

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

May 1, 2000

HAND DELIVER

Mr. Carroll Webb
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 990994-TP - Proposed Amendment of Rules 25-4.003, Definitions; 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, Refusal or Discontinuance of Service by Company; 25-24.490, Customer Relations; Rules Incorporated; and 25-24.845, Customer Relations; Rules Incorporated

Dear Mr. Webb:

The Commission has approved the adoption of Rules 25-4.003 and 25-4.113 without changes.

We plan to file the rules for adoption on May 9, 2000.

Sincerely,

Diana W. Caldwell

Diana W. Caldwell
Division of Legal Services

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Enclosure
cc: Division of Records & Reporting

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1 25-4.003 Definitions.

2 For the purpose of Chapter 25-4, the definitions to the
3 following terms apply:

4 (1) "Access Line" or "Subscriber Line." The circuit or
5 channel between the demarcation point at the customer's premises
6 and the serving end or class 5 central office.

7 (2) "Alternative Local Exchange Telecommunications Company
8 (ALEC)." Any ~~telecommunications~~ company, ~~as defined in Section~~
9 ~~364.02(1), Florida Statutes~~ certificated by the commission to
10 provide local exchange telecommunications services in Florida on or
11 after July 1, 1995.

12 (3) "Average Busy Season-Busy Hour Traffic." The average
13 traffic volume for the busy season busy hours.

14 (4) "Billing Party." Any telecommunications company that
15 bills an end user consumer on its own behalf or on behalf of an
16 originating party.

17 (4 5) "Busy Hour." The continuous one-hour period of the
18 day during which the greatest volume of traffic is handled in the
19 office.

20 (5 6) "Busy Season." The calendar month or period of the
21 year (preferably 30 days but not to exceed 60 days) during which
22 the greatest volume of traffic is handled in the office.

23 (6 7) "Call." An attempted telephone message.

24 (7 8) "Central Office." A location where there is an
25 assembly of equipment that establishes the connections between

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1 subscriber access lines, trunks, switched access circuits, private
2 line facilities, and special access facilities with the rest of the
3 telephone network.

4 (~~8~~ 9) "Commission." The Florida Public Service
5 Commission.

6 (~~9~~ 10) "Company," "Telecommunications Company," "Telephone
7 Company," or "Utility." These terms may be used interchangeably
8 herein and shall mean "telecommunications company" as defined in
9 Section 364.02(12), Florida Statutes.

10 (~~10~~1) "Completed call." A call which has been switched
11 through an established path so that two-way conversation or data
12 transmission is possible.

13 (~~14~~2) "Disconnect" or "Disconnection." The dissociation
14 or release of a circuit. In the case of a billable call, the end
15 of the billable time for the call whether intentionally terminated
16 or terminated due to a service interruption.

17 (~~12~~3) "Drop or Service Wire." The connecting link that
18 extends from the local distribution service terminal to the
19 protector or telephone network interface device on the customer's
20 premises.

21 (~~13~~4) "Exchange." The entire telephone plant and
22 facilities used in providing telephone service to subscribers
23 located in an exchange area. An exchange may include more than one
24 central office unit.

25 (~~14~~5) "Exchange (Service) Area." The territory of a local

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1 exchange company (LEC) within which local telephone service is
2 furnished at the exchange rates applicable within that area.

3 (156) "Extended Area Service." A type of telephone
4 service whereby subscribers of a given exchange or area may
5 complete calls to, and receive messages from, one or more other
6 exchanges or areas without toll charges, or complete calls to one
7 or more other exchanges or areas without toll message charges.

8 (167) "Extension Station." An additional station
9 connected on the same circuit as the main station and subsidiary
10 thereto.

11 (178) "Foreign Exchange Service." A classification of LEC
12 exchange service furnished under tariff provisions whereby a
13 subscriber may be provided telephone service from an exchange other
14 than the one from which he would normally be served.

15 (19) "Information Service." Telephone calls made to 900 or
16 976 type services, but does not include Internet services.

