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STATE OF FLORIDA



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Public Service Commission

December 17, 2004

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Mr. Scott Boyd, Executive Director
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

RE: Docket No. 991473-TP - Review and Revision of Rules 25-4.002, 4.003, 4.0185, 4.023, 4.038, 4.066, 4.070, 4.072, 4.073, 4.0770, 4.080, and 4.085, F.A.C.

Dear Mr. Boyd:

Enclosed is an original copy of the following materials concerning the above referenced proposed rules:

1. A copy of the rules and the forms incorporated by reference into the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to these rules, please do not hesitate to call me.

Sincerely,

Marlene K. Stern

Marlene K. Stern
Associate General Counsel

CMP _____
COM _____
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Enclosures
cc: Division of the Commission Clerk
and Administrative Services

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1 **25-4.002 Application and Scope.**

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

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

17 Specific Authority 350.127(2) FS.

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

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

20 **25-4.003 Definitions.**

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

22 (1) “Access Line” or “Subscriber Line.” or “Subscriber Loop”. The circuit or
23 channel between the demarcation point at the customer’s premises and the serving end or class
24 5 central office.

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

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

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

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

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

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

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

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

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

17 (94) “Company,” “Telecommunications Company,” “Telephone Company,” or
18 “Utility.” These terms may be used interchangeably herein and shall mean
19 “telecommunications company” as defined in Section 364.02 (1312), Florida Statutes.

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

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

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

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

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

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

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

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

20 (17~~18~~) "Foreign Exchange Service." A classification of LEC exchange service
21 furnished under tariff provisions whereby a subscriber may be provided telephone service
22 from an exchange other than the one from which he would normally be served.

23 (18~~19~~) "Information Service." Telephone calls made to 900 or 976 type services, but

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1 does not include Internet services.

2 (1920) "Intercept Service." A service arrangement provided by the
3 telecommunications company whereby calls placed to an unequipped non-working,
4 disconnected, or discontinued telephone number are intercepted by operator, recorder, or
5 audio response computer and the calling party informed that the called telephone number is
6 not in service, has been disconnected, discontinued, or changed to another number, or that
7 calls are received by another telephone. This service is also provided in certain central offices
8 and switching centers to inform the calling party of conditions such as system blockages,
9 inability of the system to complete a call as dialed, no such office code, and all circuits busy.

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

15 (2022) "Inter-office Call." A telephone call originating in one central office but
16 terminating in another central office, both of which are in the same designated exchange area.

17 (2123) "Interstate Toll Message." Those toll messages ~~which~~ that do not originate and
18 terminate within the same state.

19 (2224) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or
20 between an end office and toll office, over which toll calls are passed.

21 (2325) "Intra-office Call." A telephone call originating and terminating within the
22 same central office.

23 (24) "Intrastate Interexchange Company (IXC)." Any entity that provides intrastate
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1 interexchange telecommunications services.

2 (2526) "Intrastate Intra-state Toll Message." Those toll messages which originate and
3 terminate within the same state.

4 (2627) "Invalid Number." A number comprised of an unassigned area code number or
5 a non-working central office code (NXX).

6 (2728) "Large LEC." A LEC certificated by the Commission prior to July 1, 1995, that
7 had in excess of 100,000 access lines in service on July 1, 1995.

8 (2829) "Local Access and Transport Area (LATA)" or "Market Area." A geographical
9 area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which
10 a LEC may transport telecommunication signals.

11 (2930) "Local Exchange Telecommunications Company (LEC)." Any
12 telecommunications company, certificated by the Commission prior to July 1, 1995, to provide
13 local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.

14 (3031) "Local Provider (LP)." Any telecommunications company providing local
15 telecommunications service, excluding pay telephone providers and call aggregators.

16 (3132) "Local Service Area" or "Local Calling Area." The area within which
17 telephone service is furnished subscribers under a specific schedule of rates and without toll
18 charges. A LEC's local service area may include one or more exchange areas or portions of
19 exchange areas.

