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DATE: November 23, 2004

TO: Director, Division of the Commission Clerk & Administrative Services (Bayo)

FROM: Office of the General Counsel (Stern) MKS DS
Division of Competitive Markets & Enforcement (Moses, McDonald)
Division of Economic Regulation (Hewitt) CBA JCS

RE: Docket No. 991473-TP -- Review and Revision of Rules 25-4.066 through 25-4.081 and Rule 25-24.840, F.A.C.

AGENDA: 12/07/04 -- Regular Agenda -- Rule Proposal -- Interested Persons May Participate

RULE STATUS: Proposed Rule

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\991473.RCM.DOC

Case Background

In this recommendation, staff proposes changes to the service quality rules for incumbent local exchange companies (ILECs). The proposed rules are in Attachment A, and the Statement of Estimated Regulatory Costs (SERC) is in Attachment B. Attachment C contains the reporting forms that are incorporated into the rule by reference.

In 1999, staff opened this docket to revise the service quality rules. Three workshops were held with the industry to discuss technology changes in the industry that would necessitate amending the rules. Many ideas were discussed, however, the companies could not reach a consensus on the rule revisions. Staff considered all of the suggestions provided by the companies and incorporated some of the suggestions in the proposed rules.

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Discussion of Issues

Issue 1: Should the Commission propose the revisions shown in Attachment A to Rules 25-4.002, 25-4.003, 25-4.0185, 25-4.023, 25-4.038, 25-4.039, 25-4.066, 25-4.070, 25-4.072, 25-4.073, 25-4.0770, 25-4.080, and 25-4.085, Florida Administrative Code?

Recommendation: Yes, the Commission should propose the revisions. (Moses/McDonald/Stern)

Staff Analysis: The rule amendments proposed in this recommendation pertain to standards of customer service imposed upon ILECs. The process of amending this rule began at the request of the ILECs. In general, these proposed amendments eliminate rules that are no longer necessary, clarify ambiguous rules, and provide for a new option – a Service Guarantee Program – that the ILECs can elect as an alternative to the service standards in the proposed rules. In addition, the proposed rules would only apply to residential service, whereas the existing rules also apply to single line businesses.

Workshops on this rule were held on November 5, 1999, January 31, 2000, and March 19, 2004. Many methods of measuring the quality of customer service were discussed but a consensus was never reached. During the third workshop, staff suggested that the companies get together and propose rule changes to which they could all agree. The companies attempted this but were unable to come to any agreement.

The proposed amendments are described below and comments from the companies are included.

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|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25-4.002 | Application and Scope – Changes application of service quality standards to only apply to residential services. |
| 25-4.003 | Definitions – Eliminates references to the term “Extension Station” because it is no longer applicable. Clarifies the definition of a “Local Exchange Telecommunications Company” so it will not be confused with a competitive local exchange company. Also added is the definition of a “Subscriber Loop,” which is the same as “Access Line”. Because of ALLTEL’s concern as outlined in the SERC data request, the definition of “new construction” has been modified to include rearrangements or additions to existing facilities when an engineer work order is issued. In order to install new service, some complicated plant rearrangements require an engineer work order that should be classified as new construction since it could require more than three days to make the facilities available. |
| 25-4.0185 | Periodic Reports – Form PSC/CMP 28 (/04) has been modified to incorporate the rule revisions (see Attachment C). |
| 25-4.023 | Report of Interruptions – Previous rule provided that the company was to report “major interruptions,” but did not define what constitutes a major interruption. This resulted in inconsistent reporting of outages by the companies. The revised |

language defines the criteria as to when the companies should report outages to the Commission. This will make for more consistent reporting of significant outages.

25-4.038 Safety – Requires compliance with Articles 800.30 and 800.31 of the National Electric Code as they apply to proper grounding of subscriber loops to prevent harm to the public. Provides the companies with a reference for providing proper grounding.

25-4.066 Availability of Service – In exchanges of less than 50,000 lines, the companies at times have difficulty meeting 90 percent of all requests for installation of service within three days on a monthly basis due to the limited number of requests for new service. Missing one or two installations in a month could cause the companies to miss the objective. This revision allows the companies to aggregate the results over three months instead of only one month. Companies will be able to manage their resources in these small exchanges more efficiently. The revisions also outline the procedure for handling appointments and customer requests that cannot be satisfied within three days. The scheduled day will be counted as day three and will be treated the same as a regular installation. If the companies do not make the installation on the customer's scheduled date, the installation will be considered as being missed. Currently the companies track and report appointments as a separate category, and customer requests are excluded. This change will enable the companies to total appointments and customer requests with normal requests for reporting purposes. This will make reporting of the results easier for the companies.

BellSouth proposed that when companies offer a due date and a commitment to the customer and the customer accepts it, the commitment should be excluded from the three-day rule. In most cases, the companies would only be offering dates outside the three days when they were having scheduling problems and the customers would not know that they might have the choice of getting service sooner. As a result, staff did not recommend the suggestion.

25-4.070 Customer Trouble Reports - In exchanges of less than 50,000 lines, the companies at times have difficulty repairing 95% of all trouble reports for service interruptions within 24 hours (or 72 hours for trouble affecting service) on a monthly basis due to the lower number of trouble reports for small exchanges. Missing one or two in a month could cause the companies to miss the objective. This revision allows the companies to aggregate the results over three months instead of only one month. Companies will be able to manage their resources in these small exchanges more efficiently. The revisions also outline the procedure for handling appointments and customer requests. If the companies do not make the repair on the customer's scheduled date, the trouble will be considered as being missed. Currently the companies track and report appointments as a separate category, and customer requests are excluded from the results. This change will enable the companies to total appointments and customer requests

with normal requests for reporting purposes. This will make reporting of the results easier for the companies.

Staff explored the possibility of going to an average clearing time, but found that the average clearing time was 15-18 hours as compared to the present standard of 95 percent within 24 hours. The companies could not agree on what the average clearing time should be, and as a result staff retained the current rule.

In its response to a data request made for the SERC, BellSouth estimated an increase of approximately \$19 million in annual expenses and \$8 million in non-recurring costs. It is staff's opinion that these increased costs include costs to comply with the existing rules, not the proposed rules. BellSouth is currently not in compliance with the existing rules because it operates under a service guarantee program. See Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards. Order No. PSC-01-1643-AS-TL, issued on August 13, 2001, in Docket No. 991378-TL. If BellSouth were in compliance with the existing rules, staff believes there would be a reduction, not an increase, in costs to comply with the proposed rules. The cost reduction would be due to the aggregated quarterly reporting requirements for small exchanges.

25-4.072 Transmission Requirements – Current language is too broad, difficult to interpret and difficult to enforce. This revision requires compliance with ANSI/IEEE Standard 820, which is the industry standard that defines the transmission requirements the companies should meet.

25-4.073 Answering Time – Changes the answering time requirement for calls reaching a menu driven system from 55 seconds after the last digit dialed, to 55 seconds after the caller requests to be transferred to a live attendant or fails to interact. This change should alleviate BellSouth's concern that changing the requirement to 30 seconds would increase its costs. This allows the caller to utilize the menu system prior to requesting a live attendant, which makes the measurement more equitable. Eliminated is the answering time requirement for Directory Assistance. These changes should result in reduced labor costs to the companies.

The existing rule requires answering 80 percent of the calls to the Business Office within 30 seconds for companies not using an integrated voice response unit. Staff initially proposed to increase the percentage of calls to 90 percent. Because this would increase some of the companies' costs, staff retained the existing 80 percent requirement. Staff considered changing the measurement to an average speed of answer, but the companies could not agree on the standard to use.

25-4.0770 Customer Appointments – Repeal. Currently the companies have to track and report appointments as a separate category. This change will enable the companies to total appointments with normal requests for reporting purposes. If

the appointment is kept the request will be counted as completed on time (as outlined in Rules 25-4.066 and 25-4.070).

