

ORIGINAL

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 030415-TP

RULE TITLE:

RULE NO.:

Customer Billing for Local Exchange
Telecommunications Companies 25-4.110

RECEIVED
M.L. LAVERGNE, JR.
DIRECTOR
SEP 10 11 00 AM '03
FPSC

PURPOSE AND EFFECT: To update the rule and remove references to obsolete taxation methods that resulted from the implementation of Chapter 202, F.S.; and to remove rule implementation deadlines that are no longer relevant.

SUMMARY: The amended rule will require that the gross receipts tax, State sales tax, and the local option tax be combined into a State Communications Services Tax; that the municipal telecommunications taxes and fees be combined into the Local Communications Services Tax; and that local exchange telecommunications companies list separately on a customer's bill the State Communications Services Tax and Local Communications Services Tax in accordance with Chapter 202, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, 364.604(5), F.S.

LAW IMPLEMENTED: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604, 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 THIS PROPOSED RULE IS:

Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6202.

THE FULL TEXT OF THIS PROPOSED RULE IS:

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No Change.

(2) ~~Each Six months after the effective date of this rule,~~
~~each~~ billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a)-(d)1. No Change.

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on

the customer's bill as ~~(including but not limited to) "Florida gross receipts tax," "Franchise fees," "Municipal utility tax," and "Sales tax,"~~ and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) -(3) No Change.

(4) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Commission's Division of Competitive Markets and Enforcement ~~Telecommunications~~ for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

(a)-(9) No Change.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking

proceeding, any lost revenue which inures to the company's detriment on account of this provision.

(11) Local Communications Services Tax Franchise fees and municipal telecommunications taxes.

(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, Florida Statutes.

(ba) When a municipality or county levies charges a company any franchise fee, or municipal telecommunications the Local Communications Services Tax authorized by Chapter 202 Section 166.231, Florida Statutes, the local exchange company may collect that tax fee only from its subscribers receiving service within that municipality or county. When a county charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that county.

(cb) A local exchange company may not incorporate any portion of the Local Communications Services Tax franchise fee or municipal telecommunications tax into its other rates for service.

(c) ~~This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee or municipal telecommunications tax. This subsection only specifies~~

~~the method of collection of a franchise fee, if a municipality or county, having authority to do so, charges a franchise fee or municipal telecommunications tax.~~

(12) State Communications Services Tax.

(a) The State Communications Services Tax is comprised of
~~When a company elects to add the Gross Receipts Tax imposed by Chapter 203, Florida Statutes, the communications services sales tax imposed by Chapter 202, Florida Statutes, and any local option sales tax. onto the customer's bill as a separately stated component of that bill, the company must first remove from the tariffed rates any embedded provisions for the Gross Receipts Tax.~~

(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service. ~~If the tariffed rates in effect have a provision for gross receipts tax, the rates must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, thereby rendering the customer's bill unaffected by the election to add the Gross Receipts Tax as a separately stated tax.~~

(c) ~~This subsection shall not be construed as a mandate to elect to separately state the Gross Receipts Tax. This subsection only specifies the method of applying such an election.~~

~~(d) All services sold to another telecommunications vendor, provided that the applicable rules of the Department of Revenue are satisfied, must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, unless those services have been adjusted by some other Commission action.~~

~~(e) When a nonrate base regulated telecommunications company exercises the option of adding the gross receipts tax as a separately stated component on the customer's bill then that company must file a tariff indicating such.~~

(13)-(18) No Change.

(19) (a) Upon ~~Within one year of the effective date of this rule and upon~~ request from any customer, a billing party must restrict charges in its bills to only:

1.-(20) No Change.

Specific Authority: 350.127, 364.604(5), F.S.

Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604, F.S.

History: New 12-01-68, Amended 03-31-76, 12-31-78, 01-17-79, 07-28-81, 09-08-81, 05-03-82, 11-21-82, 04-13-86, 10-30-86, 11-28-89, 03-31-91, 11-11-91, 03-10-96, 07-20-97, 12-28-98, 07-05-00, mm-dd-yr.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Buys

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: September 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 7, 2003, Vol. 29, No. 6.