20 (3233) "Local Toll Provider (LTP)." Any entity telecommunications company
21 providing intraLATA or intramarket area long distance telecommunications service.

22 (3334) "Main Station." The principal telephone associated with each service to which
23 a telephone number is assigned and which is connected to the central office equipment by a ~~an~~
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1 individual or party line circuit or channel.

2 (3435) "Message." A completed telephone call.

3 (3536) "Mileage Charge." A tariff charge for circuits and channels connecting other
4 services that are auxiliary to local exchange service, such as off premises extensions, foreign
5 exchange and foreign central office services, private line services, and tie lines.

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

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

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

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

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

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

20 (3738) "Normal Working Days." The normal working days for installation and
21 construction shall be all days except Saturdays, Sundays, and holidays. The normal working
22 days for repair service shall be all days except Sundays and holidays. Holidays shall be the
23 days which are observed by each individual telephone company utility.

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existing law.

1 (3839) "Optional Calling Plan." An optional service furnished under tariff provisions
2 which recognizes the need of some subscribers for extended area calling without imposing the
3 cost on the entire body of subscribers.

4 (3940) "Originating Party." Any person, firm, corporation, or other entity, including a
5 telecommunications company or a billing clearinghouse, that provides any
6 telecommunications service or information service to a customer or bills a customer **through a**
7 **billing party**, except the term "originating party" does not include any entity specifically
8 exempted from the definition of "telecommunications company" as provided in Section
9 364.02(13)(a) through (f), Florida Statutes~~(12), Florida Statutes~~.

10 (4041) "Out of Service." The inability, as reported by the customer, to complete either
11 incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

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

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

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

18 (4142) "Outside Plant." The telephone equipment and facilities installed on, along, or
19 under streets, alleys, highways, or on private rights-of-way between the central office and
20 subscribers' locations or between central offices of the same or different exchanges.

21 (4243) "Pay Telephone Service Company." Any telecommunications company that
22 provides pay telephone service as defined in Section 364.3375, Florida Statutes.

23 (4344) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the
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1 customer's carrier selection until further notice from the customer.

2 (4445) "Provider." Any ~~telecommunications company~~ entity providing
3 telecommunication service, excluding pay telephone providers and call aggregators (i.e., local,
4 local toll, and toll providers).

5 (4546) "Service Objective." A quality of service which is desirable to be achieved
6 under normal conditions.

7 (4647) "Service Standard." A level of service ~~which~~ that a telecommunications
8 company, under normal conditions, is expected to meet in its certificated territory as
9 representative of adequate services.

10 (4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995,
11 which had fewer than 100,000 access lines in service on July 1, 1995.

12 (4849) "Station." A telephone instrument consisting of a transmitter, receiver, and
13 associated apparatus so connected as to permit sending or receiving telephone messages.

14 (4950) "Subscriber" or "Customer." These terms may be used interchangeably herein
15 and shall mean any person, firm, partnership, corporation, municipality, cooperative
16 organization, or governmental agency supplied with communication service by a
17 telecommunications company.

18 (5054) "Subscriber Line." Or "Subscriber Loop." See "Access Line."

19 (5152) "Switching Center." Location at which telephone traffic, either local or toll, is
20 switched or connected from one circuit or line to another. A local switching center may be
21 comprised of several central office units.

22 (5253) "Toll Connecting Trunk." A trunk ~~which~~ that connects a local central office
23 with its toll operating office.
24

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2 exchanges for which message toll charges are applicable.

3 (5455) "Toll Provider (TP)." Any entity~~telecommunications company~~ providing
4 interLATA long distance telecommunications service.

5 (5556) "Traffic Study." The process of recording usage measurements which can be
6 translated into required quantities of equipment.

7 (5657) "Trouble Report." Any oral or written report from a subscriber or user of
8 telephone service to the telephone company indicating improper function or defective
9 conditions with respect to the operation of telephone facilities over which the telephone
10 company has control.

11 (5758) "Trunk." A communication channel between central office units or entities, or
12 private branch exchanges.