- 25-4.080 Weighted Measurement of Service Quality – Repeal. In considering the adequacy of service provided by a local exchange company, the Commission formerly utilized a weighted index system developed by the Public Utility Research Center. Under this weighting system, companies exactly meeting all FPSC standards on all criteria would receive an overall satisfactory rating of 75 points. Using indices assigned to each criterion, adjustments to the base of 75 were made on all results that either exceeded or fell below the standards. This index was based on about 70 service quality standards. Many of these standards have been revised or repealed and the weighted index is no longer applicable.
- 25-4.085 Service Guarantee Program – Allows the option for the companies to have a Commission approved Service Guarantee Program which will relieve the companies from complying with each standard covered in the program.

In summary, the proposed rules do not impose requirements stricter than existing rules, in some cases the proposed rules are less strict than the existing rules, and in some cases existing rules are proposed to be eliminated. The SERC states that the costs to comply with this rule, industry wide, are \$41,126,205 million with \$16,004,800 million in non-recurring start-up costs. The majority of the cost increase is attributable to one company, BellSouth. Based on periodic reports containing company data, BellSouth is not in compliance with the existing rules, because it currently operates under a service guarantee program. See Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards. Order No. PSC-01-1643-AS-TL, issued on August 13, 2001, in Docket No. 991378-TL. Staff believes that BellSouth would incur costs similar those above to come into compliance with the existing rules.

STATUTORY AUTHORITY

The specific legal authority for rulemaking is in Section 350.127(2), Florida Statutes. Each of the above rules implements a number of different statutes. In general, the primary statutes from which the Commission derives its authority to ensure that service quality is adequate are Sections 364.01, 364.025, and 364.03, Florida Statutes.

STATEMENT OF ESTIMATED REGULATORY COSTS (SERC)

Estimated transactional costs range from little or none by some companies to millions of dollars by BellSouth. Industry wide, total annual costs to comply with the proposed service standards are estimated to be \$41,126,205 million with \$16,004,800 million in non-recurring start-up costs. Of this amount \$40,047,005 million (recurring) and all of the non-recurring costs are attributable to a single company. The proposed rules would not impose additional costs on the Commission, and would confer a benefit by eliminating some reports and the need for their review. The complete SERC is contained in Attachment B to this recommendation.

REVISIONS MADE SINCE PREVIOUS FILING OF THIS RECOMMENDATION

This recommendation was filed for a previous agenda conference but was deferred. Since it was last filed, two types of changes were made: 1) the reporting forms in Attachment C were modified, as shown in the table below; and, 2) the definitions section, Rule 25-4.003, Florida Administrative Code, was modified to be consistent with changes made in Docket No. 041017-TI (modification to IXC rules to comply with statutory revisions). Both this rulemaking proceeding, and the rulemaking proceeding for Docket No. 041017-TI made changes to the definitions in Rule 25-4.003. The draft of Rule 25-4.003 attached to this recommendation includes changes needed for this docket and for Docket No. 041017-TI so that when both sets of rule revisions arrive at the Department of State they are consistent.

Staff has modified the individual schedules contained in Form PSC/CMP 28 to incorporate the proposed changes in the rules. Specifically, the changes are as follow:

<u>Schedule Number</u>	<u>Title</u>	<u>Changes</u>
<u>2</u>	<u>Summary of Completed Service Orders</u>	<u>Column 2 relabeled from "Total Requests" to "Total Orders."</u> <u>Column 3 relabeled from "Construction Required" to "Delayed for Const."</u> <u>Column 6 was relabeled from "90% Rule Satisfied" to "Standard Met."</u> <u>Column 9 was relabeled from "95% Rule Satisfied" to "Standard Met."</u> <u>Column 12 was relabeled from "100% Rule Satisfied" to "Standard Met." The remaining changes are clarification instructions on how to fill out each column.</u>
<u>3</u>	<u>Summary of Held Applications</u>	<u>Delete the reporting requirements for the period of 4-30 days and 2 to 6 months. The columns were modified to require reporting of 31-60 days and a column for any application held beyond 60 days.</u>
<u>4</u>	<u>Held Applications Aged Over 6 Months</u>	<u>This schedule was deleted and the information included in Schedule 3.</u>
<u>8</u>	<u>Access Line Data</u>	<u>Eliminated reporting of PBX trunks, LEC coin lines, LEC coinless lines, and IXC lines. The schedule was modified to report access lines for retail residential and business, resale, UNE-P, and Pay telephone.</u>
<u>11</u>	<u>Repair Service – Trouble Reports</u>	<u>Eliminated reporting troubles cleared the same day. This will be captured in the cleared within 24 hours column. Headings changed for citing</u>

		<u>the actual percentage in the rule to “standard met.”</u>
<u>13</u>	<u>Answer Time – Operator</u>	<u>Eliminated answer time for operators in the rule; therefore, this schedule has been deleted.</u>
<u>14</u>	<u>Answer Time – Directory Assistance</u>	<u>Eliminated answer time for directory assistance; therefore, this schedule has been deleted.</u>
<u>15</u>	<u>Answer Time – Repair</u>	<u>Schedule modified to reflect new rule requirements.</u>
<u>16</u>	<u>Answer Time – Business Office</u>	<u>This schedule has been modified to reflect the proposed rule.</u>
<u>17</u>	<u>Repair Service Appointments</u>	<u>This rule has been changed; therefore, this schedule is no longer necessary.</u>
<u>18</u>	<u>Service Order Appointments</u>	<u>The appointment rule was eliminated; therefore, this schedule has been deleted.</u>
<u>19</u>	<u>Central Office NXX Data</u>	<u>The reporting of CLLI codes, which identify the central office, was added. Otherwise, this schedule has not been significantly modified.</u>
<u>20</u>	<u>Equal Access and C.O.E.</u>	<u>This schedule has been deleted because the entire state of Florida has equal access.</u>

Issue 2: Should this docket be closed?

Recommendation: Yes, if no comments or requests for hearing are filed, the rule as proposed should be filed for adoption with the Secretary of State and the docket should be closed. (Stern)

Staff Analysis: Unless comments or requests for hearing are filed, the rule as proposed may be filed for adoption with the Secretary of State without further action by the Commission. The docket may then be closed.

MKS

Attachments

1 **PART I GENERAL PROVISIONS**

2 **25-4.002 Application and Scope.**

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

15 (2) In addition to the rules contained in this part, any local exchange company that
16 provides operator services in a call aggregator context shall also comply with the rules
17 contained in Part XIII of Chapter 25-24, F.A.C.

18 Specific Authority 350.127(2) FS.

19 Law Implemented 364.01, 364.335, 364.337, 364.3376 FS.

20 History--Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99.

21 **25-4.003 Definitions.**

22 For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

23 (1) "Access Line" or "Subscriber Line;" or "Subscriber Loop". The circuit or
24 channel between the demarcation point at the customer's premises and the serving end or class

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

1 ; central office.

2 ~~(2) — “Competitive Local Exchange Telecommunications Company (CLEC).” Any~~
3 ~~company certificated by the commission to provide local exchange telecommunications~~
4 ~~services in Florida on or after July 1, 1995.~~

5 (23) “Average Busy Season-Busy Hour Traffic.” The average traffic volume for the
6 busy season busy hours.

7 (34) “Billing Party.” Any ~~telecommunications company~~ entity that bills an end user
8 ~~consumer~~ on its own behalf or on behalf of an originating party.

9 (45) “Busy Hour.” The continuous one-hour period of the day during which the
10 greatest volume of traffic is handled in the office.

11 (56) “Busy Season.” The calendar month or period of the year (preferably 30 days
12 but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

13 (67) “Call.” An attempted telephone message.

14 (78) “Central Office.” A location where there is an assembly of equipment that
15 establishes the connections between subscriber access lines, trunks, switched access circuits,
16 private line facilities, and special access facilities with the rest of the telephone network.

