

DOCKET NO. 040167-TP

ORIGINAL

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

FILED
2004 AUG 20 PM 3:56
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

I do hereby certify:

/X/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/X/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/X/ (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

// (c) Are filed more than 90 days after the notice, but not less than 21 days nor

CMP _____ more than 45 days from the date of publication of the notice of change; or

COM _____
CTR _____ /X/ (d) Are filed more than 90 days after the notice, but not less than 14 nor more
ECR _____ than 45 days after the adjournment of the final public hearing on the rule; or
GCL _____

OPC _____ // (e) Are filed more than 90 days after the notice, but within 21 days after the
MMS _____ date of receipt of all material authorized to be submitted at the hearing; or

RCA _____

SCR _____

SEC 1

OTH _____

DOCUMENT NUMBER-DATE

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// (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.

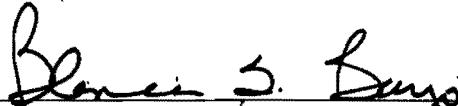
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-24.845

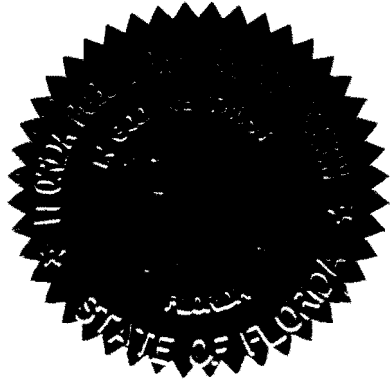
Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



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

Number of Pages Certified



SMC

1 **25-24.845 Customer Relations; Rules Incorporated.**

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

5 <u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
6 <u>25-4.082</u>	<u>Number Portability</u>	<u>All</u>
7 <u>25-4.083</u>	<u>Preferred Carrier Freeze</u>	<u>All</u>
8 25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (16), (17), 9 (18), and (20).
10 24-4.118	Local, Local Toll, or 11 Toll Provider Selection	All

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

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

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

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SUMMARY OF RULE

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 Rule 25-24.845 would also instruct competitive local exchange 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.

SUMMARY OF HEARINGS ON THE RULE

The Commission held a hearing on July 20, 2004, to consider comments on the rule submitted by US LEC of Florida, Inc., XO Florida, Inc., and the Joint Administrative Procedures Committee. Based on these comments, the Commission made changes to proposed Rules 25-4.082, Number Portability, and 25-4.083, Preferred Carrier Freeze, both of which are specifically referenced in Rule 25-24.845. The Commission found, however, that no changes were necessary to the language of the proposed amendment of Rule 25-24.845.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Since January 1, 2003, the Commission has received approximately 200 complaints from Florida citizens and regulated telecommunications companies relating to freezes on local, local toll, or toll service, as well as complaints regarding the inability of customers to move to another carrier while retaining the same telephone number (local or toll-free number portability). Most complaints involve freezes on local telephone service. At the present time, Commission staff is actively investigating three companies that may be placing unauthorized carrier freezes on customers' service, or delaying removal of carrier freezes to hinder a customer's ability to change service providers. The Commission believes that the number of complaints may likely increase.

During the past two years, Commission staff has discovered that several competitive local exchange telecommunications companies (CLECs) have placed local service freezes on customers' lines without the customers' knowledge as a routine course of business. Consequently, customers attempting to switch service providers were hindered from doing so. When Commission staff notified the companies about these problems, some claimed to be unaware of the freeze causing problems. Several companies voluntarily stopped implementing a local service freeze unless the customer specifically requested it. Other companies claimed that the ordering system(s) offered by the underlying carriers allow the CLEC the option of requesting the freeze, implying that the CLEC has the unilateral right to freeze a customer's local service. Several other companies have claimed that the Commission's rules do not preclude them from implementing local service freezes on their own initiative, regardless of the customers' wishes.

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