13 (5859) "Valid Number." A number for a specific telephone terminal in an assigned
14 area code and working central office which is equipped to ring and connect a calling party to
15 such terminal number.

16 Specific Authority 350.127(2) FS.

17 Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,

18 364.603, 364.604 FS.

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

21 **25-4.0185 Periodic Reports.**

22 Each local exchange telecommunications company shall file with the Commission's Division
23 of Competitive Services Markets and Enforcement the information required by Commission
24

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existing law.

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

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

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

11 ~~(3)~~(2) The information required by Schedule 19 of Form PSC/CMP 28 shall be
12 reported on a semiannual basis and shall be filed on or before the end of the month following
13 the second and fourth quarters.

14 Specific Authority 350.127(2) FS.

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

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

17 **25-4.023 Report of Interruptions.**

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

23 (2) In addition, a copy of all Florida service interruption reports made to the
24 Federal Communications Commission in accordance with the provisions of Part 63 of Chapter

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1 1 of Title 47; Code of Federal Regulations; Notification of Common Carriers of Service

2 I

3 Division of Competitive Markets and Enforcement, Bureau of Service Quality.

4 Specific Authority 350.127(2) FS.

5 Law Implemented 364.03, 364.17, 364.183 FS.

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

7 **25-4.038 Safety.**

8 Each utility shall at all times use reasonable efforts to properly warn and protect the public
9 from danger, and shall exercise due care to reduce the hazards to which employees, customers,
10 and the public may be subjected by reason of its equipment and facilities. All subscriber loops
11 shall be properly installed to prevent harm to the public as referenced in Article 800.30 and
12 300.31 of the National Electric Code (NEC), incorporated herein by reference.

13 Specific Authority 350.127(2) FS.

14 Law Implemented 364.01(4), 364.03 FS.

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

16 **25-4.066 Availability of Service.**

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

23 (2) Where central office and outside plant facilities are readily available, at least 90
24 percent of all requests for primary service in any calendar month shall normally be satisfied in

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

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

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

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

22 (64) Whenever, for any reason, the service installation cannot be made at the time
23 requested by the applicant or within the prescribed interval, the applicant shall be notified
24 promptly of the delay and the reason therefor.

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

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

13 Specific Authority 350.127(2), 364.14 FS.

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

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

16 **25-4.070 Customer Trouble Reports.**

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

24 (a) Companies shall make every reasonable attempt to restore service on the same

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1 day that the interruption is reported to the serving repair center.

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

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

12 (2) Sundays and Holidays:

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

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

21 (3) Service Objectives:

22 (a) **Service Interruption:** Restoration of interrupted service shall be scheduled to
23 insure at least 95 percent shall be cleared within 24 hours of report in each exchange that
24 contains at least 50,000 lines as and will be measured on a monthly basis. For exchanges that

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1 contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any
2 exchange failing to meet this objective, the company shall provide an explanation with its
3 periodic report to the Commission.

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

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

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

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

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

23 (7) Reporting Criteria: Each company shall periodically report the data as
24 specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (/04),

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1 incorporated herein by reference and available from the Division of Competitive Markets and
2 enforcement.

3 Specific Authority 350.127(2) FS.

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

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

6 **25-4.072 Transmission Requirements.**

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

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

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

23 Specific Authority 350.127(2) FS.

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

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

2 **25-4.073 Answering Time.**

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

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

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

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

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

23 (c) For subscribers who either selecting the option of transferring to a live
24 assistant, or do not interact with the system for twenty seconds, except for business office

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

1 calls, at least ninety five (95%) percent of all calls the call shall be transferred by the system
2 to a live attendant. At least 90 percent of the calls shall be answered by the live attendant
3 prepared to give immediate assistance within ~~fifty five (55) seconds~~ of being transferred to the
4 ttendant after the last digit of the telephone number listed in the directory for the company's
5 service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business
6 office shall be transferred by the system to a live attendant within ~~fifty five (55) seconds~~ after
7 the last digit is dialed. At any time during the call, the customer shall be transferred to live
8 assistance if the customer fails to interact with the system for a time period of ten (10) seconds
9 following any prompt. For the purposes of this section, interaction means responding to a
10 customer prompt offered by the system by keying (pressing) a number or character of a Dual-
11 Tone Multiple Frequency (DTMF) keypad associated with a telephone.

