

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 8, 2004

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Samantha M. Cibula, Senior Attorney, General Counsel *SMC*

RE: Docket No. 040167-TP - Proposed adoption of Rules 25-4.082, F.A.C., Number Portability, and 25-4.083, F.A.C., Preferred Carrier Freeze; and proposed amendment of Rules 25-4.003, F.A.C., Definitions; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, Customer Relations; Rules Incorporated.

Please place the attached letter containing JAPC staff's comments in the above-referenced docket file.

- MP _____
- OM _____
- TR _____
- ECR _____
- ECL _____
- DPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

07427 JUL -8 8

FPSC-COMMISSION CLERK

JAMES E. "JIM" KING, JR.
President

JOHNNIE BYRD
Speaker



THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**



Representative Juan-Carlos "J.C." Planas, Chair
Senator Michael S. "Mike" Bennett, Vice-Chair
Senator Nancy Argenziano
Senator Gwen Margolis
Representative Bill Galvano
Representative Yolly Roberson

F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

June 4, 2004

Ms. Samantha M. Cibula
Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Public Service Commission Rules 25-4.082, 25-4.083

Dear Ms. Cibula:

I have completed a review of the rules referenced above and prepared the following comments for your consideration and response.

25-4.082

Should not section 364.01, F.S., be cited as law implemented?

25-4.083

(5): Please identify the specific statutory authority supporting the requirement that providers shall not solicit, market or induce subscribers to request a freeze.

(6)(c): Please identify the specific statutory authority supporting the requirement that independent third parties must not be owned, managed or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm freeze requests; and must operate in a different location than the provider. What is the meaning of "appropriately qualified?"

I am available at your convenience to discuss the foregoing comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Rosner".

John Rosner
Chief Attorney