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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

NOTICE OF PROPOSED RULEMAKING
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 040167-TP

RULE TITLE: RULE NO.:

Customer Relations; Rules Incorporated 25-24.490

Customer Relations; Rules Incorporated 25-24.845

PURPOSE AND EFFECT: To codify the requirements that interexchange and competitive local exchange telecommunications companies must facilitate a subscriber's move to a new provider when the subscriber elects to switch providers and that these companies may only put a preferred carrier freeze on a subscriber's service when one is requested by the subscriber.

SUMMARY: The amendment to Rule 25-24.490 would require interexchange telecommunications companies to facilitate the transfer of toll free numbers. The amendment to Rule 25-24.845 would require a competitive local exchange telecommunications provider to facilitate the porting of a subscriber's telephone number and require that a working number should be ported regardless of whether a balance is owed. The amendment to Rules 25-24.845 and 25-24.490 would also instruct competitive local exchange telecommunications companies and interexchange telecommunications companies that a preferred carrier freeze should not be imposed on or removed from a subscriber's account without the subscriber's authorization and would set forth the information these companies must receive from the subscriber to place a preferred carrier freeze on the subscriber's account.

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SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: All the telecommunications companies that submitted data for the statement of estimated regulatory cost indicated that there would be additional costs for complying with the proposed rules.

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FPSC-COMMISSION CLERK

The statement of estimated regulatory cost also concludes that small businesses should benefit from the proposed rules because the rules will remove barriers that prevent telecommunications companies from acquiring new customers. Also, small businesses, small cities, and small counties should not be negatively affected unless they operate as a competitive local exchange carrier.

The Commission and other state entities are not anticipated to have additional costs associated with promulgating the proposed rules. The statement of estimated regulatory cost also indicates that no additional Commission staff would be needed to implement the proposed rules, and, over time, the Commission could potentially benefit as the number of complaints filed with the Commission on this subject may decrease.

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), 364.337(2), 364.604(5), F.S.

LAW IMPLEMENTED: 364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603, 364.604, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES 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 THE PROPOSED RULES IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6202.

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.490 Customer Relations; ~~Rules Incorporated.~~

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

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.083	<u>Preferred Carrier Freeze</u>	<u>All except subsections (11) and (12)</u>
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) – (3) No change.

(4) Toll free number transfers.

(a) The serving IXC shall facilitate the transfer of the subscriber's toll free telephone number (e.g., 800, 877, 888) upon request from the acquiring company.

(b) The serving IXC shall not disconnect a subscriber's working toll free number after receiving a service transfer request from another IXC.

(c) A working toll free number shall be transferred regardless of whether a balance is owed.

Specific Authority: 350.127(2), 364.604(5), FS.

Law Implemented: 364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603, 364.604, FS.

History: New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03, XX/XX/XX.

25-24.845 Customer Relations; ~~Rules Incorporated~~.

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

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
<u>25-4.082</u>	<u>Number Portability</u>	<u>All</u>
<u>25-4.083</u>	<u>Preferred Carrier Freeze</u>	<u>All</u>
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority: 350.127(2), 364.337(2), 364.604(5), FS.

Law Implemented: 364.16, 364.337(2), 364.602, 364.603, 364.604, FS.

History: New 12-28-98, Amended 7-5-00, 11-16-03, XX/XX/XX.

NAME OF PERSON ORIGINATING THE PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission

DATE PROPOSED RULES APPROVED: April 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No.
17, April 25, 2003