

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

RECEIVED-FPSC

FEB -2 AM 11:22

COMMISSION CLERK

# Public Service Commission

February 1, 2005

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

RE: Docket No. 041017-TI – Revisions to intrastate interexchange telecommunications company rules in Chapters 25-4 and 25-24, F.A.C., to reflect 2003 statutory changes

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 rule.
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 \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 OPC \_\_\_\_\_  
 NMS \_\_\_\_\_  
 FICA \_\_\_\_\_  
 SCR \_\_\_\_\_  
 SEC 1 \_\_\_\_\_  
 OTH \_\_\_\_\_

041017 JAPC.mks.doc  
Enclosures

cc: Division of the Commission Clerk  
and Administrative Services

DOCUMENT NUMBER-DAT

01223 FEB-2 05

1 **25-4.003 Definitions.**

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

3 (1) "Access Line" or "Subscriber Line." The circuit or channel between the  
4 demarcation point at the customer's premises and the serving end or class 5 central office.

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

8 (23) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the  
9 busy season busy hours.

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

12 (45) "Busy Hour." The continuous one-hour period of the day during which the  
13 greatest volume of traffic is handled in the office.

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

16 (67) "Call." An attempted telephone message.

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

20 (89) "Commission." The Florida Public Service Commission.

21 (94) "Company," "Telecommunications Company," "Telephone Company," or  
22 "Utility." These terms may be used interchangeably herein and shall mean  
23 "telecommunications company" as defined in Section 364.02 (1342), Florida Statutes.

24 (10) ~~"Competitive Local Exchange Telecommunications Company (CLEC)." Any~~  
25

1 company certified by the commission to provide local exchange telecommunications  
2 services in Florida on or after July 1, 1995.

3 (11) "Completed call." A call which has been switched through an established path  
4 so that two-way conversation or data transmission is possible.

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

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

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

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

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

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

23 (18) "Foreign Exchange Service." A classification of LEC exchange service  
24 furnished under tariff provisions whereby a subscriber may be provided telephone service  
25

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

1 | from an exchange other than the one from which he would normally be served.

2 |       (19) "Information Service." Telephone calls made to 900 or 976 type services, but  
3 | does not include Internet services.

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

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

17 |       (2122) "Inter-office Call." A telephone call originating in one central office but  
18 | terminating in another central office, both of which are in the same designated exchange area.

19 |       (2223) "Interstate Toll Message." Those toll messages ~~which~~ that do not originate and  
20 | terminate within the same state.

21 |       (2324) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or  
22 | between an end office and toll office, over which toll calls are passed.

23 |       (2425) "Intra-office Call." A telephone call originating and terminating within the  
24 | same central office.  
25 |

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

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

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

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

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

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

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

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

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

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

23           (34)   “Main Station.” The principal telephone associated with each service to which  
24 a telephone number is assigned and which is connected to the central office equipment by a an  
25

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

1 individual or party line circuit or channel.

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

3 (36) "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 (3738) "Normal Working Days." The normal working days for installation and  
17 construction shall be all days except Saturdays, Sundays, and holidays. The normal working  
18 days for repair service shall be all days except Sundays and holidays. Holidays shall be the  
19 days which are observed by each individual telephone company utility.

20 (3839) "Optional Calling Plan." An optional service furnished under tariff provisions  
21 which recognizes the need of some subscribers for extended area calling without imposing the  
22 cost on the entire body of subscribers.

23 (3940) "Originating Party." Any person, firm, corporation, or other entity, including a  
24 telecommunications company or a billing clearinghouse, that provides any  
25

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

1 telecommunications service or information service to a customer or bills a customer through a  
2 billing party, except the term “originating party” does not include any entity specifically  
3 exempted from the definition of “telecommunications company” as provided in Section  
4 364.02(13)(a) through (f), Florida Statutes~~(12), Florida Statutes~~.

5 (4041) “Out of Service.” The inability, as reported by the customer, to complete either  
6 incoming or outgoing calls over the subscriber’s line. “Out of Service” shall not include:

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

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

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

13 (4142) “Outside Plant.” The telephone equipment and facilities installed on, along, or  
14 under streets, alleys, highways, or on private rights-of-way between the central office and  
15 subscribers’ locations or between central offices of the same or different exchanges.

16 (4243) “Pay Telephone Service Company.” Any telecommunications company that  
17 provides pay telephone service as defined in Section 364.3375, Florida Statutes.

18 (4344) “PC-Freeze.” (Preferred Carrier Freeze) A service offered that restricts the  
19 customer’s carrier selection until further notice from the customer.

20 (4445) “Provider.” Any ~~telecommunications company~~ entity providing  
21 telecommunication service, excluding pay telephone providers and call aggregators (i.e., local,  
22 local toll, and toll providers).

23 (4546) “Service Objective.” A quality of service which is desirable to be achieved  
24 under normal conditions.  
25

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

1           (4647) "Service Standard." A level of service which a telecommunications company,  
2 under normal conditions, is expected to meet in its certificated territory as representative of  
3 adequate services.

4           (4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995,  
5 which had fewer than 100,000 access lines in service on July 1, 1995.

6           (4849) "Station." A telephone instrument consisting of a transmitter, receiver, and  
7 associated apparatus so connected as to permit sending or receiving telephone messages.

8           (4950) "Subscriber" or "Customer." These terms may be used interchangeably herein  
9 and shall mean any person, firm, partnership, corporation, municipality, cooperative  
10 organization, or governmental agency supplied with communication service by a  
11 telecommunications company.

12           (5051) "Subscriber Line." See "Access Line."

13           (5152) "Switching Center." Location at which telephone traffic, either local or toll, is  
14 switched or connected from one circuit or line to another. A local switching center may be  
15 comprised of several central office units.

16           (5253) "Toll Connecting Trunk." A trunk which connects a local central office with its  
17 toll operating office.

18           (5354) "Toll Message." A completed telephone call between stations in different  
19 exchanges for which message toll charges are applicable.

20           (5455) "Toll Provider (TP)." Any entity~~telecommunications company~~ providing  
21 interLATA long distance telecommunications service.

22           (5556) "Traffic Study." The process of recording usage measurements which can be  
23 translated into required quantities of equipment.

24           (5657) "Trouble Report." Any oral or written report from a subscriber or user of  
25

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



1 telephone service to the telephone company indicating improper function or defective  
2 conditions with respect to the operation of telephone facilities over which the telephone  
3 company has control.

4 (5758) "Trunk." A communication channel between central office units or entities, or  
5 private branch exchanges.

6 (5859) "Valid Number." A number for a specific telephone terminal in an assigned  
7 area code and working central office which is equipped to ring and connect a calling party to  
8 such terminal number.

9 *Specific Authority 350.127(2) FS.*

10 *Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,*  
11 *364.603, 364.604 FS.*

12 *History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-*  
13 *21-93, 3-10-96, 12-28-98, 7-5-00.*

14 **25-4.044 Private Line/Special Access Cost Manual.**

15 ~~(1) Any person who requests a change in the rates, charges, terms or conditions of~~  
16 ~~private line/special access service shall provide cost support for the request in accordance with~~  
17 ~~the sample forms and methods prescribed by Form PSC/CMU 30 (12/86), which is~~  
18 ~~incorporated into this rule by reference. However, changes in rates pursuant to such studies~~  
19 ~~may only be implemented pursuant to a general revenue requirements proceeding. Form~~  
20 ~~PSC/CMU 30 (12/86), entitled Private Line/Special Access Cost Manual, was effective on~~  
21 ~~December 14, 1986 and may be obtained from the Commissions Division of~~  
22 ~~Telecommunications. A person is not precluded from providing cost information of its choice~~  
23 ~~in addition to that prescribed by Form PSC/CMU 30 (12/86).~~

24 ~~(2) A person subject to this rule may, in a particular case, request that the~~  
25

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

1 ~~Commission waive the requirements of this rule in whole or part. Such a request may be~~  
2 ~~granted when compliance would be impractical or would impose excessive cost, or where the~~  
3 ~~requested change is of a nature that does not justify a cost analysis. The Commission may~~  
4 ~~impose alternative requirements as a condition of a waiver. A telephone company with fewer~~  
5 ~~than 1,750 private line/special access circuits may adopt a study previously filed with the~~  
6 ~~Commission in lieu of providing its own study under Form PSC/CMU 30 or it may~~  
7 ~~incorporate portions of a previously filed study into its own study.~~

8 ~~—— (3) ——— The purpose of this rule is to provide the Commission with a measure of cost of~~  
9 ~~private line/special access service. A study using Form PSC/CMU 30 is required whenever a~~  
10 ~~local exchange or major interexchange company proposes a change involving existing service.~~  
11 ~~This rule does not affect Commission policy regarding how rates, charges, terms or conditions~~  
12 ~~of such service are prescribed.~~

13 *Specific Authority 350.127(2) FS.*

14 *Law Implemented 364.14, 364.17 FS*

15 *History—New 12-15-86, Repealed.*

16 **25-4.079 Hearing/Speech Impaired Persons.**

17 (1) The telephone directory published by each local exchange telephone company  
18 (LEC) shall:

19 (a) list, with other emergency numbers at the beginning of the directory,  
20 Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which  
21 shall be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an  
22 ear with a slash across it;

23 (b) list the company's business office TDD number, which shall also be denoted by  
24 said universal symbol, for communicating with hearing/speech impaired persons;

25

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

1 (c) at the option of and without charge to TDD users, have a special notation by  
2 each TDD user's number indicating TDD or TDD plus voice capability;

3 (d) at the option of and without charge to hearing/speech impaired customers, not  
4 list the number of any hearing/speech impaired customer who requests that it not be published.

5 (2) Each LEC shall provide directory and operator assistance to TDD users. The  
6 numbers for these services shall be listed in the front of the directory and denoted by the  
7 universal symbol.

8 (3) Each LEC shall compile informational literature about the services it makes  
9 available to hearing/speech impaired persons and shall maintain this literature for public  
10 inspection in the company's business office. Each company shall send this literature at no  
11 charge to anyone requesting it and shall include this literature or a summary of it, once a year,  
12 in the company's informational mailings.

13 (4) Intrastate toll message rates for TDD users shall be evening rates for daytime  
14 calls and night rates for evening and night calls. These discounts shall be offered by all  
15 ~~interexchange carriers and LECs.~~

16 (5) Each LEC shall, pursuant to tariff, provide specialized customer premises  
17 equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE  
18 shall be priced to cover fully allocated costs without inclusion of a rate of return on investment  
19 component. Each LEC company shall provide at least one type of each of the following  
20 categories of specialized CPE:

21 (a) audible ring signalers;

22 (b) visual ring signalers;

23 (c) TDDs;

24 (d) volume control handsets.  
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), 364.02, 364.025, 364.03, 364.04 FS*

3 *History—New 4-5-88, Amended 6-3-90.*

4 **25-4.115 Directory Assistance.**

5 (1) Directory assistance service provided by any telephone company shall be  
6 subject to the following:

7 (a) Charges for directory assistance shall be reflected in tariffs filed with the  
8 Commission and shall apply to the end-user.

9 (b) The tariff shall state the number of telephone numbers that may be requested by  
10 a customer per directory assistance call.

11 (2) Charges for calls within a local calling area or within a customer's Home  
12 Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the  
13 local exchange company originating the call and shall be subject to the following:

14 (a) There shall be no charge for directory assistance calls from lines or trunks  
15 serving individuals with disabilities. As used in this rule subpart and paragraph (3)(a) thereof,  
16 "disability" means, with respect to an individual – A physical or mental impairment that  
17 prohibits a customer from using the telephone directory.

18 (b) The same charge shall apply for calls within a local calling area and calls  
19 within an HNPA.

20 (c) The tariff shall state the number of calls per billing month per individual line or  
21 trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which  
22 no charges will apply. The local exchange company shall charge for each local directory  
23 assistance call in excess of this allowance. The charge shall not apply for calls from pay  
24 stations.  
25

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

1 (d) The local exchange company shall apply the charge for each call to the number  
2 designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850)  
3 555-1212).