17 (89) “Commission.” The Florida Public Service Commission.

18 (94) ~~“Company,” “Telecommunications Company,” “Telephone Company,” or~~
19 “Utility.” These terms may be used interchangeably herein and shall mean
20 “telecommunications company” as defined in Section 364.02 (~~1342~~), Florida Statutes.

21 (10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any
22 company certificated by the commission to provide local exchange telecommunications
23 services in Florida on or after July 1, 1995.

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existing law.

1 (11) “Completed call.” A call which has been switched through an established path
2 o that two-way conversation or data transmission is possible.

3 (12) “Disconnect” or “Disconnection.” The dissociation or release of a circuit. In the
4 case of a billable call, the end of the billable time for the call whether intentionally terminated
5 or terminated due to a service interruption.

6 (13) “Drop or Service Wire.” The connecting link that extends from the local
7 distribution service terminal to the protector or telephone network interface device on the
8 customer’s premises.

9 (14) “Exchange.” The entire telephone plant and facilities used in providing
10 telephone service to subscribers located in an exchange area. An exchange may include more
11 than one central office unit.

12 (15) “Exchange (Service) Area.” The territory of a local exchange company (LEC)
13 within which local telephone service is furnished at the exchange rates applicable within that
14 area.

15 (16) “Extended Area Service.” A type of telephone service whereby subscribers of a
16 given exchange or area may complete calls to, and receive messages from, one or more other
17 exchanges or areas without toll charges, or complete calls to one or more other exchanges or
18 areas without toll message charges.

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

21 (17) ~~8~~ “Foreign Exchange Service.” A classification of LEC exchange service
22 furnished under tariff provisions whereby a subscriber may be provided telephone service
23 from an exchange other than the one from which he would normally be served.
24

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existing law.

1 (1819) “Information Service.” Telephone calls made to 900 or 976 type services, but
2 oes not include Internet services.

3 (1920) “Intercept Service.” A service arrangement provided by the
4 elecommunications company whereby calls placed to an unequipped non-working,
5 lisconnected, or discontinued telephone number are intercepted by operator, recorder, or
6 udio response computer and the calling party informed that the called telephone number is
7 ot in service, has been disconnected, discontinued, or changed to another number, or that
8 alls are received by another telephone. This service is also provided in certain central offices
9 and switching centers to inform the calling party of conditions such as system blockages,
10 nability of the system to complete a call as dialed, no such office code, and all circuits busy.

11 ~~(21) “Interexchange Company (IXC)” Any telecommunications company, as~~
12 ~~efined in Section 364.02(12), Florida Statutes, which provides telecommunications service~~
13 ~~etween local calling areas as those areas are described in the approved tariffs of individual~~
14 ~~ECs. IXC includes, but is not limited to, MLDA as defined in subsection (37) of these~~
15 ~~definitions.~~

16 (2022) “Inter-office Call.” A telephone call originating in one central office but
17 terminating in another central office, both of which are in the same designated exchange area.

18 (2123) “Interstate Toll Message.” Those toll messages ~~which~~ that do not originate and
19 terminate within the same state.

20 (2224) “Intertoll Trunk.” A line or circuit between two toll offices, two end offices, or
21 between an end office and toll office, over which toll calls are passed.

22 (2325) “Intra-office Call.” A telephone call originating and terminating within the
23 same central office.

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existing law.

1 (24) “Intrastate Interexchange Company (IXC).” Any entity that provides intrastate
2 interexchange telecommunications services.

3 ~~(2526)~~ “Intrastate ~~Intra-state~~ Toll Message.” Those toll messages which originate and
4 terminate within the same state.

5 ~~(2627)~~ “Invalid Number.” A number comprised of an unassigned area code number or
6 a non-working central office code (NXX).

7 ~~(2728)~~ “Large LEC.” A LEC certificated by the Commission prior to July 1, 1995, that
8 had in excess of 100,000 access lines in service on July 1, 1995.

9 ~~(2829)~~ “Local Access and Transport Area (LATA)” or “Market Area.” A geographical
10 area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which
11 a LEC may transport telecommunication signals.

12 ~~(2930)~~ “Local Exchange Telecommunications Company (LEC).” Any
13 telecommunications company, certificated by the Commission prior to July 1, 1995, to provide
14 local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.

15 ~~(3034)~~ “Local Provider (LP).” Any telecommunications company providing local
16 telecommunications service, excluding pay telephone providers and call aggregators.

17 ~~(3132)~~ “Local Service Area” or “Local Calling Area.” The area within which
18 telephone service is furnished subscribers under a specific schedule of rates and without toll
19 charges. A LEC’s local service area may include one or more exchange areas or portions of
20 exchange areas.

21 ~~(3233)~~ “Local Toll Provider (LTP).” Any entity telecommunications company
22 providing intraLATA or intramarket area long distance telecommunications service.

23 ~~(3334)~~ “Main Station.” The principal telephone associated with each service to which
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1 telephone number is assigned and which is connected to the central office equipment by a ~~an~~
2 ~~individual or party line~~ circuit or channel.

3 (3435) "Message." A completed telephone call.

4 (3536) "Mileage Charge." A tariff charge for circuits and channels connecting other
5 services that are auxiliary to local exchange service such as off premises extensions, foreign
6 exchange and foreign central office services, private line services, and tie lines.

7 (37) ~~"Multiple Location Discount Aggregator (MLDA)." An entity that offers~~
8 ~~discounted long distance telecommunications services from an underlying IXC to unaffiliated~~
9 ~~entities. An entity is a MLDA if one or more of the following criteria applies:~~

10 ~~(a) It collects fees related to interexchange telecommunications services directly~~
11 ~~from subscribers,~~

12 ~~(b) It bills for interexchange telecommunications services in its own name,~~

13 ~~(c) It is responsible for an end user's unpaid interexchange telecommunications~~
14 ~~bill, or~~

15 ~~(d) A customer's bill cannot be determined by applying the tariff of the underlying~~
16 ~~IXC to the customer's individual usage.~~

17 (36) "New Construction." New construction is the installation of facilities to serve
18 unserved areas; new construction is not the rearrangement or repair of defective facilities to
19 serve an existing area. Adding to or the rearrangement of existing facilities is not considered
20 "new construction" unless an engineer work order is issued.

21 (3738) "Normal Working Days." The normal working days for installation and
22 construction shall be all days except Saturdays, Sundays, and holidays. The normal working
23 days for repair service shall be all days except Sundays and holidays. Holidays shall be the
24

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existing law.

1 lays which are observed by each individual telephone company utility.

2 (3839) "Optional Calling Plan." An optional service furnished under tariff provisions
3 which recognizes the need of some subscribers for extended area calling without imposing the
4 cost on the entire body of subscribers.

5 (3940) "Originating Party." Any person, firm, corporation, or other entity, including a
6 telecommunications company or a billing clearinghouse, that provides any
7 telecommunications service or information service to a customer or bills a customer through a
8 billing party, except the term "originating party" does not include any entity specifically
9 exempted from the definition of "telecommunications company" as provided in Section
10 364.02(13)(a) through (f), Florida Statutes~~(12), Florida Statutes.~~

11 (4041) "Out of Service." The inability, as reported by the customer, to complete either
12 incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

13 (a) Service difficulties such as slow dial tone, circuits busy, or other network or
14 switching capacity shortages;

15 (b) Interruptions caused by a negligent or willful act of the subscriber; and

16 (c) Situations in which a company suspends or terminates service because of
17 nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set
18 forth in approved tariffs or Commission rules.

19 (4142) "Outside Plant." The telephone equipment and facilities installed on, along, or
20 under streets, alleys, highways, or on private rights-of-way between the central office and
21 subscribers' locations or between central offices of the same or different exchanges.

22 (4243) "Pay Telephone Service Company." Any telecommunications company that
23 provides pay telephone service as defined in Section 364.3375, Florida Statutes.
24

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existing law.