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

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

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

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existing law.

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

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

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

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

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

1 Specific Authority 350.127(2) FS.

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

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

4 **25-4.0770 Customer Appointments.**

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

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

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

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1 appointment by the customer.

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

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

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

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

20 Specific Authority 350.127(2) FS.

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

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

23 **25-4.080 Weighted Measurement of Quality of Service.**

24 ~~In considering the adequacy of service provided by a local exchange company, the~~

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

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

9 Specific Authority 350.127(2) FS.

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

11 History--New 6-2-93, Repealed.

12 **25-4.085 Service Guarantee Program**

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

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

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

19 History: New

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

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	Complete <=60 Days	Met Yes or No
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

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 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

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)

Enter the name of the company line a.

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

- 1) Enter the name of the exchange.
- 2) Enter the total number of orders waiting on right-of-way or permits.
- 3) Enter the total number of orders held for OSP construction.
- 4) Enter the total number of orders held for central office equipment.
- 5) Enter the total number of orders held due to other company circumstances and explain the reason for the delay.
- 6) Enter the total number of orders held due to action on the part of the subscriber.
- 7) Enter the total number of orders aged 31-60 days.
- 8) Enter the total orders aged over 60 days.

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

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.

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

Categories	Month (c)				Month (d)				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)	Std. Met Yes or No (8)	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.

- 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

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.

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 991473-TP

RULE TITLE:	RULE NO.:
Application and Scope	25-4.002
Definitions	25-4.003
Periodic Reports	25-4.0185
Report of Interruptions	25-4.023
Safety	25-4.038
Availability of Service	25-4.066
Customer Trouble Reports	25-4.070
Transmission Requirements	25-4.072
Answering Time	25-4.073
Customer Appointments	25-4.0770
Weighted Measurement of Quality of Service	25-4.080
Service Guarantee Program	25-4.085

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

SUMMARY: The proposed rule amendments pertain to standards of customer service imposed upon incumbent local exchange companies. The proposed rules apply only to residential telephone service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: For the majority of telecommunications companies affected, the transactional costs are small. For one company, the costs are large, but that company is not in compliance with the existing rules. If that company were in compliance, its transactional costs would also be small because the proposed rules are not stricter than the existing rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), ~~364.14~~, F.S.

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.035, 364.036, 364.14, 364.15, 364.17, 364.171, 364.18, 364.19, 364.183, 364.185, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.386, 364.602, 364.603, 364.604, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS MARLENE K. STERN, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-4.002 Application and Scope.

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

(2) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.335, 364.337, 364.3376 FS.

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

25-4.003 Definitions.

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

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

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

(23) No change.

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

(5) through (9) renumbered as (4) through (8) No change.

(24) "Company," "Telecommunications Company," "Telephone Company," or "Utility." These terms may be used interchangeably herein and shall mean "telecommunications company" as defined in Section 364.02 (1312), Florida Statutes.

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

(11) – (16) No change.

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

(18) through (20) renumbered as (17) through (19) No change.

~~(21) "Interexchange Company (IXC)." Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDA as defined in subsection (37) of these definitions.~~

(2022) No change.

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

(24) through (25) renumbered as (22) through (23) No change.

(24) "Intrastate Interexchange Company (IXC)." Any entity that provides intrastate interexchange telecommunications services.

(2526) "Intrastate Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

(27) through (29) renumbered as (26) through (28) No change.

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

(31) through (32) renumbered as (30) through (31) No change.

(3233) "Local Toll Provider (LTP)." Any entity telecommunications company providing intraLATA or intramarket area long distance telecommunications service.

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

(35) through (36) renumbered as (34) through (35) No change.

