers.

### **GTE RECOMMENDS THAT THE COMMISSION APPLY SERVICE QUALITY STANDARDS TO CARRIERS OF LAST RESORT (COLRS) AND TO CARRIERS WHO HOLD THEMSELVES OUT AS COLRS**

To the extent the Commission proceeds to adopt minimum standards, GTE submits that it is only appropriate to apply service quality measures to carriers of last resort (COLRs) and to carriers who obtain state or federal high cost universal service subsidies and, as such, hold themselves out as COLRs.

The appropriate consideration in determining who the rules should apply to is whether the carrier receives federal or state high cost universal support, not whether the carrier is "dominant" or "non-dominant." The Commission should require all carriers who have or seek carrier of last resort status or otherwise obtain federal or state high cost universal service support to comply with the rules. This would apply to local service carriers who seek high cost universal service support to provide governmentally-supported service to any requesting person in a defined geographic area. These firms essentially hold themselves out as being available to replace the existing carrier of last resort. As such, they should be held to the same service quality rules as the COLR. If, on the other hand, a local exchange carrier does not seek high cost universal service support, it should not be subject to the same service quality rules as those receiving support.

### **THE COMMISSION SHOULD NOT INCREASE SERVICE QUALITY REGULATION AND REPORTING REQUIREMENTS AT A TIME WHEN COMPETITION IS INCREASING**

As the Commission has clearly recognized in the past, competition must replace regulation. The Commission should not prejudge what customers want by maintaining a stringent set of rules. In a competitive market, the customer should be permitted to choose the telecommunications service provider that meets his or her needs and expectations. Customers are not homogeneous in their requirements and desires. A customer may desire to choose a different level of customer support consistent with the value received from a carrier for a range of services, products and prices. If a telecommunications carrier does not meet a customer's needs in service quality and/or price, the customer can seek another provider.

In addition, the ability of carriers to offer creative and innovative service offerings is one of the benefits of competition. By mandating that some carriers continue to be subject to these reporting requirements and service quality rules, the Commission disregards the changing competitive environment in provisioning local service and distracts the carriers from focusing on providing consumers competitive offerings and value. Adopting the same rules for all carriers would be similar to requiring that retail stores such as Target and Montgomery Ward provide the same level of service and quality as Neiman Marcus. Requiring Target and Montgomery Ward to provide the same level of quality and service as Neiman Marcus, however, would force them to expend significant resources, which would then have to be passed on to their customers in the form of increased prices. In the end, consumers are left with little or no choice of quality, price, or service delivery, and competitors have no ability to differentiate themselves from one another by their offerings. GTE submits that the Commission should move towards a minimum set of regulations designed to protect consumers from fraud and misrepresentation.

### **THE COMMISSION SHOULD LIMIT COLRS' MEASUREMENTS TO THOSE THAT ARE CUSTOMER-FOCUSED**

GTE continually seeks to determine what is important to its customers. In conducting market research, GTE's objective is to determine what experiences lead customers to acknowledge that they have received quality service. In many cases, the traditional measures mandated by regulatory agencies do not affect the customer's expectation of quality, or are not focused on measuring what is important to them.

Beyond a certain point, the speed of answer does not enhance customer satisfaction and can actually inhibit satisfaction if the focus on answer time detracts from taking the time to serve the customer completely. In today's environment, many calls may, in fact, tend to take longer, given the increasingly sophisticated technology and complexity of the services being offered to customers. Customers are less concerned with small delays in answer time if their needs are addressed when their calls are answered.

GTE believes that customer satisfaction is reflected in measures that portray timeliness, commitments met, and reliability. In keeping with this focus, GTE recommends that the following customer-focused standards apply only to COLRs, to the extent the Commission does decide to maintain minimal standards.

The Office of the Public Counsel mentioned Service Guarantees at the workshop. GTEFL already has a Service Performance Guarantee which provides credits when GTEFL fails to meet its commitments to its customers. This program should be sufficient to satisfy the concerns stated by the Office of Public Counsel.

The staff generated discussion at the workshop on the idea of customer surveys. At this point, GTE does not support the use of customer surveys to replace the Commission's service quality rules.

## **CONCLUSION**

A competitive environment requires less need for regulation. The industry and Commission should strive to reduce, and ultimately eliminate obsolete rules and unnecessary service quality measures. Customers should be allowed to reap the benefits of competition through choice of service packages that may provide for different combinations of quality and price.

GTE's proposed revisions are a solid attempt to shape the rules for telecommunications companies to have meaning for today's marketplace as described below. The enclosure contains GTE's recommended rule changes. Deletions are typed in strike out format and the new proposed language is underlined.

### **25-4.033 Definitions (38) "Out of Service" (OOS)**

GTE believes that the definition for out of service should reflect the actual conditions as determined by any testing of the line when it is reported.

### **25-4.0345 Demarcation Point**

GTE believes that subparts (2) and (3) should be the same. Since inside wire and CPE is a very competitive business, a single demarcation point inside or on the customer's premises is the appropriate point.

### **25-4.066 Availability of Service**

This rule should be modified to reflect the changes that have occurred with the introduction of local competition. If a competitive service provider has a contract with the business or property owner, the ILEC should no longer be held responsible.

GTE advocates these measures be reported at a state level or at least an area level rather than exchange. The current objective at the exchange level can create objective misses simply because of the mathematics involved. In small exchanges and where the number of requests for service or number of trouble reports are numerically small, even one or two misses can cause a failure in the FPSC's objectives.

The highest volume of service installation and transfers occur at the beginning and end of the month. The LECs have limited personnel, which equates to a limited number of work hours. The companies should be allowed to negotiate customer commitments during the peak periods and not be forced to try to buy back the results during the rest of the month. The changes proposed will help to eliminate the "buy back" situation, which benefits neither consumers nor the companies.

Buy back is the effort to recoup a monthly service level after missing the objective for a day or more. A department may have extra staff scheduled, possibly working overtime, unnecessarily to make up for the missed results from that one period during the month. The current Commission standards force the LECs to make uneconomic staffing decisions to attempt to "buy back" results during the off-peak periods.

#### **25-4.067 Extension of Facilities**

The rule was developed in a monopoly environment where the customer had no choice other than the ILEC so that extended time periods could be utilized for recovery.

#### **25-4.070 Customer Trouble Reports**

The enclosure proposes elimination of 25-4.070(1)(a). The marketplace will drive this objective, which should not be part of the FPSC rules. In a competitive environment, companies will not survive if their customer service is unsatisfactory. Because the marketplace will provide the best discipline, redundant regulation--with its associated costs for both the regulator and the LECs--is unnecessary and undesirable.

In addition, GTE proposes a new standard relative to customer trouble reports. Again, this change is appropriate and necessary to give the LECs ability to use resources where needed and when needed according to the demands of the marketplace.