1 (4344) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the
2 customer's carrier selection until further notice from the customer.

3 (4445) "Provider." Any ~~telecommunications company~~ entity providing
4 telecommunication service, excluding pay telephone providers and call aggregators (i.e., local,
5 local toll, and toll providers).

6 (4546) "Service Objective." A quality of service which is desirable to be achieved
7 under normal conditions.

8 (4647) "Service Standard." A level of service ~~which~~ that a telecommunications
9 company, under normal conditions, is expected to meet in its certificated territory as
10 representative of adequate services.

11 (4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995,
12 which had fewer than 100,000 access lines in service on July 1, 1995.

13 (4849) "Station." A telephone instrument consisting of a transmitter, receiver, and
14 associated apparatus so connected as to permit sending or receiving telephone messages.

15 (4950) "Subscriber" or "Customer." These terms may be used interchangeably herein
16 and shall mean any person, firm, partnership, corporation, municipality, cooperative
17 organization, or governmental agency supplied with communication service by a
18 telecommunications company.

19 (5051) "Subscriber Line." Or "Subscriber Loop." See "Access Line."

20 (5152) "Switching Center." Location at which telephone traffic, either local or toll, is
21 switched or connected from one circuit or line to another. A local switching center may be
22 comprised of several central office units.

23 (5253) "Toll Connecting Trunk." A trunk ~~which~~ that connects a local central office
24

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1 with its toll operating office.

2 (5354) "Toll Message." A completed telephone call between stations in different
3 exchanges for which message toll charges are applicable.

4 (5455) "Toll Provider (TP)." Any entity~~telecommunications company~~ providing
5 interLATA long distance telecommunications service.

6 (5556) "Traffic Study." The process of recording usage measurements which can be
7 translated into required quantities of equipment.

8 (5657) "Trouble Report." Any oral or written report from a subscriber or user of
9 telephone service to the telephone company indicating improper function or defective
10 conditions with respect to the operation of telephone facilities over which the telephone
11 company has control.

12 (5758) "Trunk." A communication channel between central office units or entities, or
13 private branch exchanges.

14 (5859) "Valid Number." A number for a specific telephone terminal in an assigned
15 area code and working central office which is equipped to ring and connect a calling party to
16 such terminal number.

17 Specific Authority 350.127(2) FS.

18 Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,
19 364.603, 364.604 FS.

20 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92,
21 12-21-93, 3-10-96, 12-28-98, 7-5-00.

22 **25-4.0185 Periodic Reports.**

23 Each local exchange telecommunications company shall file with the Commission's Division
24

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

1 of Competitive Services Markets and Enforcement the information required by Commission
2 Form PSC/CMP 28 (/043/96), which is incorporated into this rule by reference. Form
3 PSC/CMP 28, entitled "Engineering Data Requirements," may be obtained from the
4 Commission's Division of Competitive Markets and Enforcement.

5 (1) The information required by schedules 2, 3, 4, 8, 11, ~~13, 14, 15, and 16 and 20~~
6 of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and
7 semiannually by the small LECs and shall be filed on or before the end of the month following
8 the reporting period.

9 ~~(2) The information required by Schedules 17 and 18 of Form PSC/CMP 28 shall~~
10 ~~be reported on a quarterly basis by the large LECs and shall be filed on or before the end of~~
11 ~~the month following the reporting period.~~

12 ~~(3)~~(2) The information required by Schedule 19 of Form PSC/CMP 28 shall be
13 reported on a semiannual basis and shall be filed on or before the end of the month following
14 the second and fourth quarters.

15 Specific Authority 350.127(2) FS.

16 Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS.

17 History--New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96.

18 **25-4.023 Report of Interruptions.**

19 (1) The Commission shall be informed of any major interruptions to service that
20 affecting 1,000 or more subscribers for a period of 30 minutes or more ~~an entire community or~~
21 ~~a substantial portion of a community~~ as soon as it ~~they~~ comes to the attention of the utility.
22 The Company shall provide the time, the location, the expected duration of the outage and
23 when the interruption is restored.

24 (2) In addition, a copy of all Florida service interruption reports made to the

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existing law.

1 federal Communications Commission in accordance with the provisions of Part 63 of Chapter
2 of Title 47; Code of Federal Regulations; Notification of Common Carriers of Service
3 Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's
4 Division of Competitive Markets and Enforcement, Bureau of Service Quality.

5 Specific Authority 350.127(2) FS.

6 Law Implemented 364.03, 364.17, 364.183 FS.

7 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96.

8 **25-4.038 Safety.**

9 Each utility shall at all times use reasonable efforts to properly warn and protect the public
10 from danger, and shall exercise due care to reduce the hazards to which employees, customers,
11 and the public may be subjected by reason of its equipment and facilities. All subscriber loops
12 shall be properly installed to prevent harm to the public as referenced in Article 800.30 and
13 800.31 of the National Electric Code (NEC), incorporated herein by reference.

14 Specific Authority 350.127(2) FS.

15 Law Implemented 364.01(4), 364.03 FS.

16 History—New 12-1-86, Formerly 25-4.38.

17 **25-4.066 Availability of Service.**

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

24 (2) Where central office and outside plant facilities are readily available, at least 90

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1 percent of all requests for primary service in any calendar month shall normally be satisfied in
2 each exchange ~~or service center~~ of at least 50,000 lines and quarterly in exchanges of less than
3 50,000 lines within an interval of three working days after receipt of application when all tariff
4 requirements relating thereto have been complied with, except those instances where a later
5 installation date is requested by the applicant or where special equipment or services are
6 involved.

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

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

17 (53) Each telecommunications company shall establish as its objective the
18 satisfaction of at least 95 percent of all applications for new service in each exchange within a
19 30 day maximum interval and, further, shall have as its objective the capability of furnishing
20 service within each of its exchanges to applicants within 60 days after date of application;
21 except those instances where a later installation date is requested by the applicant or where
22 special equipment or services are involved.

23 (64) Whenever, for any reason, the service installation cannot be made at the time
24 requested by the applicant or within the prescribed interval, the applicant shall be notified

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1 promptly of the delay and the reason therefor.

2 (7~~5~~) Where facility additions are required to make service available, the applicant
3 shall be further advised as to the circumstances and conditions under which service will be
4 provided and as soon as practicable an estimated date when service will be furnished. With
5 respect to applications aged over six months all service dates that result in a further delay due
6 to the company's inability to meet the original estimated date of service shall be identified in
7 the appropriate section of the report of held applications filed with the Commission ~~which and~~
8 shall include an explanation of the reasons therefor.

9 (8) Each company shall report pursuant to Rule 25-4.0185, Periodic Reports, the
10 performance of the company with respect to the availability of service requirements as
11 outlined in Form PSC/CMP 28 (/04), incorporated herein by reference and available from the
12 Division of Competitive Markets and Enforcement. Each company shall explain the reasons
13 for all service orders that are not completed within 30 calendar days.

14 Specific Authority 350.127(2), 364.14 FS.

15 Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS.

16 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96.

17 **25-4.070 Customer Trouble Reports.**

18 (1) Each telecommunications company shall make all reasonable efforts to
19 minimize the extent and duration of trouble conditions that disrupt or affect customer
20 telephone service. Trouble reports will be classified as to their severity on a service
21 interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with
22 non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded
23 to a service affecting report; however, a service affecting report shall be upgraded to a service
24 interruption if changing trouble conditions so indicate.

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existing law.

1 (a) Companies shall make every reasonable attempt to restore service on the same
2 day that the interruption is reported to the serving repair center.

3 (b) In the event a subscriber's service is interrupted other than by a negligent or
4 willful act of the subscriber and it remains out of service in excess of 24 hours after being
5 reported to the company, an appropriate adjustment or refund shall be made to the subscriber
6 automatically, pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption
7 time will be computed on a continuous basis, Sundays and holidays included. Also, if the
8 company finds that it is the customer's responsibility to correct the trouble, it must notify or
9 attempt to notify the customer within 24 hours after the trouble was reported.