4 ~~2) Charges for intrastate calls to directory assistance outside of the caller's HNPA~~  
5 ~~shall be at rates prescribed in the general services tariff of the interexchange companies and~~  
6 ~~shall be subject to the following:~~

7 ~~(a) There shall be no charge for up to fifty calls per billing cycle from lines or~~  
8 ~~trunks serving individuals with disabilities. See paragraph (2)(a) of this rule for the definition~~  
9 ~~of "disability". The interexchange carrier shall charge its prevailing tariff rates for every call~~  
10 ~~in excess of 50 within a billing cycle.~~

11 *Specific Authority 350.127 FS.*

12 *Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS.*

13 *History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95.*

14 **25-4.118 Local, Local Toll, or Toll Provider Selection.**

15 (1) The provider of a customer shall not be changed without the customer's  
16 authorization. The customer or other authorized person may change the residential service. For  
17 the purposes of this section, the term "other authorized person" shall mean a person 18 years  
18 of age or older within the same household. The person designated as the contact for the local  
19 telecommunications company, an officer of the company, or the owner of the company is the  
20 person authorized to change business service. A LEC shall accept a provider change request  
21 by telephone call or letter directly from its customers; or (2) A LEC shall accept a change  
22 request from a certified LP or IXC acting on behalf of the customer. A certificated LP or IXC  
23 shall submit a change request only if it has first certified to the LEC that at least one of the  
24 following actions has occurred:  
25

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

2 the customer requesting the change;

3 (b) The provider has received a customer-initiated call, and beginning six months  
4 after the effective date of this rule has obtained the following:

5 1. The information set forth in subparagraphs (3)(a)1. through 5.; and

6 2. Verification data including at least one of the following:

7 a. The customer's date of birth;

8 b. The last four digits of the customer's social security number; or

9 c. The customer's mother's maiden name.

10 (c) A firm that is independent and unaffiliated with the provider claiming the  
11 subscriber has verified the customer's requested change by obtaining the following:

12 1. The customer's consent to record the requested change or the customer has  
13 been notified that the call will be recorded; and

14 2. Beginning six months after the effective date of this rule an audio recording  
15 of the information stated in subparagraphs (3)(a)1. through 5.; or

16 (d)1. The provider has received a customer's change request, and has responded by  
17 mailing an informational package that shall include the following:

18 a. A notice that the information is being sent to confirm that a customer's  
19 request to change the customer's telecommunications provider was obtained;

20 b. A description of any terms, conditions, or charges that will be incurred;

21 c. The name, address, and telephone number of both the customer and the  
22 soliciting company;

23 d. A postcard which the customer can use to confirm a change request;

24  
25

1 e. A clear statement that the customer's local, local toll, or toll provider will be  
2 changed to the soliciting company only if the customer signs and returns the postcard  
3 confirming the change; and,

4 f. A notice that the customer may contact by writing the Commission, 2540  
5 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free  
6 (TDD & Voice) 1 (800) 342-3552, for consumer complaints.

7 2. The soliciting company shall submit the change request to the LP only if it  
8 has first received the postcard that must be signed by the customer.

9 (3)(a) The LOA submitted to the company requesting a provider change shall include  
10 the following information (Each shall be separately stated):

11 1. Customer's billing name, address, and each telephone number to be changed;

12 2. Statement clearly identifying the certificated name of the provider and the  
13 service to which the customer wishes to subscribe, whether or not it uses the facilities  
14 of another company;

15 3. Statement that the person requesting the change is authorized to request the  
16 change;

17 4. Statement that the customer's change request will apply only to the number  
18 on the request and there must only be one presubscribed local, one presubscribed local  
19 toll, and one presubscribed toll provider for each number;

20 5. Statement that the LEC may charge a fee for each provider change;

21 6. Customer's signature and a statement that the customer's signature or  
22 endorsement on the document will result in a change of the customer's provider.  
23  
24  
25

1 (b) The soliciting company's provider change fee statement, as described in  
2 subparagraph (a)5. above, shall be legible, printed in boldface at least as large as any other text  
3 on the page, and located directly above the signature line.

4 (c) The soliciting company's provider change statement, as described in  
5 subparagraph (a)6. above, shall be legible, printed in boldface at least as large as any other text  
6 on the page, and located directly below the signature line.

7 (4) The LOA shall not be combined with inducements of any kind on the same  
8 document. The document as a whole must not be misleading or deceptive. For purposes of this  
9 rule, the terms "misleading or deceptive" mean that, because of the style, format or content of  
10 the document or oral statements, it would not be readily apparent to the person signing the  
11 document or providing oral authorization that the purpose of the signature or the oral  
12 authorization was to authorize a provider change, or it would be unclear to the customer who  
13 the new provider would be; that the customer's selection would apply only to the number  
14 listed and there could only be one long distance service provider for that number; or that the  
15 customer's LP might charge a fee to switch service providers. If any part of the LOA is  
16 written in a language other than English, then it must contain all relevant information in each  
17 language. Notwithstanding the above, the LOA may be combined with checks that contain  
18 only the required LOA language as prescribed in subsection (3) of this section and the  
19 information necessary to make the check a negotiable instrument. The LOA check shall not  
20 contain any promotional language or material. The LOA check shall contain in easily  
21 readable, bold-face type on the front of the check, a notice that the consumer is authorizing a  
22 primary carrier change by signing the check. The LOA language shall be paced near the  
23 signature line on the back of the check.  
24  
25

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



1 (5) A prospective provider must have received the signed LOA before initiating the  
2 change.

3 (6) Information obtained under paragraphs (2)(a) through (d) shall be maintained  
4 by the provider for a period of one year.

5 (7) Customer requests for other services, such as travel card service, do not  
6 constitute a provider change.

7 (8) Charges for unauthorized provider changes and all 1+ charges billed on behalf  
8 of the unauthorized provider for the first 30 days or first billing cycle, whichever is longer,  
9 shall be credited to the customer by the company responsible for the error within 45 days of  
10 notification to the company by the customer, unless the claim is false. After the first 30 days  
11 up to 12 months, all 1+ charges over the rates of the preferred company will be credited to the  
12 customer by the company responsible for the error within 45 days of notification to the  
13 company by the customer, unless the claim is false. Upon notice from the customer of an  
14 unauthorized provider  
15 change, the LEC shall change the customer back, or to another company of the customer's  
16 choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays,  
17 in which case the change shall be made by the end of the next business day. The provisions of  
18 this subsection apply whether or not the change is deemed to be an authorized carrier change  
19 infraction under subsection (13).

20 (9) The company shall provide the following disclosures when soliciting a change  
21 in service from a customer:

22 (a) Identification of the company;

23 (b) That the purpose of the visit or call is to solicit a change of the provider of the  
24 customer;  
25

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

1 (c) That the provider shall not be changed unless the customer authorizes the change;

2 and

3 ~~(d) All information as referenced in subsection 25-24.490(3), F.A.C.~~

4 (d) Upon a customer's request, the following information will be provided verbally or  
5 in writing:

6 (d) 1. Any nonrecurring charge;

7 (e) 2. Any monthly service charge or minimum usage charge;

8 (f) 3. Company deposit practices;

9 (g) 4. Any charge applicable to call attempts not answered;

10 (h) 5. A statement of when charging for a call begins and ends; and

11 (i) 6. A statement of billing adjustment practices for wrong numbers or incorrect bills.

12 (10) During telemarketing and verification, no misleading or deceptive references  
13 hall be made while soliciting for subscribers.

14 (11) A provider must provide the customer a copy of the authorization it relies upon  
15 n submitting the change request within 15 calendar days of request.

16 (12) Each provider shall maintain a toll-free number for accepting complaints  
17 regarding unauthorized provider changes, which may be separate from its other customer  
18 service numbers, and must be answered 24 hours a day, seven days a week. If the number is a  
19 separate toll-free number, beginning six months after the effective date of this rule new  
20 customers must be notified of the number in the information package provided to new  
21 customers or on their first bill. The number shall provide a live operator or shall record end  
22 user complaints made to the customer service number to answer incoming calls. A  
23 combination of live operators and recorders may be used. If a recorder is used, the company  
24 shall attempt to contact each complainant no later than the next business day following the  
25

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

1 late of recording and for three subsequent days unless the customer is reached. If the customer  
2 is not reached, the company shall send a letter to the customer's billing address informing the  
3 customer as to the best time the customer should call or provide an address to which  
4 correspondence should be sent to the company. Beginning six months after the effective date  
5 of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to  
6 a live attendant or recording device prepared to give immediate assistance within 60 seconds  
7 after the last digit of the telephone number listed as the customer service number for  
8 unauthorized provider change complaints was dialed; provided that if the call is completed  
9 within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer  
10 time shall be measured from the point at which the customer selects a menu option to be  
11 connected to a live attendant. Station busies will not be counted as completed calls. The term  
12 "answer" as used in this subsection means more than an acknowledgment that the customer is  
13 waiting on the line. It shall mean the provider is ready to render assistance or accept the  
14 information necessary to process the call.

15 (13)(a) A company shall not be deemed to have committed an unauthorized carrier  
16 change infraction if the company, including its agents and contractors, did the following:

- 17 1. Followed the procedures required under subsection (2) with respect to the  
18 person requesting the change;
- 19 2. Followed these procedures in good faith; and
- 20 3. Complied with the credit procedures of subsection (8).

21 (b) In determining whether fines or other remedies are appropriate for an  
22 unauthorized carrier change infraction, the Commission shall consider the actions taken by the  
23 company to mitigate or undo the effects of the unauthorized change. These actions include but  
24 are not limited to whether the company, including its agents and contractors:  
25

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

- 1 1. Followed the procedures required under subsection (2) with respect to the  
2 person requesting the change in good faith;
- 3 2. Complied with the credit procedures of subsection (8);
- 4 3. Took prompt action in response to the unauthorized change;
- 5 4. Reported to the Commission any unusual circumstances that might have  
6 adversely affected customers such as system errors or inappropriate marketing  
7 practices that resulted in unauthorized changes and the remedial action taken;
- 8 5. Reported any unauthorized provider changes concurrently affecting a large  
9 number of customers; or
- 10 6. Took other corrective action to remedy the unauthorized change appropriate  
11 under the circumstances.

12 *Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19, 364.285, 364.603 FS.*

13 *History—New 3-4-92, Amended 5-31-95, 12-28-98.*

14 **25-24.455 Scope and Waiver.**

15 (1) This ~~Part~~ part applies only to Intrastate Interexchange Companies (IXCs). As  
16 provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapters 25-4,  
17 25-9, or 25-14, F.A.C., shall apply to IXCs ~~Interexchange Companies~~, except as provided by  
18 this part.

19 ~~(2) — To the extent these rules are inconsistent with provisions of Chapter 364,~~  
20 ~~Florida Statutes, telephone companies subject to this Part are exempted from such provisions~~  
21 ~~or are subject to different requirements than otherwise prescribed for telephone companies~~  
22 ~~under the authority of Section 364.337, Florida Statutes.~~

23 ~~(3) — Any interexchange company may petition for exemption from applicable~~  
24 ~~portions of Chapter 364, Florida Statutes, or for application of different requirements than~~  
25

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

1 otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the  
2 authority of Section 364.337, Florida Statutes.

3 (24) An IXC interexchange company may petition for a waiver of any provision of  
4 this Part. The Commission may grant a waiver to the extent that it determines that it is  
5 consistent with the public interest to do so. The Commission may grant the petition in whole  
6 or part, may limit the waiver to certain geographic areas and/or may impose reasonable  
7 alternative regulatory requirements on the petitioning company. In disposing of a petition, the  
8 Commission may consider:

9 ~~(a) The factors enumerated in Section 364.337(4), Florida Statutes;~~

10 (ab) The extent to which competitive forces may serve the same function as, or  
11 obviate the necessity for, the provision sought to be waived; and

12 (be) Alternative regulatory requirements for the company which may serve the  
13 purposes of this part.