17 (~~18~~ 20) "Intercept Service." A service arrangement provided
18 by the telecommunications company whereby calls placed to an
19 unequipped non-working, disconnected, or discontinued telephone
20 number are intercepted by operator, recorder, or audio response
21 computer and the calling party informed that the called telephone
22 number is not in service, has been disconnected, discontinued, or
23 changed to another number, or that calls are received by another
24 telephone. This service is also provided in certain central
25 offices and switching centers to inform the calling party of

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1 conditions such as system blockages, inability of the system to
2 complete a call as dialed, no such office code, and all circuits
3 busy.

4 (~~19~~ 21) "Interexchange Company (IXC)." Any
5 telecommunications company, as defined in Section 364.02(12),
6 Florida Statutes, which provides telecommunications service between
7 local calling areas as those areas are described in the approved
8 tariffs of individual LECs. IXC includes, but is not limited to,
9 MLDA as defined in subsection (~~3735~~) of these definitions.

10 (~~202~~) "Inter-office Call." A telephone call originating
11 in one central office but terminating in another central office,
12 both of which are in the same designated exchange area.

13 (~~213~~) "Interstate Toll Message." Those toll messages
14 which do not originate and terminate within the same state.

15 (~~224~~) "Intertoll Trunk." A line or circuit between two
16 toll offices, two end offices, or between an end office and toll
17 office, over which toll calls are passed.

18 (~~235~~) "Intra-office Call." A telephone call originating
19 and terminating within the same central office.

20 (~~246~~) "Intra-state Toll Message." Those toll messages
21 which originate and terminate within the same state.

22 (~~257~~) "Invalid Number." A number comprised of an
23 unassigned area code number or a non-working central office code
24 (NXX).

25 (~~268~~) "Large LEC." A LEC certificated by the Commission

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1 prior to July 1, 1995, that had in excess of 100,000 access lines
2 in service on July 1, 1995.

3 (279) "Local Access and Transport Area (LATA)" or "Market
4 Area." A geographical area, which is loosely based on standard
5 metropolitan statistical areas (SMSAs), within which a LEC may
6 transport telecommunication signals.

7 (~~28~~ 30) "Local Exchange Telecommunications Company (LEC)."
8 Any telecommunications company, as defined in Section 364.02(6),
9 Florida Statutes.

10 (~~29~~ 31) "Local Provider (LP)." Any telecommunications
11 company providing local telecommunications service, excluding pay
12 telephone providers and call aggregators.

13 (~~30~~ 2) "Local Service Area" or "Local Calling Area." The
14 area within which telephone service is furnished subscribers under
15 a specific schedule of rates and without toll charges. A LEC's
16 local service area may include one or more exchange areas or
17 portions of exchange areas.

18 (~~31~~ 3) "Local Toll Provider (LTP)." Any telecommunications
19 company providing intraLATA or intramarket area long distance
20 telecommunications service.

21 (~~32~~ 4) "Main Station." The principal telephone associated
22 with each service to which a telephone number is assigned and which
23 is connected to the central office equipment by an individual or
24 party line circuit or channel.

25 (~~33~~ 5) "Message." A completed telephone call.

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1 (346) "Mileage Charge." A tariff charge for circuits and
2 channels connecting other services that are auxiliary to local
3 exchange service such as off premises extensions, foreign exchange
4 and foreign central office services, private line services, and tie
5 lines.

6 (357) "Multiple Location Discount Aggregator (MLDA)." An
7 entity that offers discounted long distance telecommunications
8 services from an underlying IXC to unaffiliated entities. An
9 entity is a MLDA if one or more of the following criteria applies:

10 (a) It collects fees related to interexchange
11 telecommunications services directly from subscribers,

12 (b) It bills for interexchange telecommunications services in
13 its own name,

14 (c) It is responsible for an end user's unpaid interexchange
15 telecommunications bill, or

16 (d) A customer's bill cannot be determined by applying the
17 tariff of the underlying IXC to the customer's individual usage.

18 (368) "Normal Working Days." The normal working days for
19 installation and construction shall be all days except Saturdays,
20 Sundays, and holidays. The normal working days for repair service
21 shall be all days except Sundays and holidays. Holidays shall be
22 the days which are observed by each individual telephone utility.

