

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 991473-TP

IN RE: AMENDING RULES 25-4.002, 25-4.003, 25-4.023, 25-4.038, 25-4.066, 25-4.070, 25-4.072 AND 25-4.073; REPEALING RULES 25-4.039, 25-4.041, 25-4.0770 AND 25-4.080, AND PROPOSING RULE 25-4.085, F.A.C.

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: February 26, 2004

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the amendment of Rules 25-4.002, 25-4.003, 25-4.023, 25-4.038, 25-4.066, 25-4.070, 25-4.072 and 25-4.073; repealing Rules 25-4.039, 25-4.041, 25-4.0770 and 25-4.080, and proposing Rule 25-4.085, Florida Administrative Code, relating to service rules for telecommunications companies.

The attached Notice of Proposed Rule Development will appear in the March 5, 2004, edition of the Florida Administrative Weekly. If timely requested in writing and not deemed unnecessary by the Commission, a rule development workshop will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., March 19, 2004
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

The request must be submitted in writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop 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 using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

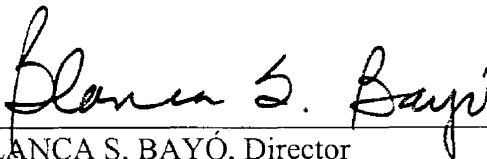
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By DIRECTION of the Florida Public Service Commission, this 26th day of February, 2004.

A handwritten signature in cursive script that reads "Blanca S. Bayó". The signature is written in black ink and is positioned above a horizontal line.

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

(S E A L)

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NOTICE OF PROPOSED RULE DEVELOPMENT
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 991473-TP

RULE TITLE:	RULE NO.:
Application and Scope	25-4.002
Definitions	25-4.003
Report of Interruptions	25-4.023
Safety	25-4.038
Traffic	25-4.039
Courtesy	25-4.041
Availability of Service	25-4.066
Customer Trouble Reports	25-4.070
Transmission Requirements	25-4.072
Answering time	25-4.073
Customer Appointments	25-4.0770
Weighted Measurement of Quality of Service	25-4.080
Service Guarantee Program	25-4.058

PURPOSE AND EFFECT: The purpose of this rulemaking is to eliminate rules that are no longer necessary, clarify rules that were ambiguous, and to promote a Service Guarantee Program from which consumers can directly benefit if the company misses a service standard .

SUBJECT AREA TO BE ADDRESSED: Service rules for telecommunications companies.

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SPECIFIC AUTHORITY: 350.127(2), ~~364.14, 364.01(4), 364.15, 364.386~~, F.S.

LAW IMPLEMENTED: 364.01, 364.01(4), 364.02, 364.03, 364.03(1), 364.025, 364.035,
364.036, ~~364.14~~, 364.14, 364.15, 364.183, 364.185, 364.17, 364.18, 364.19, 364.386, 364.32,
364.335, 364.337, 364.3375, 364.3376, 364.602, 365.171, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND
PLACE SHOWN BELOW:

TIME AND DATE: March 19, 2004, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Although the workshop is scheduled it will only be held if a written request to hold the workshop
is filed.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO THE
COMMISSION'S DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE
SERVICES, 2540 SHUMARD OAK BLVD., TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE
DEVELOPMENT IS: Don McDonald, Florida Public Service Commission, 2540 Shumard Oak
Blvd., Tallahassee, FL 32399-0862, 850-413-6570.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I--XI of this Chapter apply to local exchange companies. The rules contained in Parts II and Parts V apply only to residential service. The rules contained in Part X of Chapter 25-24 apply to any Interexchange Company. The rules in Part XI of Chapter 25-24 apply to any pay telephone service company. The rules in Part XII of Chapter 25-24 apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV apply to all competitive local exchange telecommunications companies.

(2) No change.

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

Law Implemented: 364.01, 364.335, 364.337, 364.3375, 364.3376, F.S.