14 ~~(5) Any statutory exemptions or rule waivers granted prior to the adoption of this~~  
15 ~~rule are void, and to the extent not covered in this rule, must be renewed.~~

16 *Specific Authority 350.127(2) FS.*

17 *Law Implemented 364.01, 364.02 364.337 FS.*

18 *History—New 2-23-87.*

19 **25-24.465 Terms and Definitions; Rule Incorporated.**

20 (1) For purposes of this Part, the term “Company” means an IXC interexchange  
21 Company.

22 (2) Rule 25-4.003, Florida Administrative Code, Definitions, The following rule is  
23 incorporated herein by reference applies to IXCs.

24  
25 Portions not

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

1 | Section      Title      Applicable  
2 | 25-4.003      Definitions      Subsection (8)

3 | ~~Specific Authority 350.127(2)~~  
4 | ~~FS. Law Implemented 364.01, 364.02, 364.337 FS.~~  
5 | ~~History—New 2-23-87, Amended 3-13-96.~~

6 | **25-24.470 Registration Certificate of Public Convenience and Necessity Required.**

7 |        (1)      No person shall provide intrastate interexchange telephone service without first  
8 | filing an initial tariff containing the rates, terms, and conditions of service and providing the  
9 | company's current contact information with~~obtaining a certificate of public convenience and~~  
10 | ~~necessity from the Division of the Commission Clerk and Administrative Services. Services~~  
11 | ~~may not be provided, nor may deposits or payment for services be collected until the effective~~  
12 | ~~date of a certificate, if granted. However, acquisition of equipment and facilities, advertising~~  
13 | ~~and other promotional activities may begin prior to the effective date of the certificate at the~~  
14 | ~~applicant's risk that it may not be granted. In any customer contacts or advertisements prior to~~  
15 | ~~certification, the applicant must advise the customer that certification has not and may never~~  
16 | ~~be granted.~~

17 |        (2)      An original and three (3) copies of the company's initial tariff shall be filed.  
18 | The tariff filing shall conform to the requirements of Rule 25-24.485, F.A.C.

19 |        (3)      The company's contact information shall be provided using Form PSC/CMP 31  
20 | (xx/xx), entitled "IXC Registration Form" which is hereby incorporated into these rules. A  
21 | copy of the form may be obtained from the Commission's website, [www.floridapsc.com](http://www.floridapsc.com), or  
22 | by contacting the Commission's Division of Competitive Markets and Enforcement.

23 |        (4)      Each IXC shall file and update, within 10 days after any change, the following  
24 | contact information with the Division of the Commission Clerk and Administrative Services:  
25 |

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

- 1       (a) Official company name, including any fictitious names, as filed with the  
2 Department of State, Division of Corporations; and
- 3       (b) Mailing address, including street name and address and post office box, city,  
4 state, and zip code.
- 5       (c) Name, address, telephone number, and e-mail address and FAX number, where  
6 applicable, of the individual who is to serve as primary liaison with the Commission in regard  
7 to ongoing operations of the company within the state.

8 *Specific Authority 350.127(2) FS.*

9 *Law Implemented 364.02, 364.04 ~~364.32, 364.33, 364.335, 364.337~~ FS.*

10 *History—New 2-23-87.*

11 **25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated**

12 **Resellers Prohibited.**

13       ~~(1) Each certificated interexchange company shall, within the general section of its~~  
14 ~~intrastate tariff, or in the sections applicable to services that it expects may be resold or~~  
15 ~~rebilled, include language which states that customers reselling or rebilling such services must~~  
16 ~~have a Certificate of Public Convenience and Necessity as an interexchange carrier from the~~  
17 ~~Florida Public Service Commission.~~

18       ~~(2) Each certificated interexchange company shall implement procedures to~~  
19 ~~identify and report those customers whom it believes are reselling or rebilling interexchange~~  
20 ~~telecommunications service on an intrastate basis in Florida. Each certificated interexchange~~  
21 ~~company shall, within thirty days of a written request by the Commission staff, submit a~~  
22 ~~complete list of such customers' names and addresses to the Commission.~~

23       ~~(3) The Commission, upon making a determination that a customer of an~~  
24 ~~interexchange company is unlawfully reselling or rebilling intrastate interexchange service~~  
25

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

1 may issue an order that directs the customer to cease and desist reselling or rebilling such  
2 service and simultaneously directs the interexchange company to discontinue providing such  
3 service to such customer and/or to cease providing service to such customer at additional  
4 locations within Florida, provided that such discontinuance or limitation of service is  
5 technically feasible within the context of existing facilities and technology.

6 *Specific Authority 350.127(2) FS.*

7 *Law Implemented 364.07, 364.19, 364.27 FS.*

8 *History—New 1-12-92, Repealed.*

9 **25-24.471 Application for Certificate.**

10 ~~(1) An applicant desiring to apply for a certificate shall submit an application on~~  
11 ~~Commission Form PSC/CMP 31 (12/96), which is incorporated into this rule by reference.~~  
12 ~~Form PSC/CMP 31 (12/96), entitled “Application Form for Authority to Provide~~  
13 ~~Interexchange Telecommunications Service Between Points Within the State of Florida”, may~~  
14 ~~be obtained by contacting the Commission’s Division of Competitive Markets and~~  
15 ~~Enforcement. A non-refundable application fee of \$250.00 must accompany the filing of all~~  
16 ~~applications.~~

17 ~~(2) An original and 12 copies of the application shall be filed with the Division of~~  
18 ~~the Commission Clerk and Administrative Services.~~

19 ~~(3) A certificate will be granted if the Commission determines that such approval~~  
20 ~~is in the public interest.~~

21 ~~(4) Any authority granted to interexchange companies (IXCs) previously or~~  
22 ~~hereafter is subject to the following:~~

23 ~~(a) Toll authority granted to all companies is statewide. A company may provide~~  
24 ~~toll service over its own or resold facilities.~~

25

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



1 ~~However, end user dialed 0+ local and all 0- calls shall be initially routed to the serving local~~  
2 ~~exchange company or competitive local exchange company. When operator services are~~  
3 ~~provided by the competitive local exchange company, the competitive local exchange~~  
4 ~~company must also provide access to emergency service, busy line verification, and~~  
5 ~~emergency interrupt service to the end user on at least the same level as that provided by the~~  
6 ~~local exchange company. Call aggregators and IXCs shall not change or augment the dialing~~  
7 ~~pattern of end users for 0+ local or 0- calls.~~

8 ~~(b) Minor interexchange companies are not required to provide service throughout~~  
9 ~~their certificated service area, but must accept customers on a nondiscriminatory basis.~~

10 ~~Companies deemed major interexchange companies on December 31, 1994, are required to~~  
11 ~~provide service in any exchange that is not equal access capable to all customers in that~~  
12 ~~exchange making a request for service.~~

13 ~~(c) Where only one interexchange carrier is available in a confinement facility, that~~  
14 ~~interexchange carrier shall provide for completion of all inmate calls allowed by the~~  
15 ~~confinement facility.~~

16 ~~(d) A certificate to provide interexchange service does not carry with it the~~  
17 ~~authority to provide local exchange, shared tenant, alternative access, competitive local~~  
18 ~~exchange, or pay telephone service. A separate application must be made for such authority.~~

19 *Specific Authority 350.127(2) FS.*

20 *Law Implemented 364.03, 364.32, 364.33, 364.335, 364.337, 364.345 FS.*

21 *History—New 2-23-87, Amended 5-8-91, 11-20-91, 12-22-92, 10-10-94, 3-13-96, 12-9-96*

22 *Repealed.*

23 **25-24.472 Improper Use of a Certificate.**

24 ~~No certificate of public convenience and necessity authorizing interexchange service~~  
25

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

1 | may be sold, assigned or transferred by the holder to another, nor used as collateral for any  
2 | purpose, without prior Commission approval.

3 | *Specific Authority 350.127(2) FS.*

4 | *Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.*

5 | *History—New 2-23-87, Repealed.*

6 | **25-24.473 Application for Approval of Assignment or Transfer of Certificate.**

7 |       (1) ~~—A person desiring to obtain a certificate by assignment or transfer from the~~  
8 | ~~holder thereof shall submit jointly with the certificate holder an application on Commission~~  
9 | ~~Form PSC/CMP 31 (3/96), which is incorporated into this rule by reference. Form PSC/CMP~~  
10 | ~~31 (3/96), entitled “Application Form for Authority to Provide Interexchange~~  
11 | ~~Telecommunications Service Between Points Within the State of Florida,” may be obtained by~~  
12 | ~~contacting the Commission’s Division of Competitive Services.~~

13 |       (2) ~~—An original and 12 copies of the application shall be filed with the Division of~~  
14 | ~~the Commission Clerk and Administrative Services.~~

15 |       (3) ~~—An application for assignment or transfer of a certificate will be granted if the~~  
16 | ~~Commission determines that such approval is in the public interest.~~

17 |       (4) ~~—A certificate may be assigned or transferred only as a whole.~~

18 | *Specific Authority 350.127(2) FS.*

19 | *Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.*

20 | *History—New 2-23-87, Amended 11-20-91, 3-13-96, Repealed.*

21 | **25-24.474 Cancellation of a Certificate Registration.**

22 |       (1) The Commission may on its own motion cancel a company’s registration  
23 | certificate for any of the following reasons:

24 |       (a) Violation of the terms and conditions under which the authority was originally  
25 |

1 granted;

2 (b) Violation of Commission rule or order; or

3 (c) Violation of Florida Statutes.

4 (2) If a ~~registered-certificated~~ company desires to cancel its ~~registration-certificate~~,

5 it shall request cancellation from the Commission in writing and shall provide the following

6 with its request:

7 (a) ~~Statement of intent and date to pay~~ Current and any past due Regulatory

8 Assessment Fees, and the associated penalty and interest; and

9 ~~(b) Statement of why the certificate is proposed to be cancelled.~~

10 (be) A statement on treatment of customer deposits and final bills.

11 ~~(d) Proof of individual customer notice regarding discontinuance of service.~~

12 (3) Cancellation of the IXC registration ~~Cancellation of a certificate~~ shall be  
13 granted ~~ordered~~ subject to the holder providing the information required by subsection (2).

14 *Specific Authority 350.127(2) FS.*

15 *Law Implemented 350.113, 350.127(1), 364.02, 364.285, ~~364.337~~, ~~364.345~~ FS.*

16 *History—New 2-23-87, Amended 3-13-96.*

17 **25-24.475 Company Operations and Customer Relations;** ~~Rules Incorporated.~~

18 (1) For intrastate toll calls received from the relay service, each IXC shall offer

19 discounts as required by Rule 25-4.160(1), F.A.C.

20 (2) Each IXC shall comply with the requirements of Rule 25-4.110, F.A.C.; Customer

21 Billing, subsections (11), (12), (14), (15), (18), and (20).

22 (3) Each IXC shall comply with the requirements of Rule 25-4.118, F.A.C.; Local,

23 Local Toll, or Toll Provider Selection. For the purpose of this subparagraph, the words

24 “certificate” or “certificated” in Rule 25-4.118, F.A.C. shall be substituted for the word

25

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

1 register” or “registered.”

2 (4) When operator services are provided by an IXC for calls placed from pay  
3 telephones or confinement facilities, Part XIII of Chapter 25-24, F.A.C., shall apply for such  
4 calls.

5 (5) Each IXC shall respond to Commission inquiries within 15 days.

6 (6) Each IXC shall comply with the requirements of Rule 25-4.083, Florida  
7 Administrative Code, Preferred Carrier Freeze, except subsections (11) and (12).