Most customers believe that both service interruptions and service affecting trouble should be repaired as quickly as possible. They believe that repair of noise and static is as important as their being out of service completely.

GTE advocates these measures be reported at a state level or at least an area level rather than exchange.

#### **25-4.072 Transmission Requirements**

The language changes are to better reflect the current network standards and technology used today.

#### **25-4.073 Answering Time**

If staff is looking to have a "report card" for consumers, GTE would recommend a separate workshop be held, comments specific to this issue be provided at a different date, or perhaps even an industry task force be developed to come up with industry recommendations.

If staff denies elimination of this rule, the current model being used by Commission staff must be updated to reflect recent rule changes, to better match the proper weightings appropriate for various measures, as well as the changes to be adopted as part of this docket.

#### **25-4.088 Installation of Underground Distribution System Within a Subdivision**

GTE believes that ILEC's should be able to recover the cost difference it incurs when burying distribution facilities where aerial facilities may be appropriate. This will eliminate the discriminatory treatment that currently exists since other utilities regulated by the Commission have this flexibility.

1 25-4.003 Definitions

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(38) "Out of Service." The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber's line and is tested by a mechanized system resulting in an open or resistance fault indicating an out of service condition or found out of service by a technician. " out of Service" shall

not include:

(a) Service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages;

(b) Interruption caused by a negligent or willful act of the subscriber; and

(c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

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1 25-4.0185 Periodic Reports

2 Each Local exchange telecommunications company shall file with  
3 the Commission's Division of Telecommunications the information  
4 required by Commission Form PSC/CMU 28 (3/96), which is  
5 incorporated into this rule by reference. Form PSC/CMU 28,  
6 entitled "Engineering Data Requirements," may be obtained from the  
7 Commission's Division of Telecommunications.

8 (1) The information require by schedules 2, 3, 4, 8, 11, 13,  
9 ~~14~~, 15, 16 and 20 of Form PSC/CMU 28 shall be reported on a  
10 quarterly basis by the large LEC's and semiannually by the small  
11 LECS and shall be filed on or before the end of the month following  
12 the report period.

13 ~~(2) The information required by Schedule 17 and 18 of Form~~  
14 ~~PSC/CMU 28 shall be reported on a quarterly basis by the large LECs~~  
15 ~~and shall be filed on or before the end of the month following the~~  
16 ~~reporting period.~~

17 (2) ~~(3)~~ The information required by Schedule 19 of Form  
18 PSC/CMU 28 shall be reported on a semiannual basis and shall be  
19 filed on or before the end of the month following the second and  
20 fourth quarters.

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1 25-4.0345 Customer Premises Equipment and Inside Wire

2 (1) Definitions: For purposes of this chapter, the definition  
3 to the following terms apply:

4 (a) "Customer Premises Equipment (CPE)." Includes terminal  
5 equipment intended for use on the customer's premises such as pay  
6 telephones, telephone sets, teletypewriters, data terminal  
7 equipment, mobile telephone terminal equipment, private branch  
8 exchange equipment, key system equipment, dialers and other  
9 supplemental equipment. CPE does not include "911" public safety  
10 answering point equipment (ALI, ANI, ACD equipment) or  
11 telecommunications devices required by hearing or speech impaired  
12 subscribers.

13 (b) "Demarcation Point." The point of physical  
14 interconnection (connecting block, terminal strip, jack, protector,  
15 optical network interface, or remote isolation device) between the  
16 telephone network and the customer's premises wiring. Unless  
17 otherwise ordered by the Commission for good cause shown, the  
18 location of this point is:

19 1. Single Line/Single Customer Building -- Either at the  
20 point of physical entry to the building or a junction point as  
21 close as practicable to the point of entry.

22 2. Single/Multi Customer Building and Multiline  
23 Systems/Single or Multi Customer Building -- Within the customer's  
24 premises at a point easily accessed by the customer.

25 ~~3. Multi Line Systems/Single or Multi Customer Building --~~

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1 ~~At a point within the same room and within 25 feet of the FCC~~  
2 ~~registered terminal equipment or cross connect field.~~

3 3. ~~4.~~ Temporary accommodations Subscriber Premises with  
4 Inadequate Grounding (e.g., some mobile homes, trailers,  
5 houseboats, construction modules) -- On a permanent stake, pole, or  
6 structure with a suitable safety ground.

7 (c) "Complex Equipment Wire" The premises wiring owned by the  
8 local exchange company which may be used as station wiring and to  
9 connect off-premises extensions and is beyond the normal  
10 demarcation points.

11 (d) "Inside Wire" All wire or cable other than complex  
12 equipment wire located on the customer's side of the demarcation  
13 point.

14 (e) "Customer Premises" The discrete real property owned,  
15 leased, or controlled by a customer for the customer's own business  
16 or residential purposes.

17 (2) The provision and maintenance of CPE and inside wire, but  
18 not complex equipment wire, is deregulated for intrastate purposes.

19 (3) Network facilities up to and including the demarcation  
20 point are part of the telephone network, provided and maintained by  
21 the telecommunications company under tariff.

22 (4) CPE Network Responsibility. No CPE may harm the network  
23 by introducing signals that interfere or affect other subscribers  
24 or network operations.

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PART V - GENERAL SERVICE PROVISIONS

- 1
- 2
- 3 25-4.066 Availability of Service
- 4 25-4.067 Extension of Facilities - Contributions in Aid of
- 5 Construction
- 6 25-4.068 Grades of Service (repealed)
- 7 25-4.069 Maintenance of Plant and Equipment
- 8 25-4.070 Interruption of Service
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- 11 25-4.073 Answering Times
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- 13 25-4.075 Foreign Exchange Service (repealed)
- 14 25-4.0751 Direct Distance Dialing Service (repealed)
- 15 25-4.076 Pay Telephone Service Provided by Local Exchange
- 16 Companies
- 17 25-4.077 Metering and Recording Equipment
- 18 25-4.0770 Customer Appointments
- 19 25-4.078 Emergency Operation
- 20 25-4.079 Hearing/Speech Impaired Persons
- 21 25-4.080 Weighted Measurement of Quality of Service
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- 24 25-4.066 Availability of Service.
- 25 (1) Each telecommunications company shall provide central

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1 office equipment and outside plant facilities designed and  
2 engineered in accordance with realistic anticipated customer  
3 demands for basic telephone service within its certificated area in  
4 accordance with its filed tariffs or orders of the Commission,  
5 subject to its ability to secure and provide, without unreasonable  
6 expense, suitable facilities and rights for construction and  
7 maintenance of such facilities. Where a competitive provider is  
8 already in place or has a contract with a business or property  
9 owner to provide service in an exchange, the telecommunications  
10 company shall be exempt.