10 (c) If service is discontinued in error by the telephone company, the service shall
11 be restored without undue delay, and clarification made with the subscriber to verify that
12 service is restored and in satisfactory working condition.

13 (2) Sundays and Holidays:

14 (a) Except for emergency service providers, such as the military, medical, police,
15 and fire, companies are not required to provide normal repair service on Sundays. Where any
16 repair action involves a Sunday or holiday, that period shall be excepted when computing
17 service objectives, but not refunds for OOS conditions.

18 (b) Service interruptions occurring on a holiday not contiguous to Sunday will be
19 treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another
20 holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by
21 a subscriber.

22 (3) Service Objectives:

23 (a) **Service Interruption:** Restoration of interrupted service shall be scheduled to
24 insure at least 95 percent shall be cleared within 24 hours of report in each exchange that

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existing law.

1 contains at least 50,000 lines as and will be measured on a monthly basis. For exchanges that
2 contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any
3 exchange failing to meet this objective, the company shall provide an explanation with its
4 periodic report to the Commission.

5 (b) Service Affecting: Clearing of service affecting trouble reports shall be
6 scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report
7 in each exchange which contains at least 50,000 lines as and will be measured on a monthly
8 basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a
9 quarterly basis.

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

13 (4) Priority shall be given to service interruptions which that affect public health
14 and safety that are reported to and verified by the company and such service interruptions shall
15 be corrected as promptly as possible on an emergency basis.

16 (5) Repeat Trouble: Each telephone company shall establish procedures to insure
17 the prompt investigation and correction of repeat trouble reports such that the percentage of
18 repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange
19 when measured on a monthly basis. A repeat trouble report is another report involving the
20 same item of plant within 30 days of the initial report.

21 (6) The service objectives of this rule shall not apply to subsequent customer
22 reports, (not to be confused with repeat trouble reports), emergency situations, such as
23 unavoidable casualties where at least 10 percent of an exchange is out of service.

24 (7) Reporting Criteria: Each company shall periodically report the data as

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existing law.

1 specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (/04),
2 ncorporated herein by reference and available from the Division of Competitive Markets and
3 Enforcement.

4 Specific Authority 350.127(2) FS.

5 Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS.

6 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96.

7 **25-4.072 Transmission Requirements.**

8 (1) Telecommunications companies shall furnish and maintain the necessary plant,
9 equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of
10 communications between customers in their service areas. Transmission parameters shall
11 conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted
12 1984) incorporated herein by reference. ~~Transmission shall be at adequate volume levels and~~
13 ~~free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair~~
14 ~~communications. The maximum loss objective of inter-toll trunks shall be consistent with the~~
15 ~~requirements of the nationwide switching plan and overall transmission losses within each~~
16 ~~trunk group will not vary more than plus or minus two db.~~

17 (2) Accurate dependable milliwatt supplies shall be made a part of each central
18 office. Additionally, for those central offices having an installed line capacity of 1,000 lines
19 or more, the buffered access on a minimum three line rotary group basis shall be a part of the
20 milliwatt supply.

21 (3) Each central office shall be equipped with a minimum of one termination
22 which shall trip ringing and terminate the line on a balanced basis so that end to end noise
23 measurements may be made.

24 Specific Authority 350.127(2) FS.

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

1 Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS.

2 History--New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96.

3 **25-4.073 Answering Time.**

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

7 (a) ~~If emergency services for the LEC's total serving area is currently answered by~~
8 ~~the 011 system, at least ninety (90%) percent of the calls offered to the LEC provided operator~~
9 ~~shall be answered within thirty (30) seconds after zero only is dialed.~~

10 ~~—If emergency services for the LEC's total serving area is not currently~~
11 ~~answered by the 011 system, at least ninety (90%) percent of all the calls offered shall be~~
12 ~~answered within 30 seconds after zero only is dialed.~~

13 (ae) At least ninety (90%) percent of all calls directed to
14 assistance and repair services and eighty (80%) percent of all calls to business offices shall be
15 answered within thirty (30) seconds after the last digit is dialed when no menu driven system
16 is utilized.

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

24 (c) For subscribers who either selecting the option of transferring to a live

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1 assistant, or do not interact with the system for twenty seconds, except for business office
2 ~~calls, at least ninety five (95%) percent of all calls~~ the call shall be transferred by the system
3 to a live attendant. At least 90 percent of the calls shall be answered by the live attendant
4 prepared to give immediate assistance within ~~fifty five (55) seconds~~ of being transferred to the
5 attendant after the last digit of the telephone number listed in the directory for the company's
6 ~~service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business~~
7 office shall be transferred by the system to a live attendant within ~~fifty five (55) seconds~~ after
8 the last digit is dialed. ~~At any time during the call, the customer shall be transferred to live~~
9 ~~assistance if the customer fails to interact with the system for a time period of ten (10) seconds~~
10 ~~following any prompt. For the purposes of this section, interaction means responding to a~~
11 ~~customer prompt offered by the system by keying (pressing) a number or character of a Dual-~~
12 ~~Tone Multiple Frequency (DTMF) keypad associated with a telephone.~~

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

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

20 (dg) The terms “answered” as used in paragraphs (a) and (cb) above, shall be
21 construed to mean more than an acknowledgment that the customer is waiting on the line. It
22 shall mean that the operator, service representative, ~~or automated system~~ is ready to render
23 assistance, and/or accept the information necessary to process the call. ~~With respect to calls to~~
24 ~~business office services where the company practice provides that such calls are directed to an~~

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1 operator position, an additional twenty (20) seconds will be allowed to extend the call
2 excluding the time required for the customer to provide sufficient information to the operator
3 in order to process the call. In those instances where the call cannot be extended within the
4 allotted interval, the calling party is to be given the option of placing the call again or
5 providing a number by which a company representative will return the call within ten (10)
6 minutes or at a time mutually convenient to the parties.

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

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

22 (4) Each company shall report, pursuant to Rule 25-4.0185, Periodic Reports, the
23 performance of the company with respect to answer time as outlined in Form PSC/CMP 28 (
24 /04), incorporated herein by reference and available from the Division of Competitive Markets

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existing law.

1 and Enforcement.

2 Specific Authority 350.127(2) FS.

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

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

5 **25-4.0770 Customer Appointments.**

6 ~~_____ (1) When the company determines that it is likely that a premises visit and entry to~~
7 ~~the customer's premises (for installation, moves, changes, or repairs) will be necessary, the~~
8 ~~company shall, with customer approval, advise the customer of the time that its representative~~
9 ~~will be at the premises. Appointments shall be set within the time frames of 7-12 a.m., 12-5~~
10 ~~a.m., or 5-9 p.m., or, upon customer and company agreement, appointments may be set for a~~
11 ~~specific hour or day. Appearance of the company representative to render the service during~~
12 ~~the set period shall constitute a kept appointment by the company. Failure of the company~~
13 ~~representative to be present during the prescribed period for the appointment shall constitute a~~
14 ~~missed appointment by the company. In confirming the appointment, the company shall~~
15 ~~specifically advise the customer of the hour or hours applicable to the appointment.~~

16 ~~_____ (2) Each company shall keep at least 95 percent of all appointments each month.~~
17 ~~Where appointments cannot be kept by the company, the customer shall be notified by~~
18 ~~telephone _____ prior to the beginning of the appointment period if a can be reached number is~~
19 ~~obtained from the customer and a new appointment shall be scheduled. No appointment~~
20 ~~cancelled in this manner shall constitute a kept or missed appointment by the company.~~

21 ~~_____ (3) Whenever a company representative is unable to gain admittance to a~~
22 ~~customer's premises during the scheduled appointment period, the company representative~~
23 ~~shall leave a notice, indicating the date, time, name of subscriber, telephone number, and~~
24 ~~signature of the representative. Failure of the customer to be present to afford the company~~