8 ~~(1) The following rules are incorporated herein by reference and apply to~~  
9 ~~Interexchange Companies. In these rules, the word “local” should be omitted or interpreted as~~  
10 ~~“toll”, as they shall apply only to interexchange and not local service.~~

		Portions
<u>Section</u>	<u>Title</u>	<u>Applicable</u>
25 4.022	Complaint Trouble Reports, etc.	All
25 4.036	Design and Construction of Plant	All
25 4.038	Safety	All
25 4.039	Traffic	All
25 4.071	Adequacy of Service	Subsection (5)
25 24.515	Pay Telephone Service	Subsection (20)
25 4.077	Metering and Recording Equipment	All
25 4.160	Operation of Telecommunications Relay Service	Subsection (1)

21 ~~(2) A company may act as an agent of the customer in obtaining service from the~~  
22 ~~local exchange company, provided the local exchange company bills the customer directly for~~  
23 ~~the service rendered.~~

24 *Specific Authority 350.127(2) FS.*

25

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

1 *Law Implemented 364.02, 364.04, 364.603, 364.604 ~~364.01(4), 364.07, 364.16, 364.17,~~*  
2 *~~364.185, 364.19, 364.30, 364.337, 364.3375, 364.345, 364.386, 427.704~~ FS.*

3 *History—New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96, 2-1-99.*

4 **25-24.480 Records and Reports; ~~Rules Incorporated.~~**

5 (1) Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-  
6 4.0161, F.A.C.

7 (2) Any IXC that keeps its records outside the State shall reimburse the  
8 Commission for the reasonable travel expense incurred by each Commission representative  
9 during any review of the out-of-state records of the IXC or its affiliates. Reasonable travel  
10 expenses are those travel expenses that are equivalent to travel expenses paid by the  
11 Commission in the ordinary course of its business.

12 (a) The IXC shall remit reimbursement for out-of-state travel expenses within 30  
13 days from the date the Commission mails the invoice.

14 (b) The reimbursement requirement in subsection (2) shall be waived:

15 1. For any IXC that makes its out-of-state records available at its office located  
16 in Florida or at another mutually agreed upon location in Florida within 10 working  
17 days from the Commission's initial request. If 10 working days is not reasonable  
18 because of the complexity and nature of the issues involved or the volume and type of  
19 material requested, the Commission may establish a different time frame for the IXC  
20 to bring records into the state. For individual data requests made during an audit, the  
21 response time frame established in Rule 25-4.0201, F.A.C., shall control; or

22 2. For an IXC whose records are located within 50 miles of the Florida state  
23 line.

24  
25

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

1       (3) Each IXC shall furnish to the Commission at such times and in such form as  
2 the Commission may require, the results of any required tests and summaries of any required  
3 records. The IXC shall also furnish the Commission with any information concerning the  
4 IXC's facilities or operations which the Commission may reasonably request and require. All  
5 such data, unless otherwise specified, shall be consistent with and reconcilable with the IXC's  
6 regulatory assessment fee report to the Commission.

7       (4) Where an IXC is operated with another enterprise, records must be separated in  
8 such manner that the results of the IXC operations may be determined at any time.

9       (5) Upon notification to the IXC, members may, at reasonable times, make  
10 personal visits to the company offices or other places of business within or without the State  
11 and may inspect any accounts, books, records, and papers of the IXC which may be necessary  
12 in the discharge of Commission duties. Commission staff members will present Commission  
13 identification cards as the written authority to inspect records. During such visits the IXC shall  
14 provide the staff member(s) with adequate and comfortable working and filing space,  
15 consistent with the prevailing conditions and climate, and comparable with the  
16 accommodations provided the IXC's outside auditors.

17       ~~(1) The following rules are incorporated herein by reference and apply to~~  
18 ~~interexchange companies. In these rules, the word "local" should be omitted or interpreted as~~  
19 ~~"toll", as they shall apply only to interexchange and not local service.~~

~~PORTIONS NOT~~

<del>SECTION</del>	<del>TITLE</del>	<del>APPLICABLE</del>
<del>25-4.019</del>	<del>Records and Reports in General</del>	<del>None</del>
<del>25-4.020</del>	<del>Location and Preservation of Records</del>	<del>Subsections (1), (3)</del>

1 ~~25-4.023 Report of Interruptions Subsection (1)~~  
2 ~~25-4.043 Inquiries None~~  
3 ~~25-4.0161 Regulatory Assessment Fees None~~  
4 ~~25-4.079 Hearing/Speech Impaired Persons Subsections (1), (2), (3), and (5)~~  
5 ~~25-4.115 Directory Assistance Subsections (1) and (2)~~  
6 ~~(2) Each company shall file updated information for the following items with the~~  
7 ~~Division of Competitive Markets and Enforcement and the Division of the Commission Clerk~~  
8 ~~and Administrative Services within 10 days after such changes occur.~~  
9 ~~(a) The address of the certificate holder's main corporate and Florida offices (if~~  
10 ~~any), including street name and address and post office box, city, state and zip code.~~  
11 ~~(b) Telephone number, name, and address of the individual who is to serve as~~  
12 ~~primary liaison with the Commission in regards to the ongoing Florida operations of the~~  
13 ~~certificated company.~~  
14 ~~(3) Each company shall file form PSC/CMP 38 (date) with the Division of~~  
15 ~~Competitive Markets and Enforcement by January 31 of each year. Form PSC/CMP 38 (date),~~  
16 ~~entitled IXC Annual Report Form, is incorporated by reference into this rule and may be~~  
17 ~~obtained from the Division of Communications.~~  
18 *Specific Authority 350.127(2) FS.*  
19 *Law Implemented 350.113, 350.115, ~~350.116~~, 364.01(4), 364.02, 364.336, 364.17, 364.18,*  
20 *364.185, 364.337, 427.704 FS.*  
21 *History—New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-*  
22 *22-92, 12-27-94, 3-13-96, 10-1-96.*  
23 **25-24.485 Tariffs.**  
24

25 (1) All initial tariffs filed as part of the registration process in Rule 25-24.470 shall

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

1 must be filed with the Division of the Commission Clerk and Administrative  
2 Services Commission, using the following guidelines, before becoming effective.

3 (1) ~~General.~~

4 (a) Each IXC company shall maintain on file with the Commission tariffs which set  
5 forth all of the rates and charges for customer services, the different services available to  
6 subscribers and the conditions and circumstances under which service will be furnished.

7 ~~Interexchange carriers are authorized to provide services to other certificated telephone~~  
8 ~~companies by individually negotiated contract rates in addition to filing and providing those~~  
9 ~~services to end users pursuant to tariffs. When an interexchange carrier chooses to utilize such~~  
10 ~~individually negotiated contract rates for services to other certificated telephone companies,~~  
11 ~~and in any other instances in which the Commission has authorized contract rates for specific~~  
12 ~~offerings, the conditions under which such contracts may be offered shall be clearly stated in~~  
13 ~~the company's tariff but the contracts themselves need not be part of the tariff. The contracts~~  
14 ~~must, however, be available for Commission review. The tariff shall not include charges for~~  
15 ~~customer premises equipment.~~

16 ~~(b) Each Company shall provide support to accompany any proposed changes as~~  
17 ~~outlined in subsection (4).~~

18 (be) The tariff will be Florida-specific and all rates, charges, and service  
19 descriptions shall be for intrastate usage, unless interstate rates are necessary to compute the  
20 intrastate portion of a customer's monthly bill; then, the interstate rates, charges, and service  
21 descriptions shall also be quoted in the tariff to the extent necessary to compute the intrastate  
22 portion of a customer's bill.

23 (cd) The tariff must be clearly expressed in simple words, sentences and paragraphs.  
24 It must avoid unnecessarily long, complicated or obscure phrases or acronyms so that the  
25

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



1 customer will understand that for which he is contracting.

2 (de) ~~The tariff shall be written in a manner such that service will be provided on a~~  
3 ~~non-discriminatory basis. No public statement of service quality, rates, or service offerings or~~  
4 ~~billings should be misleading or differ from those stated in the tariff.~~

5 ~~(f) A printed notice shall be kept posted by each company in a public and~~  
6 ~~conspicuous place in each office where application for service may be made stating that its~~  
7 ~~tariff and standard contract and agreement forms are on file at that office and are open to~~  
8 ~~examination by any person. The Company will also make available a list of the exchanges it~~  
9 ~~serves.~~

10 (eg) All proposed changes to an the existing tariff shall be directed to the Director  
11 of the Division of Competitive Markets and Enforcement, Florida Public Service Commission,  
12 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-085066. A filing must be received by  
13 the Division of Competitive Markets and Enforcement Services before 5:00 p.m. of a normal  
14 Commission workday in order for it to be "filed" on that day.

15 (fh) All tariff changes shall be submitted to the Division of Competitive Markets  
16 and Enforcement Commission in ~~triplicate~~quadruplicate in the form prescribed herein. After  
17 ~~the effective date, one copy stamped "received" will be returned to the company, which shall~~  
18 ~~be the notice to the company that the filing has been received and is on file. If~~  
19 ~~acknowledgement of the filing at the time of receipt is desired, the letter of transmittal shall be~~  
20 ~~sent in duplicate with a request that the duplicate be returned.~~

21 (gi) Companies shall charge only the rates contained in their tariff. If a company  
22 desires to charge rates or charges at a lower level than is contained in an existing tariff and  
23 wishes to charge those lower rates only temporarily ~~and afterwards return to the existing tariff~~  
24 ~~level, it may, instead of filing two tariff revisions to decrease and then later increase the rate,~~  
25

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

1 file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff  
2 provision shall include the heading "Promotion," and shall state the ~~name of the promoter~~  
3 a specific description of the tariffed service involved, including all applicable rates, terms, and  
4 conditions, specific tariff charges to be reduced, the temporary level of charges, a description  
5 of the customers who would be eligible for the decrease, the conditions under which  
6 customers would receive a decrease, include the heading "Promotion," and the beginning and  
7 ending dates of the reduction. The tariff page(s) describing the terms and rates of the  
8 temporary reduction shall immediately precede the permanent tariff pages for the service in  
9 the same section of the tariff.

10 (hj) The requirements of the following subsections shall apply on a prospective  
11 basis from the effective date of this rule. Existing tariffs on the effective date of this rule need  
12 not be amended to comply with the following except upon Commission staff request.

13 (2) ~~Effective Date.~~

14 (a) The initial tariff will become effective on the ~~effective~~ date of the company's  
15 registration pursuant to Rule 25-24.470, F.A.C. required Certificate of Public Convenience and  
16 Necessity, unless the company requests a later effective date.

17 ~~(b) For all companies, Changes~~ changes to an existing tariff will become  
18 effective on the day following the day it is filed with the Division of Competitive Markets and  
19 Enforcement unless the company requests a later effective date, ~~or the Commission suspends~~  
20 ~~or denies the filing prior to the effective date~~

21 (3) Tariffs shall comply with the following format requirements: Format.

22 (a) All tariffs ~~filed~~ shall be submitted in loose leaf form on 8 1/2" x 11" sheets,  
23 typewritten on a good grade of white ~~three hole~~ paper of durable quality, using one side of the  
24 paper only. All copies must be clear and legible. Sufficient margin shall be allowed on each  
25

1 sheet for a left-hand binding edge so that when the tariff book is open all printed matter will  
2 be in view.

3 (b) Every sheet in the tariff shall be numbered.

4 (c) Each sheet shall bear the name of the company, as registered with the  
5 Commission, in the upper left-hand corner of the sheet.

6 (d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in  
7 the upper right-hand corner of the sheet. As an example: Original Sheet No. 1, or Original  
8 Sheet No. 5.2.

9 (e) Revised sheets in the tariff shall be marked with the number of the revision in  
10 the upper right-hand corner and the number of the sheet(s) it replaces. As an example:

11 First Revised Sheet No. 1

12 Cancels Original Sheet No. 1

13 or

14 Fourth Revised Sheet No. 5.2;

15 Cancels Third Revised Sheet Nos. 5.2, 5.3 and

16 ~~Second Revised Sheet 5.4~~

17 (f) ~~On the bottom of each sheet shall appear the~~ The name and title of the issuing  
18 officer shall be placed at the bottom of each sheet of the company. To the right of the issuing  
19 officer's name there shall appear "Effective: 11-21-95 \_\_\_\_\_"

20 (g) ~~In general, The~~ the filed tariffs of the companies shall contain the following ~~in~~  
21 ~~the order listed~~

22 1. Title Page. The title page shall contain a brief description of the tariff and the  
23 services offered therein. ~~adequately identify the volume as the tariff, filed by the particular~~  
24 ~~company with the Florida Public Service Commission, governing the sale of the specific~~  
25

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

1 company service provided, and shall be sheet number 1.