11 (2) Each telecommunications company shall establish as its  
12 objective the satisfaction of at least 90% of all completed service  
13 orders for new service on a state level within five working days  
14 after receipt of application when all tariff requirements relating  
15 thereto have been complied with, except those instances where  
16 special equipment or services are involved. The company shall  
17 include in its results those instances where a later installation  
18 date is requested by the applicant.

19 ~~(2) Where central office and outside plant facilities are~~  
20 ~~readily available, at least 90 percent of all requests for primary~~  
21 ~~service in any calendar month shall normally be satisfied in each~~  
22 ~~exchange or service center within an interval of three working days~~  
23 ~~after receipt of application when all tariff requirements relating~~  
24 ~~thereto have been complied with, except those instances where a~~  
25 ~~later installation date is requested by the applicant or where~~

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1 ~~special equipment or services are involved.~~

2 (3) ~~Each telecommunications company shall establish as its~~  
3 ~~objective the satisfaction of at least 95 percent of all~~  
4 ~~applications for new service in each exchange within a 30 day~~  
5 ~~maximum interval and, further, shall have as its objective the~~  
6 ~~capability of furnishing service within each of its exchanges to~~  
7 ~~applicants within 60 days after date of application, except those~~  
8 ~~instances where a later installation date is requested by the~~  
9 ~~applicant or where special equipment or services are involved.~~

10 (3)~~(4)~~ Whenever, for any reason, the service installation  
11 cannot be made at the time requested by the applicant or within the  
12 prescribed interval, the applicant shall be notified promptly of  
13 the delay and the reason therefor.

14 (4) ~~(5)~~ Where facility additions are required to make  
15 service available, the applicant shall be further advised as to the  
16 circumstances and conditions under which service will be provided  
17 and as soon as practicable an estimated date when service will be  
18 furnished. With respect to applications aged over six months all  
19 service dates that result in a further delay due to the company's  
20 inability to meet the original estimated date of service shall be  
21 identified in the appropriate section of the report of held  
22 applications filed with the Commission which shall include an  
23 explanation of the reasons therefor.

24 Specific Authority: 350.127(2), 364.14, F.S.

25 Law Implemented: 364.03, 364.14, F.S.

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1 History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.66,  
2 amended 3/10/96.

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5 25-4.067 Extension of Facilities -- Contributions in Aid of  
6 Construction.

7 (1) Each telecommunications company shall make reasonable  
8 extensions to its lines and service and shall include in its  
9 tariffs filed with the Commission a statement of its standard  
10 extension policy setting forth the terms and conditions under which  
11 its facilities will be extended to serve applicants for service  
12 within its certificated area.

13 (2) This line extension policy shall have uniform application  
14 and shall provide the proportion of construction expense to be  
15 borne by the utility in serving the immediate applicant shall be  
16 not less than ~~five times~~ the annual exchange revenue of the  
17 applicants.

18 (3) If the cost which the serving utility must bear under  
19 subsection (2) above (or as provided in its tariff) equals or  
20 exceeds the estimated cost of the proposed extension, the utility  
21 shall construct it without cost to the subscribers initially  
22 served. If the estimated cost of the proposed extension exceeds  
23 the amount which the utility is required to bear, the excess cost  
24 may be distributed equitably among all subscribers initially served  
25 by the extension. However, no portion of construction shall be

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1 assessed to the applicant for the provision of new plant where the  
2 new plant parallels and reinforces existing plant or is constructed  
3 on or along any public road or highway and is to be used to serve  
4 subscribers in general except in those instances where the  
5 applicant requests that facilities be constructed by other than the  
6 normal serving method. The company's tariffs shall provide that  
7 such excess may be paid in cash in a lump sum or as a surcharge  
8 over a period of ~~five~~ three years or such lesser period as the  
9 subscriber and company may mutually agree upon.

10 (4) Line extension tariffs shall also contain provisions  
11 designed to require that all subscribers served by a line extension  
12 during the first ~~five~~ three years after it is constructed shall pay  
13 their pro rata share of the costs assignable to them.

14 (5) No company shall be required to extend facilities for new  
15 service unless the right-of-way necessary for the construction of  
16 line extension is provided by the applicant or group of applicants.  
17 Where pole attachments may be made in lieu of new construction  
18 costs, the company may charge the subscriber the expense or rental  
19 charges for such attachments, provided that the applicant may elect  
20 to pay excess construction costs as though the service were  
21 provided without the use of attachments.

22 (6) Except as provided in filed tariffs, the ownership of all  
23 facilities constructed as herein provided shall be vested in the  
24 telecommunications company and no portion of the expense assessed  
25 against the applicant shall be refundable by the company.

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1 (7) Nothing in this rule shall be construed as prohibiting  
2 any utility from establishing an extension policy more favorable to  
3 customers as long as no undue discrimination is practiced between  
4 customers under the same or substantially the same circumstances  
5 and conditions.

6 (8) In the event that a company and applicant are unable to  
7 agree in regard to an extension, either party may appeal to the  
8 Commission for a review.

9 Specific Authority: 350.127(2), 364.10, F.S.

10 Law Implemented: 364.03, F.S.

11 History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.67,  
12 3/10/96.

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15 25-4.068 Grades of Service.

16 Specific Authority: 364.20, F.S.

17 Law Implemented: 364.03, 364.15, F.S.

18 History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.68,  
19 repealed 3/10/96.

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22 25-4.069 Maintenance of Plant and Equipment. Each  
23 telecommunications company shall adopt and pursue a maintenance  
24 program aimed at achieving efficient operation of its system so as  
25 to permit the rendering of safe, adequate, and continuous service

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1 | at all times.

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

3 | Law Implemented: 364.03, 364.15, F.S.

4 | History: Revised 12/1/68, amended 12/13/82, 9/30/85, formerly  
5 | 25-4.69, Amended 4/16/90, 3/10/96.

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8 | 25-4.070 Customer Trouble Reports.

9 | (1) Each telecommunications company shall make all reasonable  
10 | efforts to minimize the extent and duration of trouble conditions  
11 | that disrupt or affect customer telephone service. Trouble reports  
12 | will be classified as to their severity on a service interruption  
13 | (synonymous with out-of-service or OOS) or service affecting  
14 | (synonymous with non-out-of-service or non-OOS) basis. Service  
15 | ~~interruption reports shall not be downgraded to a service affecting~~  
16 | ~~report, however, a service affecting report shall be upgraded to a~~  
17 | ~~service interruption if changing trouble conditions so indicate.~~

18 | ~~(a) Companies shall make every reasonable attempt to restore~~  
19 | ~~service on the same day that the interruption is reported to the~~  
20 | ~~serving repair center.~~

21 | (a) ~~(b)~~ In the event a subscriber's service is interrupted  
22 | other than by a negligent or willful act of the subscriber and it  
23 | remains out of service in excess of 24 hours after being reported  
24 | to the company, an appropriate adjustment or refund shall be made  
25 | to the subscriber automatically, pursuant to Rule 25-4.110

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1 (Customer Billing). Service interruption time will be computed on  
2 a continuous basis, Sundays and holidays included. Also, if the  
3 company finds that it is the customer's responsibility to correct  
4 the trouble, it must ~~notify or attempt to notify the customer~~  
5 ~~within 24 hours after the trouble was reported.~~

6 (b) ~~(c)~~ If service is discontinued in error by the telephone  
7 company, the service shall be restored without undue delay, and  
8 clarification made with the subscriber to verify that service is  
9 restored and in satisfactory working condition.