23 (379) "Optional Calling Plan." An optional service
24 furnished under tariff provisions which recognizes the need of some
25 subscribers for extended area calling without imposing the cost on

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1 the entire body of subscribers.

2 (40) "Originating Party." Any person, firm, corporation, or
3 other entity, including a telecommunications company or a billing
4 clearinghouse, that provides any telecommunications service or
5 information service to a customer or bills a customer through a
6 billing party, except the term "originating party" does not include
7 any entity specifically exempted from the definition of
8 "telecommunications company" as provided in s. 364.02(12).

9 ~~(38~~ 41) "Out of Service." The inability, as reported by the
10 customer, to complete either incoming or outgoing calls over the
11 subscriber's line. "Out of Service" shall not include:

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

14 (b) Interruptions caused by a negligent or willful act of the
15 subscriber; and

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

20 ~~(39~~ 42) "Outside Plant." The telephone equipment and
21 facilities installed on, along, or under streets, alleys, highways,
22 or on private rights-of-way between the central office and
23 subscribers' locations or between central offices of the same or
24 different exchanges.

25 ~~(403)~~ "Pay Telephone Service Company." Any

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1 telecommunications company that provides pay telephone service as
2 defined in Section 364.3375, Florida Statutes.

3 (414) "PC-Freeze." (Preferred Carrier Freeze) A service
4 offered that restricts the customer's carrier selection until
5 further notice from the customer.

6 (425) "Provider." Any telecommunications company providing
7 service, excluding pay telephone providers and call aggregators
8 (i.e. local, local toll, and toll providers).

9 (436) "Service Objective." A quality of service which is
10 desirable to be achieved under normal conditions.

11 (447) "Service Standard." A level of service which a
12 telecommunications company, under normal conditions, is expected to
13 meet in its certificated territory as representative of adequate
14 services.

15 (458) "Small LEC." A LEC certificated by the Commission
16 prior to July 1, 1995, which had fewer than 100,000 access lines in
17 service on July 1, 1995.

18 (469) "Station." A telephone instrument consisting of a
19 transmitter, receiver, and associated apparatus so connected as to
20 permit sending or receiving telephone messages.

21 (47 50) "Subscriber" or "Customer." These terms may be used
22 interchangeably herein and shall mean any person, firm,
23 partnership, corporation, municipality, cooperative organization,
24 or governmental agency supplied with communication service by a
25 telecommunications company.

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1 (48 51) "Subscriber Line." See "Access Line."
2 (49 52) "Switching Center." Location at which telephone
3 traffic, either local or toll, is switched or connected from one
4 circuit or line to another. A local switching center may be
5 comprised of several central office units.
6 (503) "Toll Connecting Trunk." A trunk which connects a
7 local central office with its toll operating office.
8 (514) "Toll Message." A completed telephone call between
9 stations in different exchanges for which message toll charges are
10 applicable.
11 (525) "Toll Provider (TP)." Any telecommunications
12 company providing interLATA long distance telecommunications
13 service.
14 (536) "Traffic Study." The process of recording usage
15 measurements which can be translated into required quantities of
16 equipment.
17 (547) "Trouble Report." Any oral or written report from
18 a subscriber or user of telephone service to the telephone company
19 indicating improper function or defective conditions with respect
20 to the operation of telephone facilities over which the telephone
21 company has control.
22 (558) "Trunk." A communication channel between central
23 office units or entities, or private branch exchanges.
24 (569) "Valid Number." A number for a specific telephone
25 terminal in an assigned area code and working central office which

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1 is equipped to ring and connect a calling party to such terminal
2 number.

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

4 Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337,
5 364.3375, 364.3376, 364.602, F.S.

6 History--Revised 12-01-68, Amended 03-31-76, formerly 25-4.03,
7 Amended 02-23-87, 03-04-92, 12-21-93, 03-10-96, 07-20-98, 12-28-98,
8 02/01/99, XX/XX/XX.

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1 25-4.113 Refusal or Discontinuance of Service by Company.

