

ORIGINAL

DOCKET NO. 020644-TP

FILED  
2002 DEC -3 PM 3:40  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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

I do hereby certify:

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

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

/X/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

/X/ (a) Are filed not more than 90 days after the notice; or

/ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

/ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

/ (d) Are filed more than 90 days after the notice, but

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
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- SEC /
- OTH \_\_\_\_\_

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FPSC-COMMISSION CLERK

not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

  / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

  / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

  / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

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

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

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-4.036

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

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

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(S E A L)

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1 25-4.036 Design and Construction of Plant.

2 (1) The plant and facilities of the utility shall be designed,  
3 constructed, installed, maintained and operated in accordance with  
4 provisions of the 2002 ~~1993~~ Edition of the National Electrical  
5 Safety Code (IEEE C2-2002 ~~1993~~), ~~except that Rule 350G of the~~  
6 ~~safety code shall be effective for cable installed on or after~~  
7 ~~January 1, 1996,~~ and the National Electrical Code (NFPA 70-2002  
8 ~~1993~~), pertaining to the construction of telecommunications  
9 facilities.

10 (2) No change.

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

12 Law Implemented: 364.01(4), 364.03, F.S.

13 History: Revised 12/1/68, Amended 4/19/77, Amended 2/5/86,

14 Formerly 25-4.36, F.S., Amended 3/26/91, 5/3/94, xx/xx/xx.

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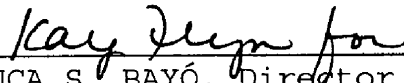
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~~through~~ type are deletions from existing law.

CERTIFICATION OF  
MATERIALS INCORPORATED BY REFERENCE  
IN RULES FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-4.036, F.A.C. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

National Electrical Safety Code, C2-2002.

National Electrical Code, NFPA 70.

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

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**SUMMARY OF RULE**

These rules amendments are 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. 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 HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

Currently, Rules 25-4.036, 25-24.515, and 25.24.585, F.A.C. refer to the 1993 editions of the National Electrical Code and the National Electrical Safety Code and the 1992 edition of the American National Standards Institute's Accessible and Usable Buildings and Facilities Standards. The amendments update the rules so that they refer to the most current editions of these manuals.

The current rule also contains some compliance deadlines that have long since passed. The amended rule deletes the deadlines.

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Furthermore, the requirements of Rule 25-4.036 have been incorporated into Rule 25-24.585, so that the requirements apply to shared tenant service companies. The Commission believes that shared tenant service providers are currently required to meet the requirements of the National Electrical Code and the National Electrical Safety Code as part of a permitting action or when utilizing the services of a licensed electrical contractor.

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I do hereby certify:

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

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

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;  
or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;  
or

(c) Are filed more than 90 days after the notice but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice but

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not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

  / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

  / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

  / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

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

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

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-24.515

25-24.585

Under the provision of subparagraph 120.54(3)(e)6., F.S.,  
the rules take effect 20 days from the date filed with the  
Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

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

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Number of Pages Certified

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1 25-24.515 Pay Telephone Service.

2 (1) - (8) No Change.

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

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

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

11 (10) - (13) (a) No Change.

12 (13) (b) A pay telephone provider may petition the Commission  
13 for an exemption from the incoming call requirement for a period  
14 that shall not exceed two years from the effective date of the  
15 Order granting the exemption. Requests for exemption from the  
16 requirement that each pay telephone station allow incoming calls  
17 shall be accompanied by a completed Form PSC/CMP-2 (02/99),  
18 entitled "Request to Block Incoming Calls," which is incorporated  
19 into this rule by reference and may be obtained from the  
20 Commission's Division of Competitive Markets and Enforcement. The  
21 form requires an attestation from the owner of the pay telephone,  
22 the owner of the pay telephone location, and the chief of the  
23 responsible law enforcement agency that the request is sought in  
24 order to deter criminal activity facilitated by incoming calls  
25 being received at the specified pay telephone. A separate form

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

12 (14) - (15) (b) No Change.

13 (16) (a) Where there is a single pay telephone station, a  
14 directory shall be maintained at each station. Where there are two  
15 or more pay telephone stations located in a group, a directory for  
16 the entire local calling area shall be maintained at every other  
17 station. However, where telephone pay stations are fully enclosed,  
18 a directory shall be maintained at each pay telephone station. For  
19 purposes of this rule, the term "directory" shall mean both a  
20 current white page directory for the local calling area and a  
21 reasonably current yellow page directory that is appropriate for  
22 the calling area of the pay telephone station. ~~Companies must~~  
23 ~~comply with this subsection by June 30, 1999, or six months after~~  
24 ~~the effective date of this rule, which ever is longer.~~

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

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1 (18) (a) Except as provided in paragraphs (18) (b) - (d) ~~(a) - (c)~~ and  
2 ~~(e)~~ below, each pay telephone station shall conform to sections  
3 703.7.2.3 and 704 ~~4.28.8.4 and 4.29~~ of the American National  
4 Standards Accessible and Usable Buildings and Facilities, approved  
5 ~~December 15, 1992,~~ by the American National Standards Institute,  
6 Inc. (ANSI A117.1-1998 ~~1992~~), which is incorporated by reference  
7 into this rule.

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

9 ~~(d) Pay telephone stations located in buildings which are not~~  
10 ~~wheelchair accessible must comply with all ANSI provisions cited in~~  
11 ~~this subsection except that these stations are exempt from~~  
12 ~~complying with ANSI sections 4.29.2 through 4.29.4, 4.29.7, and~~  
13 ~~4.29.8 until the building is modified to make it wheelchair~~  
14 ~~accessible.~~

15 (d)(e) Pay telephones shall not be installed where the  
16 required "clear floor or ground space" provided for in ANSI section  
17 704.2.1 would be ~~4.29.2~~ is reduced by a vehicle parked in a  
18 designated parking space.

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

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1 (19) - (22) No Change.

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

6 Law Implemented: 364.03, 364.035, 364.063, 364.337, 364.3375,  
7 364.345, F.S.

8 History--New 01/05/87, Amended 04/14/92, 12/21/92, 02/03/93,  
9 10/10/94, 12/27/94, 09/05/95, 02/01/99, xx/xx/xx.

10 25-24.585 Rules Incorporated.

11 (1) The following rules are incorporated herein by reference  
12 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>
25-4.043	Response to Commission Staff Inquiries	All
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	All
25-4.160	Operation of Telecommunications Relay Service	All

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1 (2) No Change.  
2 Specific Authority: 350.127(2), 427.704(8), F.S.  
3 Law Implemented: 350.113, 364.016, 364.17, 364.18, 364.183,  
4 364.185, 364.339, F.S.  
5 History--New 1/28/91, Amended 12/29/91, 11/13/95, 7/29/97,  
6 04/08/98, xx/xx/xx.

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American National Standard ICC/ANSI A117.1-1998, Accessible  
and Usable Buildings and Facilities.

National Electrical Safety Code, C2-2002.

National Electrical Code, NFPA 70.

Blanca S. Bayo for  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

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**SUMMARY OF RULE**

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**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

Currently, Rules 25-4.036, 25-24.515, and 25.24.585, F.A.C. refer to the 1993 editions of the National Electrical Code and the National Electrical Safety Code and the 1992 edition of the American National Standards Institute's Accessible and Usable Buildings and Facilities Standards. The amendments update the rules so that they refer to the most current editions of the manuals.

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