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

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

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

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

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

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

(3738) "Normal Working Days." The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone company utility.

(3839) No change.

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

(41) through (44) renumbered to (40) through (43) No change.

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

(4546) No change.

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

(48) through (50) renumbered as (47) through (49) No change.

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

(5152) No change.

(5253) "Toll Connecting Trunk." A trunk ~~which~~ that connects a local central office with its toll operating office.

(5354) No change.

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

(56) through (59) renumbered as (55) through (58) No change.

Specific Authority 350.127(2) FS.

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

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

25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Competitive Services Markets and Enforcement the information required by Commission Form PSC/CMP 28 (1043/96), which is incorporated into this rule by reference. Form PSC/CMP 28,

entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Competitive Markets and Enforcement.

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

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

~~(2)~~(3) No change.

Specific Authority 350.127(2) FS.

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

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

25-4.023 Report of Interruptions.

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

(2) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.17, 364.183 FS.

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

25-4.038 Safety.

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

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03 FS

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

25-4.066 Availability of Service.

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

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

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

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

(3) through (4) renumbered as (5) through (6) No change.

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

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

Specific Authority 350.127(2), 364.14 FS.

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

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

25-4.070 Customer Trouble Reports.

(1) – (2) No change.

(3) Service Objectives:

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

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

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

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

(5) – (6) No change.

(7) Reporting Criteria: Each company shall periodically report the data as specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (/04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement.

Specific Authority 350.127(2) FS.

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

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

25-4.072 Transmission Requirements.

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

(2) – (3) No change.

Specific Authority 350.127(2) FS.

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

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

25-4.073 Answering Time.

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

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

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

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

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

~~(c) For subscribers who either selecting the option of transferring to a live assistant, or do not interact with the system for twenty seconds, except for business office calls, at least ninety-five (95%) percent of all calls the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate~~

assistance within fifty-five (55) seconds of being transferred to the attendant after the last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty-five (85%) percent of all such calls directed to any business office shall be transferred by the system to a live attendant within fifty-five (55) seconds after the last digit is dialed. At any time during the call, the customer shall be transferred to live assistance if the customer fails to interact with the system for a time period of ten (10) seconds following any prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual-Tone Multiple-Frequency (DTMF) keypad associated with a telephone.

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

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

(dg) The terms "answered" as used in paragraphs (a) and (cb) above, shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, service representative, or automated system is ready to render assistance, and/or accept the information necessary to process the call. With respect to calls to business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In

~~those instances where the call cannot be extended within the allotted interval, the calling party is to be given the option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

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

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

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

Specific Authority 350.127(2) FS

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

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

25-4.0770 Customer Appointments.

Specific Authority 350.127(2) FS.

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

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

25-4.080 Weighted Measurement of Quality of Service.

Specific Authority 350.127(2) FS.

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

History--New 6-2-93, Repealed

25-4.085 Service Guarantee Program

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

Specific Authority 350.127(2), F.S.

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

History-New

NAME OF PERSON ORIGINATING PROPOSED RULES: Richard Moses

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: December 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 30,
Number 10, March 5, 2004.

Rule 25-4.002, 4.003, 4.0185, 4.023, 4.038,
4.066, 4.070, 4.072, 4.073, 4.0770, 4.080,
and 4.085

Docket No. 991473-TP

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

The industry requested that staff review the rules and initiate rulemaking to address the service standards. Three workshops have been held in an attempt to obtain an industry consensus for modifying the standards. Many methods such as using averages instead of percentages were considered. However, a consensus was not reached. Since the initiation of this rulemaking, the legislature has amended Chapter 364 which will allow the companies to elect to be treated the same as competing companies within two to four years. At that time, service standards will no longer apply. In the meantime, staff believes that the existing standards should apply and the proposed changes are appropriate during the transition period.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.

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: October 6, 2004

TO: Office of General Counsel (Stern)

FROM: Division of Economic Regulation (Hewitt) *CSA* *JDJ* *10/6*

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