10 (2) Sundays and Holidays:

11 (a) Except for emergency service providers, such as the  
12 military, medical, police, and fire, companies are not required to  
13 provide normal repair service on Sundays. Where any repair action  
14 involves a Sunday or holiday, that period shall be excepted when  
15 computing service objectives, but not refunds for OOS conditions.

16 (b) Customer trouble reports ~~Service interruptions~~  
17 occurring on a holiday not contiguous to Sunday will be treated as  
18 in paragraph (2)(a) of this rule. ~~For holidays contiguous to a~~  
19 ~~Sunday or another holiday, sufficient repair forces shall be~~  
20 ~~scheduled so that repairs can be made if requested by a subscriber.~~

21 (3) Service Objectives: Measured monthly on a statewide  
22 basis, the average repair clearing time interval for all trouble  
23 reports shall be 27 hours.

24 ~~(a) Service Interruption: Restoration of interrupted service~~  
25 ~~shall be scheduled to insure at least 95 percent shall be cleared~~

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1 | ~~within 24 hours of report in each exchange as measured on a monthly~~  
2 | ~~basis. When the company fails~~ For any exchange failing to meet  
3 | this objective, the company shall provide an explanation with its  
4 | periodic report to the Commission.

5 | ~~(b) Service Affecting: Clearing of service affecting~~  
6 | ~~trouble reports shall be scheduled to insure at least 95 percent of~~  
7 | ~~such reports are cleared within 72 hours of the report in each~~  
8 | ~~exchange as measured on a monthly basis.~~

9 | (4) Priority shall be given to service interruptions which  
10 | affect public health and safety that are reported to and verified  
11 | by the company and such service interruptions shall be corrected as  
12 | promptly as possible on an emergency basis.

13 | ~~(5) Repeat Trouble: Each telephone company shall establish~~  
14 | ~~procedures to insure the prompt investigation and correction of~~  
15 | ~~repeat trouble reports such that the percentage of repeat troubles~~  
16 | ~~will not exceed 20 percent of the total initial customer reports in~~  
17 | ~~each exchange when measured on a monthly basis. A repeat trouble~~  
18 | ~~report is another report involving the same item of plant within 30~~  
19 | ~~days of the initial report.~~

20 | (5) ~~(6)~~ The service objectives of this rule shall not apply  
21 | to subsequent customer reports (not to be confused with repeat  
22 | trouble reports), emergency situations, such as unavoidable  
23 | casualties where at least 10 percent of an exchange is out of  
24 | service, and trouble reports received during extreme weather  
25 | conditions.

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~~struck through~~ type are deletions from existing law.

1 (6) ~~(7)~~ Reporting Criteria: Each company shall periodically  
2 report data as specified in Rule 25-4.0185, Periodic Reports.  
3 Specific Authority: 350.127(2), F.S.  
4 Law Implemented: 364.03, 364.17, 364.18, F.S.  
5 History: Revised 12/1/68, Amended 3/31/76. (formerly 25-4.70),  
6 Amended 6/25/90, 3/10/96.

7

8 25-4.071 Adequacy of Service.

9 (1) Each telecommunications company shall provide switching  
10 equipment, trunking, and associated facilities within its operating  
11 territory for the handling of local and toll traffic, designed and  
12 engineered on the basis of realistic forecasts of growth so that  
13 during the average busy season busy hour at least 97 percent of all  
14 calls offered to any trunk group (toll connecting, inter-office,  
15 extended area service) shall not encounter an all-trunk busy  
16 condition.

17 (2) Telephone calls to valid numbers should encounter a  
18 ring-back tone, line busy signal, or non-working number intercept  
19 facilities (operator or recording) after completion of dialing.  
20 The call completion standards established for such calls by  
21 category of call is as follows:

- 22 (a) Intra-office Calls -- 95 percent,  
23 (b) Inter-Office Calls -- 95 percent,  
24 (c) Extended Area Calls -- 95 percent, and  
25 (d) Intra-LATA DDD Calls -- 95 percent.

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1 (3) All telephone calls to invalid telephone numbers shall  
2 encounter an operator or suitable recorded intercept facility,  
3 preferably a recording other than the non-working number recording  
4 used for valid number calls.

5 (4) Intercept service shall be as outlined in Rule 25-4.074.

6 (5) A line busy signal (60 impulse per minute tone) shall not  
7 be used for any signaling purpose except to denote that a  
8 subscriber's line, other valid terminal, centrex or PBX trunks, or  
9 equipment where the quantity is controlled by the customer is in  
10 use.

11 Specific Authority 350.127(2), F.S.

12 Law Implemented 364.03, 364.17, 364.18, F.S.

13 History-Revised 12-1-68, Amended 3-31-76 (25-4.71), 6/25/90,  
14 3/10/96.

15  
16  
17 25-4.072 Transmission Requirements.

18 (1) Telecommunications companies shall furnish and maintain  
19 the necessary plant, equipment, and facilities to provide modern,  
20 adequate, sufficient, and efficient transmission of communications  
21 between customers in their service areas. ~~Transmission shall be at~~  
22 ~~adequate volume levels and free of excessive distortion. Levels of~~  
23 ~~noise and crosstalk shall be such as not to impair communications.~~  
24 Transmission volume and distortion levels shall adhere to ANSI/IEEE  
25 Standard 820 "Telephone Loop Performance Characteristics". The

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1 maximum loss objective of inter-toll trunks shall be consistent  
2 with the requirements of the nationwide switching plan and overall  
3 transmission losses within each trunk group will not vary more than  
4 plus or minus two db.

5 (2) Accurate dependable milliwatt supplies shall be made a  
6 part of each central office. Additionally, for those central  
7 offices having an installed line capacity of 1,000 lines or more,  
8 the buffered access on a minimum three line rotary group basis  
9 shall be a part of the milliwatt supply.

10 (3) Each central office shall be equipped with a minimum of  
11 one termination which shall trip ringing and terminate the line on  
12 a balanced basis so that end to end noise measurements may be made.

