

# ORIGINAL

DOCKET NO. 030415-TP

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

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

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC   (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

OTH \_\_\_\_\_  
 (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.

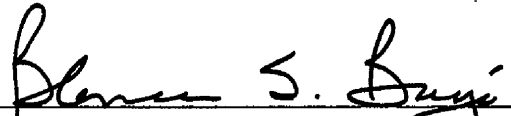
25-24.490

24-24.585

25-24.845

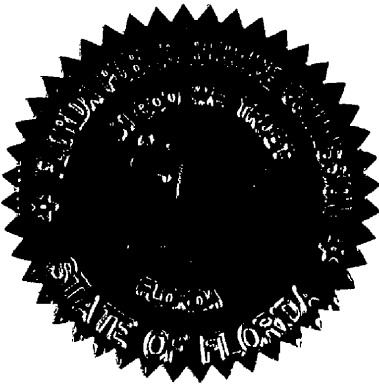
Under the provision of subparagraph 120.54(3)(e)6., F.S.,  
the rules take effect 20 days from the date filed with the  
Department of State or a later date as set out below:

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



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

\_\_\_\_\_  
Number of Pages Certified



SMC

1 **25-24.490 Customer Relations; Rules Incorporated.**

2 (1) The following rules are incorporated herein by reference  
3 and apply to IXCs.

4	<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
5	25-4.110	Customer Billing	Subsections, <u>(11)</u> ,
6			<u>(12)</u> , (14), (15),
7			(17), (18), and (20)
8	25-4.111	Customer Complaint and	All except Subsection
9		Service Requests	(2)
10	25-4.112	Termination of Service by	All
11		Customer	
12	25-4.113	Refusal or Discontinuance of	All
13		Service by Company	
14	25-4.114	Refunds	All
15	25-4.117	800 Service	All
16	25-4.118	Local, Local Toll, or Toll	All
17		Provider Selection	

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18 (2) An IXC may require a deposit as a condition of service  
 19 and may collect advance payments for more than one month of service  
 20 if it maintains on file with the Commission a bond covering its  
 21 current balance of deposits and advance payments (for more than one  
 22 month's service). A company may apply to the Commission for a  
 23 waiver of the bond requirement by demonstrating that it possesses  
 24 the financial resources and income to provide assurance of  
 25 continued operation under its certificate over the long term.

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

1 (3) Upon request, each company shall provide verbally or in  
2 writing to any person inquiring about the company's service:

3 (a) any nonrecurring charge,

4 (b) any monthly service charge or minimum usage charge,

5 (c) company deposit practices,

6 (d) any charges applicable to call attempts not answered,

7 (e) a statement of when charging for a call begins and ends,

8 and

9 (f) a statement of billing adjustment practices for wrong  
10 numbers or incorrect bills.

11 In addition, the above information shall be included in the  
12 first bill, or in a separate mailing no later than the first bill,  
13 to all new customers and to all customers presubscribing on or  
14 after the effective date of this rule, and in any information sheet  
15 or brochure distributed by the company for the purpose of providing  
16 information about the company's services. The above information  
17 shall be clearly expressed in simple words, sentences and  
18 paragraphs. It must avoid unnecessarily long, complicated or  
19 obscure phrases or acronyms.

20 Specific Authority: 350.127(2), 364.604(5), F.S.

21 Law Implemented: 364.03, 364.14, 364.15, 364.603, 364.19, 364.337  
22 364.602, 364.604, F.S.

23 History: New 02-23-87, Amended 10-31-89, 03-05-90, 03-04-92, 03-  
24 13-96, 07-20-98, 12-28-98, 07-05-00, mm-dd-yr.

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

1 **25-24.585 Rules Incorporated.**

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

4	<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
5	25-4.019	Records and Reports in General	All
6	25-4.020	Location and Preservation of	All except (1) and
7		Records	(3)
8	25-4.036	Design and Construction of	All
9		Plant	
10	25-4.043	Response to Commission Staff	All
11		Inquiries	
12	25-4.0161	Regulatory Assessment Fees;	All
13		Telecommunication Companies	
14	<u>25-4.110</u>	<u>Customer Billing</u>	<u>Subsections (11)</u>
15			<u>and (12)</u>
16	25-4.160	Operation of	All
17		Telecommunications Relay	
18		Service	

19 (2) Each shared tenant service company shall file with the  
20 Commission's Division of Competitive Markets and Enforcement  
21 updated information for the following items within ten days after  
22 either such change occurs.

23 (a) The mailing address of the certificate holder.

24 (b) Name, title, and phone number of individual responsible  
25 for Commission contacts.

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through type are deletions from existing law.

1 Specific Authority: 350.127(2), 427.704(8), F.S.  
2 Law Implemented: 350.113, 364.016, 364.17, 364.18, 364.183,  
3 364.185, 364.339, F.S.  
4 History--New 1/28/91, Amended 12/29/91, 11/13/95, 7/29/97,  
5 04/08/98, mm-dd-yr.

6 **25-24.845 Customer Relations; Rules Incorporated.**

7 The following rules are incorporated herein by reference and  
8 apply to CLECs. In the following rules, the acronym 'LEC' should  
9 be omitted or interpreted as 'CLEC'.

10	<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
11	25-4.110	Customer Billing	Subsections <u>(11), (12),</u>
12			(14), (15), (16), (17),
13			(18), and (20)
14	24-4.118	Local, Local Toll, or	All
15		Toll Provider Selection	

16 Specific Authority: 350.127(2) and 364.337(2), 364.604(5), F.S.  
17 Law Implemented: 364.337(2), 364.602, 364.604, F.S.  
18 History: New 07-20-98, Amended 12-28-98, 07-05-00, mm-dd-yr.

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Rules 25-24.490, 24-24.585,  
25-24.845  
Docket No. 030415-TP

### **SUMMARY OF RULE**

The amended rules 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, interexchange, shared tenant service, and competitive local exchange companies 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. The rule amendments also remove implementation deadlines appearing in the rules that are no longer relevant.

### **SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

### **FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

On October 1, 2001, Chapter 202, Florida Statutes, became effective. Chapter 202 simplified the complex structure of taxes imposed on telecommunications services by state, county, and municipal governing authorities. The chapter combined the gross receipts tax, State sales tax, and local option tax into a State Communications Services Tax. Chapter 202 also combined municipal telecommunications taxes and fees into a Local Communications

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Services Tax. The chapter requires the State Communications Services Tax and Local Communications Services Tax to be listed separately on a customer's bill.

Pursuant to section 364.604, Florida Statutes, each billing party must clearly identify the specific charges, taxes, and fees associated with each telecommunications or information service. The proposed amendments to Rule 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; Rule 25-24.490, Customer Relations; Rules Incorporated; Rule 25-24.585, Rules Incorporated; and Rule 25-24.845, Customer Relations; Rules Incorporated, would make these rules consistent with Chapter 202 and remove implementation deadlines appearing in the rules that are no longer relevant.