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1 ~~representative entry to the premises during the appointment period shall constitute a missed~~
2 ~~appointment by the customer.~~

3 ~~(4) Appointments may be cancelled by the customer by telephone or personal~~
4 ~~notification, prior to the start of the appointment period.~~

5 ~~(5) The company shall maintain data and records sufficient to allow the~~
6 ~~Commission to ascertain compliance with this rule.~~

7 ~~(a) Each company shall at least maintain the following information on each~~
8 ~~appointment made: reason for premises entry (installation, move, change, or repair); the date~~
9 ~~and time the customer requested service; the appointment date and time period agreed upon;~~
10 ~~the date and time the appointment is cleared without a premises visit, if applicable; the date~~
11 ~~and time of cancellation of an appointment by either party; the date and time of arrival at the~~
12 ~~customer's premises; and the date and time of completion of the service. This information~~
13 ~~shall be maintained for one year following the completion of the service.~~

14 ~~(b) Each company shall report quarterly to the Commission the record of the~~
15 ~~company with respect to missed appointments. The report shall contain, on both a monthly~~
16 ~~and annual basis, the total number of customer appointments made pursuant to this rule, the~~
17 ~~number of appointments cleared without a premises visit, the number of appointments kept by~~
18 ~~the company, the number of appointments missed by the company, the number of~~
19 ~~appointments missed by customers, the number of appointments cancelled by the company,~~
20 ~~and the number of appointments cancelled by the customers.~~

21 Specific Authority 350.127(2) FS.

22 Law Implemented 364.025, 364.03(1), 364.19 FS.

23 History—New 7-13-82, Formerly 25-4.770, Amended 3-10-96, Repealed

24 **25-4.080 Weighted Measurement of Quality of Service.**

25 CODING: Words underlined are additions; words in type are deletions from existing law.

1 ~~In considering the adequacy of service provided by a local exchange company, the~~
2 ~~Commission may utilize a weighted index system developed by the Public Utility Research~~
3 ~~Center. Under this weighting system, a company exactly meeting all FPSC standards on all~~
4 ~~criteria would receive an overall satisfactory rating of 75 points. Using indices assigned to~~
5 ~~each criterion, adjustments to the base of 75 would be made on all results that either exceed or~~
6 ~~fall below the standards. The criteria and indices are contained in the Weighted Index (Form~~
7 ~~CMU 41, 4/1/93), which is incorporated by reference into this rule. Local exchange~~
8 ~~companies shall be responsible for complying with each service standard, whether or not an~~
9 ~~overall score of 75 or more is achieved when the weighted index is employed.~~

10 Specific Authority 350.127(2) FS.

11 Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS.

12 History—New 6-2-93, Repealed.

13 **25-4.085 Service Guarantee Program**

14 A company may petition the Commission for approval of a Service Guarantee
15 Program, which would relieve the company from the rule requirement of each service standard
16 addressed in the approved Service Guarantee Program. The Commission shall have the right
17 to enforce the provisions of the Service Guarantee Plan.

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

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

20 History: New

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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: November 22, 2004
TO: Office of General Counsel (Stern)
FROM: Division of Economic Regulation (Hewitt)
RE: Revised Statement of Estimated Regulatory Costs for Proposed Rule Amendments/Repeal/Adoption, 25-4.002, F.A.C., Application and Scope (Amend), 25-4.003, F.A.C., Definitions (Amend), Rules 25-4.0185, F.A.C., Periodic Reports (Amend), 25-4.023, F.A.C., Report of Interruption (Amend)s, 25-4.038, F.A.C., Safety (Amend), 25-4.039, F.A.C., Traffic (Repeal), 25-4.066, F.A.C., Availability of Service (Amend), 25-4.070, F.A.C., Customer Trouble Reports (Amend), 25-4.072, F.A.C., Transmission Requirements (Amend), 25-4.073, F.A.C., Answering Time (Amend), 25-4.0770, F.A.C., Customer Appointment (Repeal), 25-4.080, F.A.C., Weighted Measurement of Quality of Service (Repeal), 25-4.085, F.A.C., Service Guarantee Program (Adopt)

SUMMARY OF THE RULES

Chapter 25-4, F.A.C., Telephone Companies, contains the requirements for reasonable service standards for furnishing adequate and satisfactory service to the public. The Parts of the chapter being changed apply to local exchange companies.

The proposed rule amendments/repeals/adoption would streamline and clarify service rules concerning Incumbent Local Exchange Companies (ILECs) and promote a Service Guarantee Program to directly benefit customers if a company misses a service standard.

25-4.002 Application and Scope – Changes application of rules to only apply to residential services.

25-4.003 Definitions – Eliminates references to the term “Extension Station” because it is no longer applicable. Clarifies the definition of a “Local Exchange Telecommunications Company” so it will not be confused with a competitive local exchange company. Added is the definition of a “Subscriber Loop” which is the same as “Access Line”. Also added is a definition of new construction as it relates to installation of service.

- 25-4.0185 Periodic Reports – Eliminates some reports that are no longer appropriate. This would be a cost savings, but the amount is unknown.
- 25-4.023 Report of Interruptions – Defines the number of persons that need to be affected by an interruption before the company is required to report the outage to the Commission. Previous rule language was too ambiguous.
- 25-4.038 Safety – Provides a reference to Articles 800.30 and 800.31 of the National Electric Code as they apply to proper grounding of subscriber loops to prevent harm to the public.
- 25-4.039 Traffic – Repeal – Unknown amount of benefits.
- 25-4.066 Availability of Service – Changes the requirement to meet the standard from a monthly to a quarterly basis, in exchanges with less than 50,000 lines. This will enable the companies manage its resources better in smaller exchanges. Also outlines procedure on handling customer requests beyond three days as well as appointments. This will make reporting of the results easier for the companies. These proposed changes would be a benefit but the cost savings are unknown.
- 25-4.070 Customer Trouble Reports - Changes the requirement to meet the standard from a monthly to a quarterly basis, in exchanges with less than 50,000 lines. This will enable the companies manage its resources better in smaller exchanges. Also outlines procedure on handling customer requests and appointments beyond the required time. This will make reporting of the results easier for the companies. These proposed changes would be a benefit but the cost savings are unknown.
- 25-4.072 Transmission Requirements – Adds reference to the ANSI/IEEE Standard 820 that defines the requirements the companies should meet. Previous language was too broad. Difficult to interpret and difficult to enforce. Unknown amount of benefits.
- 25-4.073 Answering Time – Changes the answer time requirement for calls reaching a menu given system from 55 seconds after the last digit dialed, to 55 seconds after being transferred. This makes the measurement more flexible. Unknown amount of benefits to customers, Decreases costs to companies.
- 25-4.0770 Customer Appointments – Repeal. Eliminates some record keeping and decreases the amount of regulation concerning keeping appointments. Unknown amount of benefits.
- 25-4.080 Weighted Measurement of Service Quality – Repeal. Decreases the amount of regulation. Unknown amount of benefits.
- 25-4.085 Service Guarantee Program – Allows the option for the company to have a Commission approved Service Guarantee Program which will relieve the

company from each standard covered in the program. Benefits customers by an unknown amount and may be less costly to companies if fewer employees are needed versus the amount needed to meet the service standards.

ESTIMATED NUMBER OF ENTITIES REQUIRED TO COMPLY AND
GENERAL DESCRIPTION OF INDIVIDUALS AFFECTED

There are currently ten ILECs subject to the proposed rule changes. There are approximately 12 million customers subscribing to telephone service who may be affected by the rule changes. If a company elects to adopt a Service Guarantee Program (SGP), the customers affected by missed service standards would be compensated directly. ILEC customers would benefit by having shorter wait times when calling for service.