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

14 Law Implemented: 364.03, F.S.

15 History: New 12/1/68, Amended 3/31/76, formerly 25-4.72, amended  
16 3/10/96.

17

18 25-4.073 Answering Time.

19 (1) Each telephone utility shall provide equipment designed  
20 and engineered on the basis of realistic forecasts of growth, and  
21 shall make all reasonable efforts to provide adequate personnel so  
22 as to meet the following service criteria under normal operating  
23 conditions:

24 (a) If emergency services for the LEC's total serving area is  
25 currently answered by the 911 system, ~~at least ninety (90%) percent~~

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1 ~~of the calls offered to the LEC provided operator shall be answered~~  
2 ~~within thirty (30) seconds the average speed of answer for calls to~~  
3 ~~the LEC provided operator shall not exceed 30 seconds~~ after zero  
4 only is dialed.

5 (b) If emergency services for the LEC's total serving area is  
6 not currently answered by the 911 system, ~~at least ninety (90%)~~  
7 ~~percent of all the calls offered shall be answered within 20~~  
8 ~~seconds the average speed of answer for calls to the LEC provided~~  
9 ~~operator shall not exceed 20 seconds~~ after zero only is dialed.

10 (c) ~~At least ninety (90%) percent of~~ The average speed of  
11 answer for all calls directed to intercept, ~~directory assistance~~  
12 ~~and repair services and eighty (80%) percent of all calls to~~  
13 residential business offices shall be answered within not exceed  
14 sixty (60) thirty (30) seconds after the last digit is dialed.

15 (d) Not withstanding (c) above, when a company utilizes a  
16 menu driven, automated, interactive answering system (referred to  
17 as the system), ~~at least (95%) percent of the calls offered shall~~  
18 ~~be answered within 15 seconds after the last digit is dialed.~~ ~~T~~  
19 ~~he~~ initial recorded message presented by the system to the  
20 customer shall ~~only~~ identify the company and the general options  
21 available to the customer. The option of transferring to a live  
22 attendant shall be included in the initial message. For  
23 subscribers calling the repair or residential business office  
24 electing the option of transferring to a live agent assistant, or  
25 electing not to interact with the system, except for business

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1 ~~office calls, at least ninety-five (95%) percent of all calls shall~~  
2 ~~be transferred by the system to a live attendant prepared to give~~  
3 ~~immediate assistance within fifty-five (55) seconds after the last~~  
4 ~~digit of the telephone number listed in the directory for the~~  
5 ~~company's service(s) was dialed. Eighty-five (85%) percent of all~~  
6 ~~such calls directed to any business office shall be transferred by~~  
7 ~~the system to a live attendant within fifty-five (55) seconds after~~  
8 ~~the last digit is dialed~~ the average speed of answer shall not  
9 exceed 60 seconds, and the average speed of 60 seconds shall be  
10 measured from the point at which the customer selects a menu option  
11 to be connected to a live agent. At any time during the call, the  
12 ~~customer shall be transferred to live assistance if the customer~~  
13 ~~fails to interact with the system for a time period of ten (10)~~  
14 ~~seconds following any prompt,~~ the customer shall be transferred to  
15 a live agent and the average speed of answer shall not exceed 60  
16 seconds, beginning at the time the customer is directed to a live  
17 agent. For the purposes of this section, interaction means  
18 responding to a customer prompt offered by the system by keying  
19 (pressing) a number or character of a Dual-Tone Multiple-Frequency  
20 (DTMF) keypad associated with a telephone.

21 ~~(e) In accordance with Rule 25-4.0770, when a menu driven,~~  
22 ~~automated, interactive, answering system is utilized, provisions~~  
23 ~~shall be included to allow the customer to make an appointment or~~  
24 ~~to negotiate with a live attendant, or with the system, any~~  
25 ~~appointment or commitment offered to the customer by the system.~~

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1 ~~The subscriber shall be able to renegotiate appointments using the~~  
2 ~~system.~~

3 (e) ~~(f)~~ The initial message ~~Automated systems~~ shall not  
4 contain promotional or merchandising material ~~unless the customer~~  
5 ~~selects and chooses to receive such information.~~

6 (f) ~~(g)~~ The terms "answered" as used in subparagraphs (a)  
7 and (b) above shall be construed to mean more than an  
8 acknowledgment that the customer is waiting on the line. It shall  
9 mean that the operator, service representative, or automated system  
10 is ready to render assistance and/or accept the information  
11 necessary to process the call. With respect to calls to business  
12 office services where the company practice provides that such calls  
13 are directed to an operator position, an additional twenty (20)  
14 seconds will be allowed to extend the call excluding the time  
15 required for the customer to provide sufficient information to the  
16 operator in order to process the call. In those instances where  
17 the call cannot be extended within the allotted interval, the  
18 calling party is to be given the option of placing the call again  
19 or providing a number by which a company representative will return  
20 the call within ten (10) minutes or at a time mutually convenient  
21 to the parties.

22 (2) Answering time studies using actual data or any  
23 ~~statistically~~ valid substitute for actual data shall be made to the  
24 extent and frequency necessary to determine compliance with this  
25 rule. ~~The company shall add ten (10) seconds to the answer time~~

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1 ~~for each call. This ten (10) second constant will substitute for~~  
2 ~~actual data on the time required for the call to connect to the~~  
3 ~~company's facilities.~~ Monthly summary results of such studies  
4 shall be filed with the Commission promptly after the end of each  
5 calendar quarter.

6 (3) All telephone companies are expected to answer their main  
7 published telephone number on a twenty-four (24) hour a day basis.  
8 Such answering may be handled by a special operator at the toll  
9 center or directory assistance facility when the company offices  
10 are closed. Where after hours calls are not handled as described  
11 above, at least the first published business office number will be  
12 equipped with a telephone answering device which will notify  
13 callers after the normal working hours of the hours of operation  
14 for that business office. Where recording devices are used, the  
15 message shall include the telephone number assigned to handle  
16 urgent or emergency calls when the business office is closed.

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

18 Law Implemented: 364.03, F.S.

19 History: New 12/1/68, formerly 25-4.73, Amended 3/31/76, 11/24/92.

20  
21 25-4.074 Intercept Service.

22 (1) Intercept service shall be engineered to provide a 90  
23 percent completion for changed numbers (with the exception of the  
24 30 day period immediately following an inter-office transfer with  
25 directory) and for vacant or non-working numbers.

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1 (2) Subscriber lines which are temporarily disconnected for  
2 nonpayment of bills shall be placed on intercept ~~(preferably~~  
3 ~~operator intercept)~~.

4 (3) All private branch exchanges and In-Dial Paging Systems,  
5 whether provided by the company or customer and which are equipped  
6 for direct in-dialing and installed after the effective date of  
7 these rules, shall meet the service requirements outlined herein  
8 prior to the assignment of a number block by the telephone company.