2 2. Table of Contents and Index. All tariffs shall have a table of contents  
3 identifying the page location of each section in the tariff. ~~In tariffs of less than 30 sheets, the~~  
4 ~~table of contents may serve as subject index for the entire volume.~~ In tariffs of 30 sheets or  
5 more, each subsection will shall also be individually indexed by subject.

6 3. Symbols used in Tariff Filings. ~~The following~~ Symbols will be used in any  
7 proposed change to the existing tariff shall ~~in the manner described herein.~~ The symbols will  
8 appear in the right hand margin of each sheet on the same line(s) into which any change has  
9 been made. If three or more consecutive lines are affected, ~~it shall be sufficient to place one~~  
10 ymbol shall be placed on the first and last lines of the group affected and with a vertical line  
11 ~~drawn~~ connecting the two symbols. ~~In all such cases the pair of symbols will be the same. In~~  
12 ~~the event more than one type of change occurs on the same line, T~~ two or more types of  
13 symbols may denoting the changes shall be placed next to each other on the affected line. The  
14 symbol page shall identify all symbols used in the tariff. ~~The following are the only letters~~  
15 ~~allowed to denote the following types of change:~~

16 ~~D Delete or Discontinue~~

17 ~~I Change Resulting In An Increase to A Customer's Bill~~

18 ~~M Moved from Another Tariff Location~~

19 ~~N New~~

20 ~~R Change Resulting In A Reduction To A Customer Bill~~

21 ~~T Change in Text or Regulation but No Change to Rate or Charge~~

22 4. Technical Terms and Abbreviations. This section shall contain ~~full and~~  
23 ~~concise information as to the meaning of all technical and special terms and abbreviations~~  
24 ~~used in the tariff.~~

25

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

1           5.       Rules and Regulations. This section shall include all rules, regulations,  
2 practices, exceptions and conditions ~~made or observed relative to the company service~~  
3 ~~furnished~~, which are general and apply to all or many of the services offered. ~~It shall contain~~  
4 ~~the company's credit rating requirements and its deposit requirements.~~ If a general regulation  
5 does not apply to a particular service, that fact should be clearly stated.

6           6.       Description of Services Offered. This section shall describe all services  
7 available to end users in Florida.

8 ~~\_\_\_\_\_ a. \_\_\_\_\_ This section shall contain a description of how a billable call is timed, when~~  
9 ~~timing begins and ends, and the method used to make this determination.~~

10 ~~\_\_\_\_\_ b. \_\_\_\_\_ This section shall also contain a description of how distance is measured for~~  
11 ~~toll rating purposes and the formula used to compute it, as well as what points are used for~~  
12 ~~origination and termination with respect to calculation of the distance between them.~~

13 ~~\_\_\_\_\_ c. \_\_\_\_\_ This section shall contain a statement of the minimum call completion rate a~~  
14 ~~subscriber can expect to encounter during the IXC's busy hour, expressed as a percentage,~~  
15 ~~computed by dividing the number of calls completed by the number of calls attempted.~~  
16 ~~The stated call completion rate for end-to-end Feature Group C & D service shall not be less~~  
17 ~~than 90 percent.~~

18 ~~\_\_\_\_\_ d. \_\_\_\_\_ This section shall detail all relevant information which pertains to a particular~~  
19 ~~type of service, and will be subdivided into subsections for each type of service offered~~

20           7.       Rates. All ~~standard rate schedules~~, rates and charges for all services, and other  
21 data necessary to compute the customers' ~~monthly~~ bills for intrastate service shall be placed in  
22 this section. ~~If more than one type of service is offered, all information~~  
23 ~~pertaining to an individual service shall be grouped together or clearly cross-referenced.~~

24           (4)       Information to Accompany Tariff Filings.  
25

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

1 (a) A letter of transmittal shall accompany each filing, which lists the sheets (by  
2 sheet number and revision level) being transmitted and gives a brief description of all changes  
3 ~~included therein and the reasons for the changes~~

4 (b) Along with each tariff filing the company shall include three (3)~~four (4)~~ copies  
5 of the tariff pages which contain proposed changes as they will appear in the approved tariff.

6 *Specific Authority 350.127(2) FS.*

7 *Law Implemented ~~364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14,~~*  
8 *~~364.27, 364.337, FS.~~*

9 *History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96.*

10 **25-24.490 Customer Relations; Rules Incorporated Toll Free Number Transfers**

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

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

24 ~~(2) An IXC may require a deposit as a condition of service and may collect~~

25

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

advance payments for more than one month of service if it maintains on file with the  
2 Commission a bond covering its current balance of deposits and advance payments (for more  
3 than one month's service). A company may apply to the Commission for a waiver of the bond  
4 requirement by demonstrating that it possesses the financial resources and income to provide  
5 assurance of continued operation under its certificate over the long term.

6 ~~(3) Upon request, each company shall provide verbally or in writing to any person  
7 inquiring about the company's service:~~

8 ~~(a) Any nonrecurring charge,~~

9 ~~(b) Any monthly service charge or minimum usage charge,~~

10 ~~(c) Company deposit practices,~~

11 ~~(d) Any charges applicable to call attempts not answered,~~

12 ~~(e) A statement of when charging for a call begins and ends, and~~

13 ~~(f) A statement of billing adjustment practices for wrong numbers or incorrect~~

14 bills. In addition, the above information shall be included in the first bill, or in a separate  
15 mailing no later than the first bill, to all new customers and to all customers presubscribing on  
16 or after the effective date of this rule, and in any information sheet or brochure distributed by  
17 the company for the purpose of providing information about the company's services. The  
18 above information shall be clearly expressed in simple words, sentences and paragraphs. It  
19 must avoid unnecessarily long, complicated or obscure phrases or acronyms.

20 ~~(4) Toll free number transfers.~~

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

23 (2) The serving IXC shall not disconnect a subscriber's working toll free number  
24 (e.g., a telephone number that is fully functional to the customer) after receiving a service  
25

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

1 transfer request from another IXC.

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

4 *Specific Authority 350.127(2), 364.604(5), ~~364.337(4)~~, FS.*

5 *Law Implemented ~~364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603,~~*  
6 *364.604, FS.*

7 *History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-*  
8 *03, 9-9-04, XXXXXX*

9 **25-24.491 Notice to Customers Prior to Increase in Rates or Charges.**

10 ~~(1) All interexchange telecommunications companies shall provide reasonable~~  
11 ~~notice of any increase in intrastate telecommunications rates, or any changes in terms or~~  
12 ~~conditions that would cause an increase in customer charges, to each of their affected~~  
13 ~~residential and single line business retail subscribers, prior to implementation of the increase.~~

14 ~~(2) The notice shall be clear and conspicuous, shall be identified with the heading:~~  
15 ~~“Notice of Price Increase,” or “Notice of Price Change,” if the change will result in a price~~  
16 ~~increase for some customers and a price decrease for some customers, and shall be presumed~~  
17 ~~reasonable if provided in any of the following manners:~~

18 ~~(a) First class mail postmarked at least 15 days prior to the effective date of the~~  
19 ~~increase in rates or charges to the customer;~~

20 ~~(b) A bill insert or bill message mailed to the customer no later than one billing~~  
21 ~~cycle prior to the effective date of the increase in rates or charges to the customer;~~

22 ~~(c) For those customers who have elected to receive electronic billing, an~~  
23 ~~electronic message sent at least 7 days prior to the effective date of the increase in rates or~~  
24 ~~charges to the customer; or~~  
25

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



1 ~~(d) Pursuant to a written contract that specifically and conspicuously prescribes a~~  
2 ~~method for notice of price increases.~~

3 *Specific Authority 350.127, 364.0252, 364.19 FS.*

4 *Law implemented 364.0252, 364.19 FS.*

5 *History—New 3-20-03, Repealed.*

6 **25-24.600 Application and Scope.**

7 (1) The term “company” for the purpose of this Part also includes IXCs.

8 (2) This Part applies to:

9 (a) Every company that provides operator services as defined in Section 364.02,  
10 Florida Statutes,

11 (b) Every company that bills and collects in its own name for operator services  
12 provided by other entities, and

13 (c) Call aggregators as defined in this part.

14 ~~(2) In addition to the rules contained in this Part, every company providing~~  
15 ~~operator services shall also comply with the rules contained in Part X of Chapter 25-24,~~  
16 ~~F.A.C.~~

17 (3) Each company subject to this Part may petition for exemption from applicable  
18 portions of Chapter 364, Florida Statutes, or for application of different requirements than  
19 those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under  
20 the authority of Section 364.01(4)(b)~~337~~, Florida Statutes.

21 *Specific Authority 350.127(2), 364.3376(8) FS.*

22 *Law Implemented 364.01, 364.3376 FS.*

23 *History—New 9-6-93, Amended 9-10-97, 2-1-99.*

24 **25-24.610 Terms and Definitions; Rules Incorporated.**

25

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

- 1 (1) For purposes of this Part, the following definitions apply:
- 2 (a) "Call aggregator" is any person or entity that provides telecommunications
- 3 service to the transient public. Subject to the definition above, "call aggregator" includes but is
- 4 not limited to the following:
- 5 1. Hotel as defined in Section 509.242(1)(a), Florida Statutes,
  - 6 2. Motel as defined in Section 509.242(1)(b), Florida Statutes,
  - 7 3. Resort condominium as defined in Section 509.242(1)(c), Florida Statutes,
  - 8 4. Transient apartment as defined in Section 509.242(1)(e), Florida Statutes,
  - 9 5. Rooming house as defined in Section 509.242(1)(f), Florida Statutes,
  - 10 6. Resort dwelling as defined in Section 509.242(1)(g), Florida Statutes,
  - 11 7. ~~Schools required to comply with any portion of Chapters 228 and 246, Florida~~
  - 12 ~~Statutes, or Section 229.808, Florida Statutes, School dormitories,~~
  - 13 8. Nursing home licensed under Section 400.062, Florida Statutes,
  - 14 9. Assisted living facility licensed under Section 400.407, Florida Statutes,
  - 15 10. Hospital licensed under Section 395.003, Florida Statutes,
  - 16 11. Timeshare plan as defined in Section 721.05(~~374~~), Florida Statutes,
  - 17 12. Continuing care facility certificated under Section 651.023, Florida Statutes,
  - 18 and
  - 19 13. Homes, communities, or facilities funded or insured by the United States
  - 20 Department of Housing and Urban Development (HUD) under 12 U.S.C.S. § 1701q (~~Law~~
  - 21 ~~Co-op. 1994~~) that sets forth the National Housing Act program designed to aid the elderly.
  - 22
  - 23 (b) "Conversation time" is the time during which two-way communication is
  - 24 possible between the calling and called party.
  - 25 (c) "End-user" means a person who initiates or is billed for a telephone call.

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

1 (d) "Person-to-person" is a service whereby the person originating the call  
2 specifies to the operator service provider's operator a particular person to be reached.

3 (e) "Surcharge" means an amount billed to an end user by a call aggregator that is  
4 in excess of the rate information that may be obtained pursuant to Section 364.3376(5),  
5 Florida Statutes. "Surcharge" includes any charge billed by a call aggregator that is associated  
6 with a call billed by another entity.