The proposed change in 25-4.002 would apply the service standards only to residential customers. Service standards would no longer apply to single line businesses because that sector has a growing competitiveness with alternative service providers. Price and service levels would be available depending on the trade-offs a business chose.

RULE IMPLEMENTATION AND ENFORCEMENT COST AND IMPACT ON REVENUES
FOR THE AGENCY AND OTHER STATE AND LOCAL GOVERNMENT ENTITIES

There should be no additional costs to the Commission after adoption of the rule changes and no additional costs to other governmental entities. There should be some Commission benefits from elimination of some reports and their review, and a reduction in the number of filings for other reports, but the amount is unknown.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES

Estimated transactional costs range from little or none to millions of dollars.

ALLTEL

ALLTEL states that the proposed definition "New Construction" in 25-4.003 would increase its cost of business because to comply it would have to hire additional personnel. ALLTEL proposes that there should be a credit to the company for interactive voice response (IVR) handled calls where the customer is satisfied without going to a customer sales representative, and an average speed of answer measurement like that recently adopted by the North Carolina Utilities Commission.

Verizon

Overall, Verizon supports the proposed rule changes but can only estimate benefits/savings in some instances. Repeal of the Answering Time rule for Directory Assistance

would save Verizon an annual cost of approximately \$9,600. Changing when answering time begins would save Verizon manual answering time studies costing approximately \$5,000 annually.

BellSouth

BellSouth stated that it originally petitioned the Commission for service rule changes in 1995 and the current rule docket was opened in 1999 after the original docket was closed. The service rule objective standards have changed little over that period, according to BellSouth, "...although significant regulatory, competitive, technological advancements, system enhancements, and development of employee skill levels through training have occurred." BellSouth offers customers various options when they seek contact for service requests, such as the RightTouch option, the Customer Callback Option, and a web page. A customer using RightTouch can complete transactions without talking to an agent, including ordering additional services and billing inquiries. When a customer calls in and gets put in a queue, after a certain time and no agent is available, the Customer Call Back (CCB) System software will give the customer a choice: stay online for the next available agent or schedule a callback for later the same day. BellSouth suggested that its proposed changes, which take into account the "significant changed circumstances" and reflect real customer perception of satisfactory service and customer demand for service, would result in no additional cost impact as it is the way BellSouth is currently operating its business.

BellSouth Telecommunications estimated that the total cost impact of the proposed rule changes would be \$40,047,005 annually and \$16,004,800 non-recurring for the initial capital outlay. The bulk of the costs would be for additional personnel, including service representatives, supervisors, administration, and trainers. These estimates do not include all expected costs which will be determined with further quantification of all the mitigating and aggravating factors. The break-down is as follows: BellSouth estimated that the proposed rule regarding Out of Service would cost \$19,011,707 annually and \$8,516,000 non-recurring for the initial capital outlay.

BellSouth has specialized representatives to handle the various call types and provides its customers with alternatives to being placed in a queue including its Customer Call Back System. Special service level requirements (the proposed rule changes) for exceptions to the normal menu process, such as the Florida "non-player" option (a caller who is added to the queue when

non-responsive) would require staffing levels above those currently budgeted for a “business as usual” operation. BellSouth’s estimated cost to reach the level of service of the proposed rule would be \$21,535,298 annually and \$7,488,800 non-recurring first year impact. The estimated expenses are based on additional staffing requirements to meet 90/30 service levels for the 2005 forecasted customer calls.

ITS Telecommunications

ITS responded that they do not anticipate any incremental costs or benefits from the proposed rule changes.

Sprint – Florida

Sprint stated that the addition of a Service Guarantee Plan would have benefits and potential cost savings, but they were unable to estimate the costs and benefits.

Sprint also stated there would be some minor programming changes and some cost associated with modification of schedules for Periodic Reports but the impact would not be significant. There would be some cost savings with the discontinuance of certain schedules and moving to a quarterly report but they were not able to quantify the savings.

Smart City Telecom

Smart City stated that any additional costs would be negligible.

TDS Telecom

TDS was opposed to the original proposed rule changes in 25-4.073, Answer Times, from 55 seconds to 30 seconds, which was changed to 55 seconds after call is transferred in the current proposed rule.

IMPACT ON SMALL BUSINESSES, SMALL CITIES, OR SMALL COUNTIES

Small business would be affected to the extent that there are any significant changes because service standards would no longer apply to single line businesses. However, the business sector has competitive alternative providers if a business does not receive the level of service it desires. Small cities or small counties should not be impacted.

Alternatives To The Proposed Rule Changes

Verizon recommended changing the answer time measure to an average speed of answer and not service level as this would lower costs. However, this would lower the standards, but the measurement time was changed to 55 seconds after call is transferred which should lower costs.

Chapter 364.051(6) F.S. has been changed which will allow the companies under certain conditions to elect to be treated like competitive companies, when service standards would no longer apply. If there are no rule changes, competitive forces would eventually determine the service level demanded by customers.

cc: Mary Andrews Bane
Chuck Hill
Rick Moses
Hurd Reeves

FORM PSC/CMP 28 (X/XX)

RULE 25-4.0185, F.A.C.

PERIODIC REPORTS

ENGINEERING DATA REQUIREMENTS

<u>SCHEDULE</u>	<u>TITLE</u>	<u>SUBMISSION</u> <u>Large LECs/Small LECs</u>
2	Summary of Completed Service Orders	Quarterly/Semiannually
3	Summary of Held Applications	Quarterly/Semiannually
8	Access Line Data	Quarterly/Semiannually
11	Repair Service-Trouble Reports	Quarterly/Semiannually
15	Answer Time- Repair Service	Quarterly/Semiannually
16	Answer Time-Business Office	Quarterly/Semiannually
19	Central Office NXX Data	Semiannually with Monthly Updates

NAME OF COMPANY - (a)

RULE 25-4.066, F. A. C

SCHEDULE 2

COMPLETED NEW PRIMARY SERVICE ORDERS

MONTH (b) _____

QUARTER (c) _____

Exchange	Total Orders	Delayed for Const.	Total Complete <= 3 Days	Percent Complete <= 3 Days	Standard Met Yes or No	Total Complete <= 30 Days	Percent Complete <=30 Days	Standard Met Yes or No	Total Complete <= 60 Days	Percent Complete <=60 Days	Standard Met Yes or No
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

- 1) Enter the name of the exchange in column 1.
- 2) Enter the total number of primary service order requests received.
- 3) Enter the number of orders being held for new construction.
- 4) Enter the total number of orders completed within 3 days including appointments and customer requests met.
- 5) Enter the percentage of service orders completed within 3 days (column 4 divided by column 2 minus column 3).
- 6) Enter Y if at least 90% were completed or N if the rule was not met.
- 7) Enter the total number of orders completed within 30 days.
- 8) Enter the percentage of service orders completed within 30 days (column 7 divided by column 2 minus column 3).
- 9) Enter Y if 95% were completed within 30 days or N if the rule was not met.
- 10) Enter the percentage of service orders completed within 30 days (column 10 divided by column 2 minus column 3).
- 11) Enter the percentage of service orders completed within 60 days.
- 12) Enter Y if 100% were completed within 60 days or N if the rule was not met.

NAME OF COMPANY (a)

RULE 25-4.066, F. A. C

SCHEDULE 3

SUMMARY OF HELD APPLICATIONS

MONTH (b) _____

Exchange	Right-of-way or Permits	Company Construction OSP	Company Required COE	Company Other	Subscriber Action	31-60 Days	Over 60 Days
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

NAME OF COMPANY (a)

RULE 25-4.0185, F. A. C

SCHEDULE 8

ACCESS LINE DATA

MONTH (b) _____

Exchange	Retail Lines			Resale Lines			UNE-P			Pay Phones	Total Lines
	Total	Res	Bus	Total	Res	Bus	Total	Res	Bus		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Enter the name of the company in line a.