9 (4) With the exception of numbers that are changed coincident  
10 with the issuance of a new directory, intercept service shall be  
11 provided by each telephone company in accordance with the  
12 following:

13 (a) Intercept service shall be provided for non-working and  
14 changed numbers until assigned, reassigned, or no longer listed in  
15 the directory.

16 (b) Any 7-digit number (or other number serving a public  
17 safety or other emergency agency) when replaced by the universal  
18 emergency number "911" shall be intercepted by either a  
19 telecommunications company assistant or a public safety agency  
20 operator or special recorded announcement for at least one year or  
21 until the next directory issue. Also, intercept service for the  
22 universal emergency telephone number "911" shall be provided in  
23 central offices where the number is inoperable. The intercept  
24 service may be automated with a message indicating the "911"  
25 emergency number is inoperable in that area and to consult the

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1 directory for the appropriate emergency number or if a directory is  
2 not available to dial operator for assistance.

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

4 Law Implemented: 364.03, F.S.

5 History: New 12/1/68, Amended 3/31/76, formerly 25-4.74, amended  
6 3/10/96.

7  
8  
9 25-4.075 Foreign Exchange Service.

10 Specific Authority: 364.20, F.S.

11 Law Implemented: 364.16, 364.20, F.S.

12 History: New 12/1/68, Amended 3/31/76, formerly 25-4.75, repealed  
13 3/10/96.

14  
15  
16 25-4.0751 Direct Distance Dialing Service.

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

18 Law Implemented: 364.03 F.S.

19 History: New 3-31-76 (25-4.751), Amended 6/25/90, repealed 3/10/96.

20  
21 25-4.077 Metering and Recording.

22 (1) Where mechanical or electronic means are used for  
23 registering or recording information which will affect a  
24 subscriber's bill, such equipment shall be in good mechanical and  
25 electrical condition, shall be accurately read, and shall be

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1 inspected daily to insure that it is functioning properly. Where  
2 message rate service (MRS) or any type of optional calling that  
3 involves customer billing other than by a flatrate method is used,  
4 the metering or measuring device used to record call data shall be  
5 accurate 95 percent of the time.

6 (2) Every telephone meter and recording device shall be  
7 tested prior to its installation, either by the manufacturer, the  
8 company, or an approved organization equipped for testing.

9 (3) Metering and timing equipment shall be maintained so that  
10 the accuracy of company billing operations enjoy a high confidence  
11 level from their customers. After allowance for a one-second  
12 variation, timing accuracy shall be not less than 97 percent.

13 Specific Authority 350.127(2), F.S.

14 Law Implemented 364.03 F.S.

15 History-New 12-1-68, Amended 3-31-76 (25-4.77), Amended 6/25/90,  
16 3/10/96.

17  
18  
19 ~~25-4.0770 Customer Appointments.~~

20 ~~(1) When the company determines that it is likely that a~~  
21 ~~premises visit and entry to the customer's premises (for~~  
22 ~~installation, moves, changes, or repairs) will be necessary, the~~  
23 ~~company shall, with customer approval, advise the customer of the~~  
24 ~~time that its representative will be at the premises. Appointments~~  
25 ~~shall be set within the time frames of 7-12 A.M., 12-5 P.M., or 5-9~~

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1 ~~P.M., or, upon customer and company agreement, appointments may be~~  
2 ~~set for a specific hour or day. Appearance of the company~~  
3 ~~representative to render the service during the set period shall~~  
4 ~~constitute a kept appointment by the company. Failure of the~~  
5 ~~company representative to be present during the prescribed period~~  
6 ~~for the appointment shall constitute a missed appointment by the~~  
7 ~~company. In confirming the appointment, the company shall~~  
8 ~~specifically advise the customer of the hour or hours applicable to~~  
9 ~~the appointment.~~

10 ~~(2) Each company shall keep at least 95 percent of all~~  
11 ~~appointments each month. Where appointments cannot be kept by the~~  
12 ~~company, the customer shall be notified by telephone call prior to~~  
13 ~~the beginning of the appointment period if a can-be-reached number~~  
14 ~~is obtained from the customer and a new appointment shall be~~  
15 ~~scheduled. No appointment canceled in this manner shall constitute~~  
16 ~~a kept or missed appointment by the company.~~

17 ~~(3) Whenever a company representative is unable to gain~~  
18 ~~admittance to a customer's premises during the scheduled~~  
19 ~~appointment period, the company representative shall leave a~~  
20 ~~notice, indicating the date, time, name of subscriber, telephone~~  
21 ~~number, and signature of the representative. Failure of the~~  
22 ~~customer to be present to afford the company representative entry~~  
23 ~~to the premises during the appointment period shall constitute a~~  
24 ~~missed appointment by the customer.~~

25 ~~(4) Appointments may be cancelled by the customer by~~

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1 ~~telephone or personal notification, prior to the start of the~~  
2 ~~appointment period.~~

3 ~~— (5) The company shall maintain data and records sufficient to~~  
4 ~~allow the Commission to ascertain compliance with this rule.~~

5 ~~— (a) Each company shall at least maintain the following~~  
6 ~~information on each appointment made: reason for premises entry~~  
7 ~~(installation, move, change, or repair), the date and time the~~  
8 ~~customer requested service, the appointment date and time period~~  
9 ~~agreed upon, the date and time the appointment is cleared without~~  
10 ~~a premises visit, if applicable, the date and time of cancellation~~  
11 ~~of an appointment by either party, the date and time of arrival at~~  
12 ~~the customer's premises, and the date and time of completion of the~~  
13 ~~service. This information shall be maintained for one year~~  
14 ~~following the completion of the service.~~

15 ~~— (b) Each company shall report quarterly to the Commission the~~  
16 ~~record of the company with respect to missed appointments. The~~  
17 ~~report shall contain, on both a monthly and annual basis, the total~~  
18 ~~number of customer appointments made pursuant to this rule, the~~  
19 ~~number of appointments cleared without a premises visit, the number~~  
20 ~~of appointments kept by the company, the number of appointments~~  
21 ~~missed by the company, the number of appointments missed by~~  
22 ~~customers, the number of appointments cancelled by the company, and~~  
23 ~~the number of appointments cancelled by the customers.~~

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

25 Law Implemented: 364.03(1), F.S.

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1 History: New 7/13/82, formerly 25-4.770, amended 3/10/96.

2  
3  
4 25-4.078 Emergency Operation.

5 (1) Each telephone utility shall make reasonable provisions  
6 to meet emergencies resulting from failure of lighting or power  
7 service, sudden and prolonged increases in traffic, storms, etc.,  
8 and shall instruct employees as to procedures to be followed in the  
9 event of emergency in order to prevent or mitigate interruption or  
10 impairment of telephone service.