History: Revised 12/01/68, formerly 25-4.02, Amended 02/23/87, 01/08/95, 02/01/99,_____.

25-4.003 Definitions.

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

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

(2) – (16) No change.

~~(17) "Extension Station." An additional station connected on the same circuit as the main station and subsidiary thereto.~~

~~(178)~~ Numbers 18 through 29 renumbered to 17 through 28. No change.

~~(2930) "Local Exchange Telecommunications Company (LEC)." Any telecommunications company, certificated by the commission prior to July 1, 1995, to provide local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.~~

~~(304)~~ Numbers 31 through 50 renumbered to 30 through 49. No change.

~~(504)~~ "Subscriber Line" or "Subscriber Loop." See "Access Line."

~~(512)~~ Numbers 52 through 59 renumbered to 51 through 58. No change.

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

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

History: Revised 12-01-68, Amended 03-31-76, formerly 25-4.03, Amended 02-23-87, 03-04-92, 12-21-93, 03-10-96, 07-20-98, 12-28-98, 02/01/99, 07-05-00,_____.

25-4.023 Report of Interruptions.

(1) The Commission shall be informed of any major interruptions to service that affectsing

one thousand (1,000) or more subscribers for a period of thirty (30) minutes or more in duration an entire community or a substantial portion of a community as soon as it they comes to the attention of the utility. The Company shall provide the time, location, the expected duration of the outage and when the interruption is restored.

(2) No change.

Specific Authority 350.127(2), FS.

Law Implemented 364.03, 364.17, 364.183, FS.

History: Revised 12/1/68, Amended 3/31/76, Formerly 25-4.23, Amended 10/1/96,_____.

25-4.038 Safety. Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31 of the National Electric Code (NEC).

Specific Authority 350.127(2), FS.

Law Implemented 364.01(4), 364.03 FS.

History: Revised 12/1/68, Formerly 25-4.38, Amended

~~25-4.039~~ Traffic

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

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

History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.39, amended 3/10/96, Repealed.

~~25-4.041~~ Courtesy

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

Law Implemented: 364.03, F.S.

History: New 12/1/68, formerly 25-4.41, Repealed.

25-4.066 Availability of Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telephone communications service within its certificated area in accordance with its filed tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary residential line service in any calendar month shall normally be satisfied in each exchange or service center of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are

involved.

(3) If the applicant requests an installation date beyond three working days, the requested date shall be counted as day three for measurement purposes.

(4) When an appointment must be made in order for the company to gain access to the customer's premises, the mutually agreed to date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, indicating the name of the company representative and the date and time the company representative was at the premises.

(5) Number 3 through 5 renumbered as 5 through 7. No change.

(8) Each company shall report per Rule 25-4.0185, Periodic Reports, the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMU 28 (/04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within thirty calendar days.

Specific Authority: 350.127(2), 364.14, F.S.

Law Implemented: 364.03, ~~364.14~~, 364.025, ~~364.14~~, 364.15, 364.183, ~~364.185~~, F.S.

History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.66, amended 3/10/96,

25-4.070 Customer Trouble Reports.

(1) – (2) No change.

(3) Service Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange which contains at least 50,000 lines as will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange as measured on a monthly basis.

(c) If the customer requests that the service be restored on a particular day beyond the objectives outlined in (a) and (b) above, the trouble report shall be counted as having met the objective if the requested date is met.

(4) – (7) No change.

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

Law Implemented: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386, F.S.

History: Revised 12/1/68, Amended 3/31/76. (formerly 25-4.70), Amended 6/24/90, 3/10/96,

_____.

25-4.072 Transmission Requirements.

(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. ~~Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair communications. Transmission parameters shall conform to ANSI/IEEE Standard 820 "Telephone Loop Performance Characteristics (Adopted 1984). The maximum loss objective of inter-toll trunks shall be consistent with the requirements of the nationwide switching plan and overall transmission losses within each trunk group will not vary more than plus or minus two db.~~

(2) – (3) No change.