7 (2) In addition to the above, the following rules are incorporated herein by

8 reference:

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
----------------	--------------	-------------------

9 25-4.003 Definitions All

10 25-4.019 **Records and Reports in General** All

11 25-4.020 Location and Preservation of Records (2)-and-(3)

12 *Specific Authority 350.127(2), 364.3376(8) FS.*

13 *Law Implemented 364.01, 364.016, 364.3376 FS.*

14 *History--New 9-6-93, Amended 9-10-97, 2-1-99.*

15 **25-24.640 Service Requirements for Call Aggregators.**

16 (1) Every call aggregator shall:

17 (a) Allow end users to access, at a charge that is no greater than the amount the call  
18 aggregator charges for calls placed using the presubscribed provider of operator services, all  
19 locally available interexchange companies via all locally available methods of access,  
20 including 10XXX, 950-XXXX, and toll-free access codes such as 800 and 888;

21 (b) Allow end users to access the universal telephone number "911", where  
22 operable, at no charge to the end user, and where not operable, allow end users to access the  
23 operator of the provider of local exchange telecommunications services at no charge;

24 (c) Route all end user dialed 0+ local and all 0- calls to the provider of local  
25

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

1 exchange telecommunications services unless the end user dials the appropriate access code  
2 or his carrier of choice, such as 950, 800, 888, or 10XXX;

3 (d) Route all end user dialed toll calls to the preselected carrier unless the end user  
4 dials the appropriate access code for his carrier of choice, such as 950, 800, 888, or 10XXX;  
5 and

6 (e) Route all end user dialed 0- calls to the operator of the provider of local  
7 exchange telecommunications services when no additional digits are dialed after five seconds;  
8 and

9 (f) Place a written notice in plain view, in the immediate vicinity of each  
10 telephone served by the call aggregator, which meets the requirements of Section 364.3376(5),  
11 Florida Statutes, (1995) and also clearly states at least the following information:

- 12 1. Name of the company providing operator services as it appears on the  
13 registration list or certificate issued by the Commission;
- 14 2. Instructions on how to reach the operator of the provider of local exchange  
15 telecommunications services;
- 16 3. Instructions on how to reach emergency services;
- 17 4. Instructions on how to place local and long distance calls;
- 18 5. A toll-free number for refunds;
- 19 6. The amount of any surcharge for local calls, long distance calls, directory  
20 assistance, or any other surcharges to be billed and collected by the call aggregator;
- 21 7. If a surcharge applies whether or not the call is completed;
- 22 8. If rate information for a local or long distance call is posted, the rate  
23 information shall be clearly separated and identified from the surcharge;
- 24 9. The toll-free telephone number of the Florida Public Service Commission's  
25

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

1 ~~Division of Consumer Affairs.~~

2 (2) For the purpose of this Part, a resort comprised of one or more call aggregators  
3 under a consolidated management group shall be considered a single call aggregator.

4 (3) Each call aggregator shall reply to inquiries propounded by the Commission's  
5 staff concerning service or other complaints received by the Commission within 30 calendar  
6 days from the date of the Commission inquiry.

7 *Specific Authority 350.127(2), 364.3376(5), (8) FS.*

8 *Law Implemented 364.01, 364.3376 FS*

9 *History—New 9-10-97.*

10 **25-24.835 Rules Incorporated.**

11 The following rules are incorporated herein by reference and apply to competitive  
12 local exchange companies.

13 Section	Title	Portions Applicable
14 25-4.0161	Regulatory Assessment Fees	All
15 <u>25-4.020</u>	<u>Location and Preservation of Records</u>	(2)
16 25-4.043	Response to Commission Staff Inquiries	All
17 25-4.036	Design and Construction of Plant	All
18 25-4.038	Safety	All
19 25-4.160	Operation of Telecommunications Relay Service	All
20 <del>25-24.480</del>	<del>Records and Reports; Rules Incorporated</del>	<del>Subsection (2)</del>

21 (1) Each company shall file updated information for the following items with the  
22 Division of the Commission Clerk and Administrative Services within 10 days after any  
23 changes to the following:

24 (a) The address of the certificate holder's main corporate and Florida offices (if  
25 \_\_\_\_\_

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

1 any) including street name and address and post office box, city, state and zip code; or

2 (b) Telephone number, name, and address of the individual who is to serve as  
3 primary liaison with the Commission in regard to the ongoing Florida operations of the  
4 certificated company.

5 *Specific Authority 350.127(2), 364.337(2), 427.704(8) FS.*

6 *Law Implemented 364.016, 364.183, 364.336, 364.337(2) FS.*

7 *History—New 12-27-95, Amended 4-8-98, 6-24-99.*

8 **25-24.840 Service Standards.**

9 (1) Each provider of competitive local exchange telecommunications service shall  
10 make access to 911 emergency services available to each of its basic telecommunications  
11 service customers at a level at least equivalent to the service provided by the incumbent local  
12 exchange company.

13 (2) Access to 911 services shall be maintained for the duration of any temporary  
14 disconnection for non-payment of a residential subscriber's local service.

15 (3) Within 6 months of the effective date of this section, each Competitive Local  
16 Exchange Company shall:

17 (a) Provide billing name and address information of the end-user at a reasonable  
18 cost and in a timely manner to any telecommunications company that requests the information  
19 unless the CLEC has an active billing and collection agreement.

20 (b) Update account ownership information and appropriate toll restriction  
21 information directly into LIDB or contract with the appropriate local exchange company for  
22 daily updates.

23 (4) When operator services are provided by a competitive local exchange  
24 company, the competitive local exchange company shall provide access to emergency service,  
25

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

1 busy line verification, and emergency interrupt service to the subscriber on at least the same  
2 level as that provided by the incumbent local exchange company.

3 *Specific Authority 350.127(2) FS.*

4 *Law Implemented 364.03, 364.035, 364.337, 364.3376, 364.345 FS.*

5 *History—New 5-6-97, Amended 4-7-03.*

6 **25-24.900 Scope.**

7 (1) This Ppart applies to companies that provide prepaid calling services (PPCS) to  
8 the public using its own or resold telecommunications networks.

9 (2) Prepaid calling services provided without compensation are exempt from Part  
10 XVI.

11 *Specific Authority 350.127(2) FS.*

12 *Law Implemented 364.01, 364.02, 364.19, 364.337~~(4)~~ FS.*

13 *History—New 3-26-98.*

14 **25-24.905 Terms and Definitions.**

15 For purposes of this Ppart, the definitions to the following terms apply:

16 (1) “Company” means any entity providing prepaid calling services to the public  
17 using its own or resold telecommunications network.

18 (2) “Conversation time” is the time when two-way telecommunications is possible.

19 (3) “Prepaid Calling Services (PPCS)” means any prepaid telecommunications  
20 service that allows end users to originate calls through an access number and authorization  
21 code, whether manually or electronically dialed.

22 (4) “Prepaid Calling Card” or “Card” means any object containing an access  
23 number and authorization code that enables an end user to use PPCS.

24 *Specific Authority 350.127(2) FS.*

25

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

1 *Law Implemented 364.01, 364.02, 364.03, 364.051, 364.335, 364.337(4) FS.*

2 *History—New 3-26-98.*

3 **25-24.910 Registration or Certificate of Public Convenience and Necessity Required .**

4 A company shall not provide PPCS without first obtaining a certificate of public  
5 convenience and necessity as a local exchange company, competitive local exchange  
6 company, or registering as an interexchange company pursuant to Rule 24.470, F.A.C. The  
7 name used as the provider of PPCS printed on the prepaid calling card shall appear identical to  
8 the name in which the certificate is issued or registration is made. A “doing business as” name  
9 may be used in lieu of the certificated or registered name if it is registered as a fictitious name  
10 with the Florida Division of Corporations, and reflected on the certificate or registration with  
11 the Commission before the name is used on the card.

12 *Specific Authority 350.127(2) FS.*

13 *Law Implemented 364.02, 364.33, 364.335, 364.337(4) FS.*

14 *History—New 3-26-98.*

15 **25-24.915 Tariffs or Price Lists.**

16 (1) This section applies to all companies as defined in subsection 25-24.905(1),  
17 ~~F.A.C., regardless of certificate type or other tariff or price list requirements.~~

18 (2) Each company shall file a tariff or price list for PPCS.

19 (3) Each company shall include in its tariff or price list the following information:

20 (a) Maximum amount a person will be charged per billing increment ~~minute~~ for  
21 PPCS, and

22 (b) Any applicable surcharges or other fees assessed in addition to the billing  
23 increment that reduces the value of the card.

24 *Specific Authority 350.127(2) FS.*

25

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



1 Law Implemented 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.337

2 FS.

3 History—New 3-26-98.

4 **25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.**

5 (1) The following information shall be legibly printed on the card:

6 (a) The Florida certificated or registered name, or “doing business as” name as  
7 provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;

8 (b) Toll-free customer service number;

9 (c) Toll-free network access number; and

10 (d) Authorization code, if required to access service.

11 (2) Each company shall provide the following information legibly printed either on  
12 the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in  
13 such a manner that the consumer may make an informed decision prior to purchase:

14 (a) Maximum charge per billing increment ~~minute~~ for PPCS;

15 (b) Any applicable surcharges or other fees assessed in addition to the billing  
16 increment that reduces the value of the card; and

17 (c) Expiration policy, if applicable.

18 The company must insure by contract with its retailers or distributors that the  
19 information is provided to the consumer.

20 (3) Each company shall provide through its customer service number the following  
21 information:

22 (a) Certificate or registration number;

23 (b) Rates and surcharges;

24 (c) Balance of use in account; and  
25

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

1 (d) Expiration date or period, if any.  
2 (4) Each company shall provide a live operator to answer incoming calls 24 hours  
3 a day, 7 days a week or shall electronically voice record end user complaints. A combination  
4 of live operators or recorders may be used. If a recorder is used, the company shall attempt to  
5 contact each complainant no later than the next business day following the date of the  
6 recording.

7 (5) The rates displayed in accord with subsection (2) above shall be no more than  
8 those reflected in the tariff or price list for PPCS.

9 (6) A company shall not reduce the value of a card by more than the charges  
10 printed on the card, packaging, or visible display at the point of sale. The service may,  
11 however, be recharged by the consumer at a rate higher than the rate at initial purchase or last  
12 recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the  
13 tariff or price list and the consumer shall be informed of the higher charges at the time of  
14 recharge.

15 ~~(7) The billing increment shall not exceed one minute.~~

16 ~~(8) Each company shall only charge for conversation time plus applicable~~  
17 ~~surecharges.~~

18 ~~(9) Conversation time of less than a full minute shall not be rounded up beyond the~~  
19 ~~next full minute.~~

20 (710) Cards without a specific expiration period printed on the card, and with a  
21 balance of service remaining, shall be considered active for a minimum of one year from the  
22 date of first use, or if recharged, from the date of the last recharge.

23 (811) If PPCS are sold without a card or printed material, tariffed charges and  
24 surcharges shall be disclosed at the point of sale.  
25

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

1 ~~(12) All cards sold by the company after July 1, 1998, must comply with this rule.~~

2 *Specific Authority 350.127(2) FS*

3 *Law Implemented 364.01, 364.02, 364.03, 364.04, 364.19 FS.*

4 *History—New 3-26-98.*

5 **25-24.930 Adequacy of Service.**

6 ~~Each company shall ensure that:~~

7 ~~(1) A minimum of 95 percent of all call attempts shall be completed to the called party.~~

8 ~~Station busies will be counted as~~

9 ~~completed calls.~~

10 ~~(2) A minimum of 95 percent of all call attempts shall be completed to a company's~~

11 ~~toll free customer service number. Station~~

12 ~~busies will not be counted as completed calls.~~

13 ~~(3) A minimum of 97 percent (allowing for a one second variation) timing accuracy of~~

14 ~~conversation time shall be achieved.~~

15 *Specific Authority 350.127(2) FS.*

16 *Law Implemented 364.01, 364.19 FS.*

17 *History—New 3-26-98, Repealed*

18 **25-24.940 Penalties.**

19 ~~Where a penalty is imposed for a finding that an uncertificated company has provided~~

20 ~~PPCS within the state of Florida, the penalty shall be no less than \$1,000.~~

21 *Specific Authority 350.127(2) FS.*

22 *Law Implemented 364.285 FS.*

23 *History—New 3-26-98, Repealed*

24

25

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

1 41017 Rule text#2.mks.doc

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

# IXC REGISTRATION FORM

Company Name \_\_\_\_\_

Florida Secretary of State Registration No. \_\_\_\_\_

Fictitious Name(s) as filed at Fla. Sec. of State \_\_\_\_\_

Company Mailing Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Web Address \_\_\_\_\_

E-mail Address \_\_\_\_\_

Physical Address \_\_\_\_\_

Company Liaison \_\_\_\_\_

Title \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail address \_\_\_\_\_

Consumer Liaison to PSC \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail address \_\_\_\_\_

My company's tariff as required in Section 364.04, Florida Statutes, is enclosed with this form. I understand that my company must notify the Commission of any changes to the above information pursuant to Section 364.02, Florida Statutes. My company will owe Regulatory Assessment Fees for each year or partial year my registration is active pursuant to Section 364.336, Florida Statutes. My company will comply with Section 364.603, Florida Statutes, concerning carrier selection requirements, and Section 364.604, Florida Statutes, concerning billing practices.