11 (2) It is essential that all central offices have adequate  
12 provision for emergency power. All new central offices, central  
13 office replacements and/or major additions placed on order after  
14 the effective date of these rules shall be designed to meet the  
15 following objectives:

16 (a) Central offices with installed emergency power generating  
17 equipment will have a minimum of three (3) hours central office  
18 battery capacity at busy season busy hour load.

19 (b) Central offices without installed emergency power  
20 generating equipment shall have a minimum central office battery  
21 capacity of five (5) hours busy season load. Facilities will be  
22 available so that a portable generator can be readily connected.  
23 Portable generators will be provided, as a minimum, on the basis of  
24 one (1) per three (3) unequipped offices and garaged so that a unit  
25 may be delivered to an affected office on short notice and with

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1 minimum travel time.  
2 Specific Authority: 364.20, F.S.  
3 Law Implemented: 364.03, F.S.  
4 History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.78.  
5  
6

7 25-4.079 Hearing/Speech Impaired Persons.

8 (1) The telephone directory published by each local exchange  
9 telephone company (LEC) shall:

10 (a) list, with other emergency numbers at the beginning of  
11 the directory, Telecommunications Devices for the Deaf (TDD)  
12 numbers for emergency services, which shall be denoted by the  
13 universal symbol for the hearing/speech impaired, i.e., a picture  
14 of an ear with a slash across it;

15 (b) list the company's business office TDD number, which  
16 shall also be denoted by said universal symbol, for communicating  
17 with hearing/speech impaired persons;

18 (c) at the option of and without charge to TDD users, have a  
19 special notation by each TDD user's number indicating TDD or TDD  
20 plus voice capability;

21 (d) at the option of and without charge to hearing/speech  
22 impaired customers, not list the number of any hearing/speech  
23 impaired customer who requests that it not be published.

24 (2) Each LEC shall provide directory and operator assistance  
25 to TDD users. The numbers for these services shall be listed in

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1 the front of the directory and denoted by the universal symbol.

2 (3) Each LEC shall compile informational literature about the  
3 services it makes available to hearing/speech impaired persons and  
4 shall maintain this literature for public inspection in the  
5 company's business office. Each company shall send this literature  
6 at no charge to anyone requesting it and shall include this  
7 literature or a summary of it, once a year, in the company's  
8 informational mailings.

9 (4) Intrastate toll message rates for TDD users shall be  
10 evening rates for daytime calls and night rates for evening and  
11 night calls. These discounts shall be offered by all interexchange  
12 carriers and LECs.

13 (5) Each LEC shall, pursuant to tariff, provide specialized  
14 customer premises equipment (CPE), for lease or sale, to  
15 hearing/speech impaired persons. This specialized CPE shall be  
16 priced to cover fully allocated costs without inclusion of a rate  
17 of return on investment component. Each company shall provide at  
18 least one type of each of the following categories of specialized  
19 CPE:

20 (a) audible ring signalers;

21 (b) visual ring signalers;

22 (c) TDDs;

23 (d) volume control handsets.

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

25 Law Implemented: 364.03, 364.04, F.S.

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~~struck-through~~ type are deletions from existing law.

1 History: New 4/5/88, Amended 6/4/90

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Specific Authority: 350.127(2), F.S.~~25-4.080~~ ~~Weighted Measurement of Quality of Service.~~

~~— In considering the adequacy of service provided by a local exchange company, the Commission may utilize a weighted index system developed by the Public Utility Research Center. Under this weighting system, a company exactly meeting all FPSC standards on all criteria would receive an overall satisfactory rating of 75 points. Using indices assigned to each criterion, adjustments to the base of 75 would be made on all results that either exceed or fall below the standards. The criteria and indices are contained in the Weighted Index (Form CMU-41, 4/1/93), which is incorporated by reference into this rule.~~

~~— Local exchange companies shall be responsible for complying with each service standard, whether or not an overall score of 75 or more is achieved when the weighted index is employed.~~

Law Implemented: 364.01, 364.03, 364.035, 364.036, F.S.

History: New 6/2/93.

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PART VI - TELEPHONE UNDERGROUND EXTENSIONS

- 25-4.088 Applicability
- 25-4.089 Definitions
- 25-4.090 Rights of Way and Easements
- 25-4.091 Installation of Underground Distribution System Within Subdivision
- 25-4.092 Schedule of Charges
- 25-4.093 Connection to Existing System
- 25-4.094 Advance by Applicant
- 25-4.095 Construction Practices
- 25-4.096 Records and Reports
- 25-4.097 Special Conditions

25-4.088 Applicability.

(1) Extensions of telephone distribution lines applied for after the effective date of these rules, and necessary to furnish permanent telephone service to all structures within a new residential subdivision, or to new multiple-occupancy buildings, will shall be made underground; unless an aerial alternative is more feasible. ~~except that~~ The utility may not be required to provide an underground distribution system in those instances where the applicant has elected to install an overhead electric distribution system.

(2) Such extensions of service shall be made by the utility

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1 in accordance with the provisions in these rules.

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

3 **Law Implemented:** 364.03, 364.15, F.S.

4 **History:** New 4/10/71, formerly 25-4.88.

5  
6 **25-4.089 Definitions.** The following words and terms, when  
7 used in these rules, shall have the meaning indicated:

8 (1) "Applicant." Any person, partnership, association,  
9 corporation, or governmental agency controlling or responsible for  
10 the development of a new subdivision and applying for the  
11 construction of an underground telephone distribution system in  
12 such subdivision.

13 (2) "Building." Any structure, within a subdivision,  
14 designed for residential occupancy and containing less than five  
15 (5) individual dwelling units.

16 (3) "Commission." The Florida Public Service Commission.

17 (4) "Distribution System." Telephone service facilities  
18 consisting of cable(s), terminals, splice enclosures, protective  
19 devices, loading coils and other accessories and appurtenances  
20 necessary for the furnishing of communication services.

21 (5) "Multiple-Occupancy Building." A structure erected and  
22 framed of component structural parts and designed to contain five  
23 (5) or more individual dwelling units.

24 (6) "Subdivision." The tract of land which is divided into  
25 five (5) or more building lots or upon which five (5) or more

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1 separate dwelling units are to be located on the land on which is  
2 to be constructed new multiple-occupancy buildings.

3 (7) "Utility." A telephone company as defined in Chapter  
4 364, Florida Statutes.

5 **Specific Authority:** 350.127(2), F.S.

6 **Law Implemented:** 364.03, 364.15, F.S. '

7 **History:** New 4/10/71, formerly 25-4.89.