2 (1) As applicable, the company may refuse or discontinue
3 telephone service under the following conditions provided that,
4 unless otherwise stated, the customer shall be given notice and
5 allowed a reasonable time to comply with any rule or remedy any
6 deficiency:

7 (a) For noncompliance with or violation of any state or
8 municipal law, ordinance, or regulation pertaining to telephone
9 service.

10 (b) For the use of telephone service for any other property
11 or purpose than that described in the application.

12 (c) For failure or refusal to provide the company with a
13 deposit to insure payment of bills in accordance with the company's
14 regulations.

15 (d) For neglect or refusal to provide reasonable access to
16 the company for the purpose of inspection and maintenance of
17 equipment owned by the company.

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

22 (f) For nonpayment of bills for telephone service, including
23 the telecommunications access system surcharge referred to in Rule
24 25-4.160(3), provided that suspension or termination of service
25 shall not be made without 5 working days' written notice to the

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1 customer, except in extreme cases. The written notice shall be
2 separate and apart from the regular monthly bill for service. A
3 company shall not, however, refuse or discontinue service for
4 nonpayment of a dishonored check service charge imposed by the
5 company, nor discontinue a customer's Lifeline local service if the
6 charges, taxes, and fees applicable to dial tone, local usage, dual
7 tone multifrequency dialing, emergency services such as "911," and
8 relay service are paid. No company shall discontinue service to
9 any customer for the initial nonpayment of the current bill on a
10 day the company's business office is closed or on a day preceding
11 a day the business office is closed.

12 (g) For purposes of paragraphs (e) and (f), "working day"
13 means any day on which the company's business office is open and
14 the U.S. Mail is delivered.

15 (h) Without notice in the event of customer use of equipment
16 in such manner as to adversely affect the company's equipment or
17 the company's service to others.

18 (i) Without notice in the event of hazardous conditions or
19 tampering with the equipment furnished and owned by the company.

20 (j) Without notice in the event of unauthorized or fraudulent
21 use of service. Whenever service is discontinued for fraudulent
22 use of service, the company may, before restoring service, require
23 the customer to make, at his own expense, all changes in facilities
24 or equipment necessary to eliminate illegal use and to pay an
25 amount reasonably estimated as the loss in revenues resulting from

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1 such fraudulent use.

2 (2) In case of refusal to establish service, or whenever
3 service is discontinued, the company shall notify the applicant or
4 customer in writing of the reason for such refusal or
5 discontinuance.

6 (3) Service shall be initiated or restored when the cause for
7 refusal or discontinuance has been satisfactorily adjusted.

8 (4) The following shall not constitute sufficient cause for
9 refusal or discontinuance of service to an applicant or customer:

10 (a) Delinquency in payment for service by a previous occupant
11 of the premises, unless the current applicant or customer occupied
12 the premises at the time the delinquency occurred and the previous
13 customer continues to occupy the premises and such previous
14 customer shall benefit from such new service.

15 (b) Delinquency in payment for service by a present occupant
16 who was delinquent at another address and subsequently joined the
17 household of the customer in good standing.

18 (c) Delinquency in payment for separate telephone service of
19 another customer in the same residence.

20 (d) Failure to pay for business service at a different
21 location and a different telephone number shall not constitute
22 sufficient cause for refusal of residence service or vice versa.

23 (e) Failure to pay for a service rendered by the company
24 which is not regulated by the Commission.

25 (f) Failure to pay the bill of another customer as guarantor

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1 | thereof.

2 | (g) Failure to pay a dishonored check service charge imposed
3 | by the company.

4 | (5) When service has been discontinued for proper cause, the
5 | company may charge a reasonable fee to defray the cost of restoring
6 | service, provided such charge is set out in its approved tariff on
7 | file with the Commission.

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

9 | Law Implemented: 364.03, 364.19, 364.604, 427.704, F.S.

10 | History: New 08/01/55, Amended 12/01/68, 03/31/76, 10/25/84,
11 | 10/30/86, 01/01/91, 09/17/92, 01/11/93, 01/25/95, XX/XX/XX.

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