---

Signature of Company Representative

---

Printed/Typed Name of Representative

---

Date

Effective: 07/15/2003

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 041017-TI

RULE TITLE:	RULE NO.:
Definitions	25-4.003
Private Line/Special Access Cost Manual	25-4.044
Hearing/Speech Impaired Persons	25-4.079
Directory Assistance	25-4.115
Local, Local Toll, or Toll Provider Selection	25-4.118

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, F.S.

SUMMARY: Rules 25-4.003 – 4.118, Florida Administrative Code, Rules pertaining to intrastate interexchange companies (IXCs), contain the regulatory requirements for companies offering interexchange telecommunications service. Chapter 364, F.S. was revised to reduce the Commission’s regulatory authority over interexchange carriers. The proposed rule amendments and repeals streamline the IXC rules and implement the legislative changes. Rule 25-4.044 was repealed. This rule set out requirements for persons who requested changes to the rates, charges, terms or conditions of private line/special access service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Small IXCs would have the same benefits as large IXCs with reduced reporting and fewer rules. Small cities and counties should have no impact from the changes.

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, FS.

LAW IMPLEMENTED: 364.01, 364.02, 364.025, 364.03, 364.04, 364.07, 364.08, 364.14, 364.17, 364.19, 364.285, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULES IS:

Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6230.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-4.003 Definitions.

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

(1) No change.

~~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.

~~(940)~~ “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) – (20) 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, MLDAs as defined in subsection (37) of these definitions.~~

~~(2122)~~ No change.

~~(2223)~~ “Interstate Toll Message.” Those toll messages ~~which~~ that do not originate and terminate within the same state.

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

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

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

(27) - (29) No change.

(30) “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) – (32) No change.

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

(34) “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) – (36) 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.~~

(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 as (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).

(46) through (54) renumbered as (45) through (53) 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, 7-05-00.

25-4.044 Private Line/Special Access Cost Manual.

Specific Authority 350.127(2) FS.

Law Implemented 364.14, 364.17 FS

History—New 12-15-86, Repealed

25-4.079 Hearing/Speech Impaired Persons.

(1) – (3) No change.

(4) Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all ~~interexchange carriers and~~ LECs.

(5) Each LEC shall, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each LEC company shall provide at least one type of each of the following categories of specialized CPE:

(a) – (d) No change.

Specific Authority 350.127(2) FS

Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS

History—New 4-5-88, Amended 6-3-90.

25-4.115 Directory Assistance.

(1) – (2) No change.

~~(3) Charges for intrastate calls to directory assistance outside of the caller's HNPA shall be at rates prescribed in the general services tariff of the interexchange companies and shall be subject to the following:~~

~~—(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. See paragraph (2)(a) of this rule for the definition of~~

~~“disability”. The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.~~

Specific Authority 350.127 FS.

Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS.

History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95.

25-4.118 Local, Local Toll, or Toll Provider Selection.

(1) – (8) No change.

(9) The company shall provide the following disclosures when soliciting a change in service from a customer:

(a) Identification of the company;

(b) That the purpose of the visit or call is to solicit a change of the provider of the customer;

(c) That the provider shall not be changed unless the customer authorizes the change; ~~and~~

~~(d) All information as referenced in subsection 25-24.490(3), F.A.C.~~

(d) Upon a customer’s request, the following information will be provided verbally or in writing:

~~(d)~~1. Any nonrecurring charge;

~~(e)~~2. Any monthly service charge or minimum usage charge;

~~(f)~~3. Company deposit practices;

~~(g)~~4. Any charge applicable to call attempts not answered;

~~(h)~~5. A statement of when charging for a call begins and ends; and

~~(i)~~6. A statement of billing adjustment practices for wrong numbers or incorrect bills.

(10) – (13) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.19, 364.285, 364.603 FS.

History–New 3-4-92, Amended 5-31-95, 12-28-98.

NAME OF PERSON ORIGINATING PROPOSED RULES: Nancy Pruitt.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THESE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: January 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 30,  
Number 32, August 6, 2004

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 041017-TI

RULE TITLE:	RULE NO.:
Scope and Waiver	25-24.455
Terms and Definitions; Rule Incorporated	25-24.465
Certificate of Public Convenience and Necessity Required	25-24.470
Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited	25-24.4701
Application for Certificate	25-24.471
Improper Use of a Certificate	25-24.472
Application for Approval of Assignment or Transfer of Certificate	25-24.473
Cancellation of a Certificate	25-24.474
Company Operations; Rules Incorporated	25-24.475
Records and Reports; Rules Incorporated	25-24.480
Tariffs	25-24.485
Customer Relations; Rules Incorporated	25-24.490
Notice to Customers Prior to Increase in Rates or Charges	25-24.491
Application and Scope	25-24.600
Terms and Definitions; Rules Incorporated	25-24.610
Service Requirements for Call Aggregators	25-24.640
Rules Incorporated	25-24.835
Service Standards	25-24.840

Scope	25-24.900
Terms and Definitions	25-24.905
Certificate of Public Convenience and Necessity Required	25-24.910
Tariffs or Price Lists	25-24.915
Standards for Prepaid Calling Services and Consumer Disclosure	25-24.920
Adequacy of Service	25-24.930
Penalties	25-24.940

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, F.S.

SUMMARY: Rules 25-24.455 – 24.940, Florida Administrative Code, rules pertaining to intrastate interexchange companies (IXCs), contain the regulatory requirements for companies offering interexchange telecommunications service. Chapter 364, F.S. was revised to reduce the Commission's regulatory authority over interexchange carriers. The proposed rule amendments and repeals would streamline the IXC rules and implement the legislative changes. Rule 25-24.4701 is proposed to be repealed. The rule sets out requirements on interexchange companies to identify and report its customers that may be reselling or rebilling the service without a certificate from the Commission. Rule 25-24.471 is proposed to be repealed. The rule sets out the procedures for obtaining an IXC certificate and some of the requirements of IXCs once they obtained a certificate. Rule 25-24.472 is proposed to be repealed. The rule prohibits various types of transfers of IXC certificates unless the Commission approved the transfer. Rule 25-24.473 is proposed to be repealed. The rule sets out the requirement for transfers of IXC certificates. Rule 25-24.491 is proposed to be repealed. The rule sets out the requirements for IXCs to notify their customers of increases in rates or charges. Rule 25-24.930 is proposed to be repealed. The rule sets out the minimum requirements for adequate service. Rule 25-24.940 is



proposed to be repealed. The rule states that a penalty for an uncertificated company for providing PPSC shall not be less than \$1,000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Small IXC's would have the same benefits as large IXC's with reduced reporting and fewer rules. Small cities and counties should have no impact from the changes.

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, 364.0252, 364.19, 364.3376, 364.604(5), ~~364.337(4)~~, 427.704, FS.

LAW IMPLEMENTED: 350.113, 350.117, 350.127(1), 364.01, 364.02, 364.0252, 364.03, 364.035, 364.04, 364.05, 364.051, 364.057, 364.07, 364.09, 364.016, 364.10, 364.11, 364.183, 364.19, 364.27, 364.285, 364.32, 364.33, 364.335, 364.336, 364.337, 364.3376, 364.345, 364.603, 364.604, FS.

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 RULE IS:

Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6230.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-24.455 Scope and Waiver.

(1) This ~~Part~~ applies only to Intrastate Interexchange Companies (IXCs). As provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapters 25-4, 25-9, or 25-14, F.A.C., shall apply to IXCs~~Interexchange Companies~~, except as provided by this part.

~~(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, telephone companies subject to this Part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.337, Florida Statutes.~~

~~—— (3) Any interexchange company may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.~~

(24) An IXC~~interexchange company~~ may petition for a waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:

~~(a) The factors enumerated in Section 364.337(4), Florida Statutes;~~

(b) through (c) renumbered as (a) – (b) No change.

~~(5) Any statutory exemptions or rule waivers granted prior to the adoption of this rule are void, and to the extent not covered in this rule, must be renewed.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02 ~~364.337~~ FS.

History—New 2-23-87.

25-24.465 Terms and Definitions; ~~Rule Incorporated.~~

(1) For purposes of this Part, the term “Company” means an IXC Interexchange Company .

(2) Rule 25-4.003, Florida Administrative Code, Definitions, ~~The following rule is incorporated herein by reference~~ applies to IXCs.

Portions not

Section — Title — Applicable

25-4.003 — Definitions — Subsection (8)

Specific Authority 350.127(2)

FS. Law Implemented 364.01, 364.02, ~~364.337~~ FS.

History—New 2-23-87, Amended 3-13-96.

25-24.470 Registration ~~Certificate of Public Convenience and Necessity Required.~~

(1) No person shall provide intrastate interexchange telephone service without first filing an initial tariff containing the rates, terms, and conditions of service and providing the company’s current contact information ~~with obtaining a certificate of public convenience and necessity from the Division of the Commission Clerk and Administrative Services. Services may not be provided, nor may deposits or payment for services be collected until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant’s~~

~~risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.~~

(2) An original and three (3) copies of the company's initial tariff shall be filed. The tariff filing shall conform to the requirements of Rule 25-24.485, F.A.C.

(3) The company's contact information shall be provided using Form PSC/CMP 31 (xx/xx), entitled "IXC Registration Form" which is hereby incorporated into these rules. A copy of the form may be obtained from the Commission's website, www.floridapsc.com, or by contacting the Commission's Division of Competitive Markets and Enforcement.

(4) Each IXC shall file and update, within 10 days after any change, the following contact information with the Division of the Commission Clerk and Administrative Services:

(a) Official company name, including any fictitious names, as filed with the Department of State, Division of Corporations; and

(b) Mailing address, including street name and address and post office box, city, state, and zip code.

(c) Name, address, telephone number, and e-mail address and FAX number, where applicable, of the individual who is to serve as primary liaison with the Commission in regard to ongoing operations of the company within the state.

Specific Authority 350.127(2) FS.

Law Implemented 364.02, 364.04 ~~364.32, 364.33, 364.335, 364.337~~ FS.

History—New 2-23-87.

25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

Specific Authority 350.127(2) FS.

Law Implemented 364.07, 364.19, 364.27 FS.

History–New 1-12-92, Repealed \_\_\_\_\_.

25-24.471 Application for Certificate.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History–New 2-23-87, Amended 5-8-91, 11-20-91, 12-22-92, 10-10-94, 3-13-96, 12-9-96

Repealed \_\_\_\_\_.

25-24.472 Improper Use of a Certificate.

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History–New 2-23-87, Repealed \_\_\_\_\_.

25-24.473 Application for Approval of Assignment or Transfer of Certificate.

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History–New 2-23-87, Amended 11-20-91, 3-13-96, Repealed \_\_\_\_\_.

25-24.474 Cancellation of a ~~Certificate~~ Registration.

(1) The Commission may on its own motion cancel a company's registration~~certificate~~ for any of the following reasons:

(a) – (c) No change.

(2) If a registered~~certificated~~ company desires to cancel its registration~~certificate~~, it shall request cancellation from the Commission in writing and shall provide the following with its request:

~~(a) Statement of intent and date to pay~~ Current and any past due Regulatory Assessment Fees, and the associated penalty and interest; and

~~(b) Statement of why the certificate is proposed to be cancelled.~~

~~(be)~~ A statement on treatment of customer deposits and final bills.