8  
9 **25-4.090 Rights of Way and Easements.**

10 (1) Within the applicant's subdivision the utility shall  
11 construct, own, operate and maintain underground distribution lines  
12 only along easements, public streets, roads, and highways which the  
13 utility has the legal right to occupy, and on public lands and  
14 private property across which rights of way and easements  
15 satisfactory to the utility may be obtained without cost or  
16 condemnation by the utility.

17 (2) The Company shall have no responsibility under this Part  
18 VI unless rights of way and easements suitable to the utility are  
19 furnished by the applicant in reasonable time to meet service  
20 requirements and at no cost, cleared of trees, tree stumps, paving  
21 and other obstructions, staked to show property lines and final  
22 grade, and must be graded to within six (6) inches of final grade  
23 by the applicant all at no charge to the utility. Such clearing  
24 and grading must be maintained by the applicant during construction  
25 by the utility.

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1 **Specific Authority:** 350.127(2), F.S.

2 **Law Implemented:** 364.03, 364.15, F.S.

3 **History:** New 4/10/71, Amended 3/31/76, formerly 25-4.90.

4

5 25-4.091 Installation of Underground Distribution System  
6 Within Subdivision.

7 (1) Upon receipt of a proper application the utility shall  
8 install an underground telephone distribution system with  
9 sufficient and suitable materials which, in its judgment, will  
10 assure that the applicant will receive reasonably safe and adequate  
11 telephone service for the reasonably foreseeable future.

12 (2) All distribution cable and service entrance facilities  
13 shall be underground. Accessory equipment may be pedestal mounted  
14 when dictated by physical conditions or economic considerations.

15 (3) Service entrance facilities normally will be at the point  
16 of the building nearest the point at which the underground system  
17 enters the property to be served. If such service entrance point  
18 on any building is more than seventy-five (75) feet, measured at  
19 right angles, from the serving property line, then the applicant  
20 may be required to pay for the length in excess of seventy-five  
21 (75) feet in accordance with the extension rules of the utility on  
22 file with the Commission.

23 **Specific Authority:** 350.127(2), F.S.

24 **Law Implemented:** 364.03, 364.15, F.S.

25 **History:** New 4/10/71, formerly 25-4.91.

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



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2  
3  
4 **25-4.092 Schedule of Charges.** Each utility shall file with the  
5 Commission a written policy that shall become a part of the  
6 utility's tariff rules and regulation. Such policy shall be  
7 subject to review and approval of the Commission and shall include  
8 an Estimated Average Cost Differential, if any, and shall state the  
9 basis upon which the utility will provide underground service and  
10 its method for recovering the difference in cost of an underground  
11 system and an equivalent overhead system from the applicant at the  
12 time service is extended. The charges to the customer shall not be  
13 more than the estimated difference in cost of an underground system  
14 and an equivalent overhead system. ~~The utility shall install the~~  
15 ~~underground telephone distribution system at no charge to the~~  
16 ~~applicant, except that~~ In addition, the applicant may be required  
17 by the utility to furnish suitable conduit for the placement of  
18 service entrance facilities to multiple-occupancy buildings, which  
19 shall be required in all such installations.

20 **Specific Authority:** 350.127(2), F.S.

21 **Law Implemented:** 364.03, 364.04, 364.15, F.S.

22 **History:** New 4/10/71, formerly 25-4.92.  
23

24 **25-4.093 Connection to Existing System.** The connection from  
25 the existing telephone distribution system to the underground

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1 system installed within the applicant's subdivision shall be made  
2 in accordance with the regular extension rules of the utility on  
3 file with the Commission, subject to reference to the Commission,  
4 under Rule 25-4.097, if this should appear to be impracticable.

5 **Specific Authority:** 350.127(2), F.S.

6 **Law Implemented:** 364.03, 364.15, F.S.

7 **History:** New 4/10/71, formerly 25-4.93.

8  
9 **25-4.094 Advance by Applicant.**

10 (1) The utility may require a reasonable deposit from the  
11 applicant before construction is commenced in order to guarantee  
12 performance, such requirement to be in accordance with approved  
13 tariffs relating to extension of facilities. The deposit shall be  
14 returned to the applicant on a pro-rata basis at either quarterly  
15 or annual intervals on the basis of installations of service to new  
16 subscribers. If returned quarterly, no interest need be paid; but  
17 if refunded annually, the refundable portion of the deposit shall  
18 bear interest at a rate equivalent to the then-current prime  
19 interest rate.

20 (2) Any amount due the utility under Rule 25-4.093 may be  
21 withheld when the deposit is being returned to the applicant.

22 (3) Any portion of the deposit remaining unrefunded five (5)  
23 years from the date the utility is first ready to render service  
24 from the extension will be retained by the utility as liquidated  
25 damages and credited to an appropriate account.

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1 **Specific Authority:** 350.127(2), F.S.  
2 **Law Implemented:** 364.03, 364.15, F.S.  
3 **History:** New 4/10/71, formerly 25-4.94.

4

5 **25-4.095 Construction Practices.**

6 (1) Each applicant shall cooperate with the utility in an  
7 effort to keep the cost of construction and installation of the  
8 underground telephone distribution system as low as possible.

9 (2) To the extent practicable, joint use of trenches by all  
10 utilities shall be undertaken where economies can be realized  
11 without impairment to safety or service, care being taken to  
12 conform to any applicable Code and utility specification.

13 (3) To the extent practicable, where existing aerial  
14 facilities are being retired and removed from service, replacement  
15 will be made with underground construction whenever economically  
16 feasible.

17 **Specific Authority:** 350.127(2), F.S.

18 **Law Implemented:** 364.03, 364.15, F.S.

19 **History:** New 4/10/71, formerly 25-4.95.

20

21 **25-4.096 Records and Reports.**

22 (1) To insure the development and availability of appropriate  
23 data necessary to a determination of the relative cost of  
24 underground distribution systems as compared with overhead systems,  
25 each utility will undertake to establish and maintain separate

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1 records or sub-accounts for underground distribution construction,  
2 operating and maintenance costs.

3 (2) Records shall also be maintained of experienced results  
4 obtained in the use of joint trenching, in such manner and detail  
5 as will afford an opportunity to evaluate the economies available  
6 using this practice.

7 **Specific Authority:** 350.127(2), F.S.

8 **Law Implemented:** 364.03, 364.15, 364.183, F.S.

9 **History:** New 4/10/71, formerly 25-4.96.

10

11 **25-4.097 Special Conditions.** When the application of these  
12 rules appears impracticable or unjust to either party, or  
13 discriminatory to other customers, the utility or applicant shall  
14 refer the matter to the Commission for special ruling or for the  
15 approval of special conditions which may be mutually agreed upon,  
16 prior to commencing construction.

17 **Specific Authority:** 350.127(2), F.S.

18 **Law Implemented:** 364.03, 364.15, F.S.

19 **History:** New 4-10-71, formerly 25-4.97.

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