

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rules 25-4.036, F.A.C., Design and Construction of Plant; 25-24.515, F.A.C., Pay Telephone Service; and 25-24.585, Rules Incorporated.

DOCKET NO. 020644-TP
ORDER NO. PSC-02-1410-NOR-TP
ISSUED: October 10, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-4.036, 25-24.515, and 25-24.585, Florida Administrative Code, relating to updating the rules to reflect the most current editions of the National Electrical Code, National Electrical Safety Code, and the American National Standards Institute's Accessible and Usable Building and Facilities standards and to remove some compliance deadlines that are no longer relevant.

The attached Notice of Rulemaking will appear in the October 18, 2002 edition of the Florida Administrative Weekly. If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 8, 2002.

RECORDED & INDEXED

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FLORIDA PUBLIC SERVICE COMMISSION CLERK

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By ORDER of the Florida Public Service Commission, this 10th
day of October, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

SMC

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:

RULE NO.:

Design and Construction of Plant

25-4.036

PURPOSE AND EFFECT: To incorporate the most recent editions of the National Electrical Safety Code and National Electrical Code.

SUMMARY: The amendment updates the rule so that it incorporates the most recent editions of the National Electrical Safety Code and the National Electrical Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.01(4), 364.03, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND

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ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the 2002 ~~1993~~ Edition of the National Electrical Safety Code (IEEE C2-2002 ~~1993~~), ~~except that Rule 350G of the safety code shall be effective for cable installed on or after January 1, 1996,~~ and the National Electrical Code (NFPA 70-2002 ~~1993~~), pertaining to the construction of telecommunications facilities.

(2) No change.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

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DATE PROPOSED RULES APPROVED: October 1, 2002.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28,
No. 18, May 3, 2002.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 020644-TP

RULE TITLE:	RULE NO.:
Pay Telephone Service	25-24.515
Rules Incorporated	25-24.585

PURPOSE AND EFFECT: To incorporate the most recent editions of the National Electrical Safety Code, National Electrical Code, and the American National Standards Institute's Accessible and Usable Building and Facilities standards into the rules.

SUMMARY: The amendments update the rules so that they incorporate the most recent editions of the National Electrical Safety Code, the National Electrical Code and American National Standards Institute's Accessible and Usable Building and Facilities standards. The amendments also remove some compliance deadlines that are no longer relevant and incorporate the requirements of Rule 25-4.036 into Rule 25-24.585, so that the requirements apply to shared tenant service companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

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Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 427.704(8), F.S.

LAW IMPLEMENTED: 350.113, 364.01(4), 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-24.515 Pay Telephone Service.

(1)-(8) No Change.

(9) ~~Each~~ Except as provided in paragraph 9(c), each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:

(9) (a) - (b) No Change.

~~(c) Pay telephone providers have until June 30, 1999, or six months after the effective date of this rule, whichever is later, to comply with the requirements of placing the certificate number on the pay telephone station sign, card, or plate.~~

(10) - (13) (a) No Change.

(13) (b) A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption. Requests for exemption from the requirement that each pay telephone station allow incoming calls shall be accompanied by a completed Form PSC/CMP-2 (02/99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Competitive Markets and Enforcement. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in

order to deter criminal activity facilitated by incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. ~~Exemptions which were granted prior to the two-year limitation will expire two years from the effective date of the amendment establishing the two-year limitation.~~ The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/CMP-2 (02/99). Where incoming calls are not received, central-office based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."

(14) - (15) (b) No Change.

(16) (a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term "directory" shall mean both a

current white page directory for the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station. ~~Companies must comply with this subsection by June 30, 1999, or six months after the effective date of this rule, which ever is longer.~~

(16) (b) - (17) No Change.

(18) (a) Except as provided in paragraphs (18) (b) - (d) ~~(a) - (c)~~ and ~~(e)~~ below, each pay telephone station shall conform to sections 703.7.2.3 and 704 ~~4.28.8.4 and 4.29~~ of the American National Standards Accessible and Usable Buildings and Facilities, approved ~~December 15, 1992,~~ by the American National Standards Institute, Inc. (ANSI A117.1-1998 ~~1992~~), which is incorporated by reference into this rule.

(18) (b) - (c) No Change.

~~(d) Pay telephone stations located in buildings which are not wheelchair accessible must comply with all ANSI provisions cited in this subsection except that these stations are exempt from complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and 4.29.8 until the building is modified to make it wheelchair accessible.~~

~~(d)(e)~~ Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ANSI section 704.2.1 would be ~~4.29.2 is~~ reduced by a vehicle parked in a designated parking space.

~~(f) Each pay telephone provider shall modify its pay telephone station to comply with ANSI section 4.29.5 within six months from the effective date of these rules.~~

(19) - (22) No Change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NEPA 70-2002).

25-24.585 Rules Incorporated.

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

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	All except (1) and (3)
<u>25-4.036</u>	<u>Design and Construction of Plant</u>	<u>All</u>

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25-4.043	Response to Commission Staff	All
	Inquiries	
25-4.0161	Regulatory Assessment Fees;	All
	Telecommunication Companies	
25-4.160	Operation of	All
	Telecommunications Relay	
	Service	

(2) No Change.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: October 1, 2002.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28,
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