Enter the month and year of the reported data in line b.

- 1) Enter the name of the exchange in column 1.
- 2) Enter the total retail lines in column 2.
- 3) Enter the number of residential retail lines in column 3.
- 4) Enter the number of business retail lines in column 4.
- 5) Enter the total number of resale lines in column 5.
- 6) Enter the number of residential resale lines in column 6.
- 7) Enter the number of business resale lines in column 7.
- 8) Enter the total number of unbundled network element-platforms (UNE-P) in column 8.
- 9) Enter the number of residential UNE-P in column 9.
- 10) Enter the number of business UNE-P in column 10.
- 11) Enter the total number of pay phone access lines in column 11.
- 12) Enter the total number of access lines in column 12 by adding columns 2,5,8, and 11.

NAME OF COMPANY (a)
 SCHEDULE 11

RULE 25-4.070, F. A. C

REPAIR SERVICE-TROUBLE REPORTS

MONTH (b) _____

QUARTER (c) _____

Exchange	Total Reports	Total Exempt	Out of Service	Cleared Within 24 Hours	% Cleared Within 24 Hours	Rule Satisfied (Y or N)	Service Affecting	Cleared Within 72 Hours	% Cleared Within 72 Hours	Rule Satisfied (Y or N)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Enter the name of the company in line a.

If the exchange is greater than 50,000 access lines enter the month and year of the reported data in line b.

If the exchange is less than 50,000 access lines enter the quarter and year for exchanges with less than 50,000 access lines in line c, since the data is to be accumulated over the entire quarter.

- 1) Enter the name of the exchange in column 1.
- 2) Enter the total of all trouble reports received in each exchange in column 2.
 Note: If it is determined that a trouble involves inside wire or CPE, the trouble report should be closed at that time and recorded as cleared if the company has notified or attempted to notify the customer of the cause within the required time frame. If the required time frame is not met, the trouble shall be counted as not cleared.
- 3) Enter the total number of exempted reports for each exchange in column 3.
 Note: Exempt reports are those due to emergency situations such as unavoidable casualties where at least 10% of an exchange is out-of-service.
- 4) Enter the total number of Out-Of-Service (OOS) reports in column 4. Include Customer Requests beyond 24 hours and Appointments made when a premises visit is made in order to obtain access.
- 5) Enter the total number of OOS troubles cleared within 24 hours in column 5. Customer Requests and Appointments are counted as being cleared within 24 hours if the trouble has been cleared within the agreed date.
- 6) Enter the percent of OOS troubles cleared within 24 hours in column 6 (column 5 divided by column 4).
- 7) Enter a "Y" if at least 95% were completed or an "N" if not in column 7.
- 8) Enter the total number of Service Affecting (SA) trouble reports in column 8.
- 9) Enter the number of SA reports cleared within 72 hours in column 9. Customer Requests and Appointments are counted as being cleared within 72 hours if the trouble has been cleared within the agreed date.
- 10) Enter the percent of SA troubles cleared within 72 hours in column 10 (column 9 divided by column 8).
- 11) Enter a "Y" if at least 95% were completed or an "N" if not in column 11.

NAME OF COMPANY . (a)

RULE 25-4.073, F. A. C

SCHEDULE 15

ANSWER TIME-REPAIR SERVICE

Categories	Month (c)				Month (d)			Std. Met Yes or No (8)	Month (e)			
	Attempts (1)	Ans'd w/in Std. (2)	Percent Ans'd w/in Std. (3)	Std. Met Yes or No (4)	Attempts (5)	Ans'd w/in Std. (6)	Percent Ans'd w/in Std. (7)		Attempts (9)	Ans'd w/in Std. (10)	Percent Ans'd w/in Std. (11)	Std. Met Yes or No (12)
Automated Answer w/in 15 Sec (IVRU)												
Ans'd by Attendant w/in 30 Sec (No IVRU)												
Ans'd by Attendant w/in 55 Sec (IVRU)												

Enter the name of the company in line a.

Enter the ending period of the report (such as March 31, 2004 if month three was March, 2004) in line b.

Enter the name of the month for the first month's data (such as January) in column c.

First Month's Data

- 1) Enter the total number of calls to repair in columns by category
- 2) Enter the total number of calls that were answered within standard in column 2.
- 3) Enter the percentage of calls that were answered within the standard (column 2 divided by column 1) in column 3.
- 4) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 4.

Enter the name of the month for the second month's data (such as February) in column d.

- 5) Enter the total number of calls to repair in column 5 by category.
- 6) Enter the total number of calls that were answered within the standard in column 6.
- 7) Enter the percentage of calls that were answered within the standard (column 6 divided by column 5) in column 7.

8) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 8.

Enter the name of the month for the third month's data (such as March) in column e.

9) Enter the total number of calls to repair in column 9 by category.

10) Enter the total number of calls that were answered within the standard in column 10.

11) Enter the percentage of calls that were answered within the standard (column 10 divided by column 9) in column 11.

12) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 12.

NAME OF COMPANY (a)

RULE 25-4.073, F. A. C

SCHEDULE 16

ANSWER TIME-BUSINESS OFFICE

MONTH (b) _____

Period Ending (b)

Categories	Month (c)				Month (d)				Month (e)			
	Attempts	Ans'd w/in Std.	Percent Ans'd w/in Std.	Std. Met Yes or No	Attempts	Ans'd w/in Std.	Percent Ans'd w/in Std.	Std. Met Yes or No	Attempts	Ans'd w/in Std.	Percent Ans'd w/in Std.	Std. Met Yes or No
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Automated Answer w/in 15 Sec (IVRU)												
Ans'd by Attendant w/in 30 Sec (No IVRU)												
Ans'd by Attendant w/in 55 Sec (IVRU)												

Enter the name of the company in line a.

Enter the ending period of the report (such as March 31, 2004 if month three was March, 2004) in line b.

Enter the name of the month for the first month's data (such as January) in column c.

- 1) Enter the total number of calls to the business office in column 1 by category
- 2) Enter the total number of calls that were answered within standard in column 2.
- 3) Enter the percentage of calls that were answered within the standard (column 2 divided by column 1) in column 3.
- 4) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 4.

Enter the name of the month for the second month's data (such as February) in column d.

- 5) Enter the total number of calls to the business office in column 5 by category.

- 6) Enter the total number of calls that were answered within the standard in column 6.
- 7) Enter the percentage of calls that were answered within the standard (column 6 divided by column 5) in column 7.
- 8) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 8.

Enter the name of the month for the third month's data (such as March) in column e.

- 9) **Enter the total number of calls to the business office in column 9.**
- 9) **Enter the total number of calls that were answered within the standard in column 10.**
- 10) **Enter the percentage of calls that were answered within the standard (column 10 divided by column 9) in column 11.**
- 11) **Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 12.**

NAME OF COMPANY (a)

RULE 25-4.0185, F. A. C

SCHEDULE 19

CENTRAL OFFICE NXX DATA

MONTH (b) _____

NPA	NXX	Sub	Central Office	Exchange	LATA	Toll Center	Milliwatt Line	Quiet Line	CO	CLLI Code
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Enter the name of the company in line a.

Enter the month and year of the reported data in line b.

- 1) Enter the Area Code in column 1.
- 2) Enter the three digit central office identifier in column 2.
- 3) Enter in column 3 an (a) if this is the only switch or home switch for the NXX or enter (b) if this is a remote switch.
- 4) Enter the name of the central office in column 4.
- 5) Enter the name of the Exchange in column 5.
- 6) Enter the LATA or Market Area in column 6.
- 7) Enter the toll center name in column 7.
- 8) Enter the milliwatt supply number for the designated NXX in column 8.
- 9) Enter the quiet line determination number for the central office in column 9.
- 10) Enter the central office telephone number in column 10.
- 11) Enter the Common Language Location Identifier (the 11 digit alphanumeric code used to identify the location) in column 11.