Specific Authority: 350.127(2), 364.01(4), ~~364.15, 364.386~~, F.S.

Law Implemented: ~~364.01(4), 364.03, 364.15~~, F.S.

History: New 12/1/68, Amended 3/31/76, formerly 25-4.72, amended 3/10/96, _____.

25-4.073 Answering Time

(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

~~(a) If emergency services for the LEC's total serving area is currently answered by the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator shall be answered within thirty (30) seconds after zero only is dialed.~~

~~(b) If emergency services for the LEC's total serving area is not currently answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be answered within 20 seconds after zero only is dialed.~~

~~(a)(e) At least ninety (90%) percent of all calls directed to intercept, directory assistance and repair and business office services and eighty (80%) percent of all calls to business offices shall be answered within thirty (30) seconds after the last digit is dialed when no menu driven system is utilized.~~

~~(b)(d) Notwithstanding (e) above, w~~When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least (95%) percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall only identify the company and the general options available to the customer. include tThe option of transferring to a live attendant within the first 30 seconds of the message. shall be included in the initial message.

~~(c) For subscribers who either selecting the option of transferring to a live assistant, or do not interact with the system for twenty seconds, ~~except for business office calls, at least ninety-five (95%) percent of all calls~~ the call shall be transferred by the system to a live attendant. At least ninety-five (95%) of the calls shall be answered by the live attendant prepared to give immediate assistance within ~~thirty (30) seconds of being transferred. last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business office shall be transferred by the system~~~~

~~to a live attendant within fifty five (55) seconds after the last digit is dialed. At any time during the call, the customer shall be transferred to live assistance if the customer fails to interact with the system for a time period of ten (10) seconds following any prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual Tone Multiple Frequency (DTMF) keypad associated with a telephone.~~

~~(e) In accordance with Rule 25-4.0770, when a menu driven, automated, interactive, answering system is utilized, provisions shall be included to allow the customer to make an appointment or to negotiate with a live attendant, or with the system, any appointment or commitment offered to the customer by the system. The subscriber shall be able to renegotiate appointments using the system.~~

~~(f) Automated systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.~~

~~(d)(g) The terms "answered" as used in subparagraphs (a) and (c)(b) above shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, a service representative, or automated system is ready to render assistance and/or accept the information necessary to process the call. With respect to calls to business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In those instances where the call cannot be extended within the allotted interval, the calling~~

~~party is to be given the option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule. The company shall add ten (10) seconds to the answer time for each call. This ten (10) second constant will substitute for actual data on the time required for the call to connect to the company's facilities. Monthly summary results of such studies shall be filed with the Commission promptly after the end of each calendar quarter.~~

~~(23) All telephonecommunications companies are expected to answer their main published telephone number on a twenty-four (24) hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.~~

~~(3) Each company shall report per Rule 25-4.0185, Periodic Reports, to the Commission the performance of the company with respect to answer time as outlined in Form PSC/CMU 28.~~

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

Law Implemented: 364.01(4), 364.17, 364.03, 364.386, 365.171, F.S.

History: New 12/1/68, formerly 25-4.73, Amended 3/31/76, 11/24/92, _____.

~~**25-4.0770 Customer Appointments**~~

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

Law Implemented: 364.03(1), 364.025, 364.19, F.S.

History: New 7/13/82, formerly 25-4.770, amended 3/10/96, Repealed_____

~~**25-4.080 Weighted Measurement of Quality of Service**~~

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

Law Implemented: 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386, F.S.

History: New 6/2/93, Repealed_____.

~~**25-4.085 Service Guarantee Program**~~

A company may petition the commission for approval of a Service Guarantee Program, which would relieve the company from the rule requirement of each service standard addressed in the approved Service Guarantee Program. The Commission shall have the right to enforce the provisions of the Service Guarantee Plan. The Commission may terminate any Service Guarantee Plan at any time for any reason.

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

Law Implemented: 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 F.S.

History: New _____

AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.