~~(d) Proof of individual customer notice regarding discontinuance of service.~~

(3) Cancellation of the IXC registration ~~Cancellation of a certificate shall be granted~~ ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.02, 364.285, ~~364.337~~, 364.345 FS.

History—New 2-23-87, Amended 3-13-96.

25-24.475 Company Operations and Customer Relations, ~~Rules Incorporated~~.

(1) For intrastate toll calls received from the relay service, each IXC shall offer discounts as required by Rule 25-4.160(1), F.A.C.

(2) Each IXC shall comply with the requirements of Rule 25-4.110, F.A.C.; Customer Billing, subsections (11), (12), (14), (15), (18), and (20).

(3) Each IXC shall comply with the requirements of Rule 25-4.118, F.A.C.; Local, Local Toll, or Toll Provider Selection. For the purpose of this subparagraph, the words “certificate” or “certificated” in Rule 25-4.118, F.A.C. shall be substituted for the word “register” or “registered.”

(4) When operator services are provided by an IXC for calls placed from pay telephones or confinement facilities, Part XIII of Chapter 25-24, F.A.C., shall apply for such calls.

(5) Each IXC shall respond to Commission inquiries within 15 days.

(6) Each IXC shall comply with the requirements of Rule 25-4.083, Florida Administrative Code, Preferred Carrier Freeze, except subsections (11) and (12).

~~(1) The following rules are incorporated herein by reference and apply to Interexchange Companies. In these rules, the word "local" should be omitted or interpreted as "toll", as they shall apply only to interexchange and not local service.~~

<u>Section</u>	<u>Title</u>	<u>Portions</u> <u>Applicable</u>
25 4.022	Complaint Trouble Reports, etc.	All
25 4.036	Design and Construction of Plant	All
25 4.038	Safety	All
25 4.039	Traffic	All
25 4.071	Adequacy of Service	Subsection (5)
25 24.515	Pay Telephone Service	Subsection (20)
25 4.077	Metering and Recording Equipment	All
25 4.160	Operation of Telecommunications Relay Service	Subsection (1)

~~(2) A company may act as an agent of the customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service rendered.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.02, 364.04, 364.603, 364.604 ~~364.01(4), 364.07, 364.16, 364.17, 364.185, 364.19, 364.30, 364.337, 364.3375, 364.345, 364.386, 427.704~~ FS.

History—New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96, 2-1-99.

25-24.480 Records and Reports; Rules Incorporated.

(1) Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-4.0161, F.A.C.

(2) Any IXC that keeps its records outside the State shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during any review of the out-of-state records of the IXC or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

(a) The IXC shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

(b) The reimbursement requirement in subsection (2) shall be waived:

1. For any IXC that makes its out-of-state records available at its office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the IXC to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-4.0201, F.A.C., shall control; or

2. For an IXC whose records are located within 50 miles of the Florida state line.

(3) Each IXC shall furnish to the Commission at such times and in such form as the Commission may require, the results of any required tests and summaries of any required records. The IXC shall also furnish the Commission with any information concerning the IXC's facilities or operations which the Commission may reasonably request and require. All such data,



unless otherwise specified, shall be consistent with and reconcilable with the IXC’s regulatory assessment fee report to the Commission.

(4) Where an IXC is operated with another enterprise, records must be separated in such manner that the results of the IXC operations may be determined at any time.

(5) Upon notification to the IXC, members may, at reasonable times, make personal visits to the company offices or other places of business within or without the State and may inspect any accounts, books, records, and papers of the IXC which may be necessary in the discharge of Commission duties. Commission staff members will present Commission identification cards as the written authority to inspect records. During such visits the IXC shall provide the staff member(s) with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the IXC’s outside auditors.

~~(1) The following rules are incorporated herein by reference and apply to interexchange companies. In these rules, the word “local” should be omitted or interpreted as “toll”, as they shall apply only to interexchange and not local service.~~

PORTIONS NOT

<u>SECTION</u>	<u>TITLE</u>	<u>APPLICABLE</u>
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of Records	Subsections (1), (3)
25-4.023	Report of Interruptions	Subsection (1)
25-4.043	Inquiries	None
25-4.0161	Regulatory Assessment Fees	None
25-4.079	Hearing/Speech Impaired Persons	Subsections (1), (2), (3), and (5)

~~25-4.115 — Directory Assistance — Subsections (1) and (2)~~

~~(2) Each company shall file updated information for the following items with the Division of Competitive Markets and Enforcement and the Division of the Commission Clerk and Administrative Services within 10 days after such changes occur:~~

~~(a) The address of the certificate holder's main corporate and Florida offices (if any), including street name and address and post office box, city, state and zip code.~~

~~(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company.~~

~~(3) Each company shall file form PSC/CMP 38 (date) with the Division of Competitive Markets and Enforcement by January 31 of each year. Form PSC/CMP 38 (date), entitled IXC Annual Report Form, is incorporated by reference into this rule and may be Division of Communications.~~

Specific Authority 350.127(2) FS.

Law Implemented 350.113, ~~350.115~~, 350.117, 364.01(4), 364.02, 364.336, 364.17, 364.18, 364.185, 364.337, 427.704 FS.

History—New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-22-92, 12-27-94, 3-13-96, 10-1-96.

25-24.485 Tariffs.

(1) All initial tariffs filed as part of the registration process in Rule 25-24.470 shall ~~must~~ be filed with the Division of the Commission Clerk and Administrative Services ~~Commission~~, using the following guidelines, before becoming effective.

(1) ~~General.~~

(a) Each IXC company shall maintain on file with the Commission tariffs which set forth all of the rates and charges for customer services, the different services available to subscribers and the conditions and circumstances under which service will be furnished. **Interexchange carriers are authorized to provide services to other certificated telephone companies by individually negotiated contract rates in addition to filing and providing those services to end users pursuant to tariffs.** When an interexchange carrier chooses to utilize such individually negotiated contract rates for services to other certificated telephone companies, and in any other instances in which the Commission has authorized contract rates for specific offerings, the conditions under which such contracts may be offered shall be clearly stated in the company's tariff but the contracts themselves need not be part of the tariff. The contracts must, however, be available for Commission review. The tariff shall not include charges for customer premises equipment.

~~———— (b) Each Company shall provide support to accompany any proposed changes as outlined in subsection (4).~~

(c) through (d) renumbered as (b) through (c) No change.

~~(d) The tariff shall be written in a manner such that service will be provided on a non-discriminatory basis. No public statement of service quality, rates, or service offerings or billings should be misleading or differ from those stated in the tariff.~~

~~———— (f) A printed notice shall be kept posted by each company in a public and conspicuous place in each office where application for service may be made stating that its tariff and standard contract and agreement forms are on file at that office and are open to examination by any person. The Company will also make available a list of the exchanges it serves.~~

(eg) All proposed changes to ~~an~~ the existing tariff shall be directed to the Director of the Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-085066. A filing must be received by the Division of Competitive Markets and Enforcement Services before 5:00 p.m. of a normal Commission workday in order for it to be “filed” on that day.

(fh) All tariff changes shall be submitted to the Division of Competitive Markets and Enforcement Commission in ~~triplicate~~ quadruplicate in the form prescribed herein. ~~After the effective date, one copy stamped “received” will be returned to the company, which shall be the notice to the company that the filing has been received and is on file.~~ If acknowledgement of the filing at the time of receipt is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

(gi) Companies shall charge only the rates contained in their tariff. If a company desires to charge rates or charges at a lower level than is contained in an existing tariff and wishes to charge those lower rates only temporarily ~~and afterwards return to the existing tariff level~~, it may, ~~instead of filing two tariff revisions to decrease and then later increase the rate~~, file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading “Promotion,” and shall state the name of the promotion, a specific description of the tariffed service involved, including all applicable rates, terms, and conditions, ~~specific tariff charges to be reduced, the temporary level of charges, a description of the customers who would be eligible for the decrease, the conditions under which customers would receive a decrease,~~ include the heading “Promotion,” and the beginning and ending dates of the reduction. ~~The tariff page(s) describing the terms and rates of the temporary reduction shall immediately precede the permanent tariff pages for the service in the same section of the tariff.~~

(h) No change.

(2) ~~Effective Date.~~

(a) The initial tariff will become effective on the ~~effective~~ date of the company's registration pursuant to Rule 25-24.470, F.A.C. required Certificate of Public Convenience and Necessity, unless the company requests a later effective date.

~~———(b) For all companies, Changes~~changes to an existing tariff will become effective on the day following the day it is filed with the Division of Competitive Markets and Enforcement unless the company requests a later effective date, ~~or the Commission suspends or denies the filing prior to the effective date~~

(3) Tariffs shall comply with the following format requirements: ~~Format.~~

(a) All tariffs ~~filed~~ shall be submitted in loose leaf form on 8 1/2" × 11" sheets, typewritten on a good grade of white ~~three-hole~~ paper of durable quality, using one side of the paper only. All copies must be clear and legible. Sufficient margin shall be allowed on each sheet for a left-hand binding edge so that when the tariff book is open all printed matter will be in view.

(b) No change.

(c) Each sheet shall bear the name of the company, as registered with the Commission, in the upper left-hand corner of the sheet.

(d) No change.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet(s) it replaces. As an example:

First Revised Sheet No. 1

Cancels Original Sheet No. 1

or

Fourth Revised Sheet No. 5.2;

Cancels Third Revised Sheet Nos. 5.2, 5.3 and

~~Second Revised Sheet 5.4.~~

(f) ~~On the bottom of each sheet shall appear the~~ The name and title of the issuing officer ~~shall be placed at the bottom of each sheet of the company.~~ To the right of the issuing officer's name there shall appear "Effective: 11-21-95 \_\_\_\_\_."

(g) ~~In general, The~~ the filed tariffs of the companies shall contain the following in the order listed

1. Title Page. The title page shall contain a brief description of the tariff and the services offered therein. ~~adequately identify the volume as the tariff, filed by the particular company with the Florida Public Service Commission, governing the sale of the specific company service provided, and shall be sheet number 1-~~

2. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. ~~In tariffs of less than 30 sheets, the table of contents may serve as subject index for the entire volume.~~ In tariffs of 30 sheets or more, each subsection will shall also be individually indexed by subject.

3. Symbols used in Tariff Filings. ~~The following S~~ symbols will be used in any proposed change to the existing tariff shall ~~in the manner described herein.~~ The symbols will appear in the right hand margin of each sheet on the same line(s) into which any change has been made. If three or more consecutive lines are affected, ~~it shall be sufficient to place one symbol~~ shall be placed on the first and last lines of the group affected and with a vertical line drawn connecting the two symbols. ~~In all such cases the pair of symbols will be the same. In the event more than~~

~~one type of change occurs on the same line, T~~two or more types of symbols may denoting the changes shall be placed next to each other on the affected line. The symbol page shall identify all symbols used in the tariff. ~~The following are the only letters allowed to denote the following types of change:~~

~~D Delete or Discontinue~~

~~I Change Resulting In An Increase to A Customer's Bill~~

~~M Moved from Another Tariff Location~~

~~N New~~

~~R Change Resulting In A Reduction To A Customer Bill~~

~~T Change in Text or Regulation but No Change to Rate or Charge~~

4. Technical Terms and Abbreviations. This section shall contain ~~full and concise~~ information as to the meaning of all technical and special terms and abbreviations used in the tariff.

5. Rules and Regulations. This section shall include all rules, regulations, practices, exceptions and conditions ~~made or observed relative to the company service furnished,~~ which are general and apply to all or many of the services offered. ~~It shall contain the company's credit rating requirements and its deposit requirements.~~ If a general regulation does not apply to a particular service, that fact should be clearly stated.

6. Description of Services Offered. This section shall describe all services available to end users in Florida.

~~a. This section shall contain a description of how billable call is timed, when timing begins and ends, and the method used to make this determination.~~

~~b. This section shall also contain a description of how distance is measured for toll rating purposes and the formula used to compute it, as well as what points are used for origination and termination with respect to calculation of the distance between them.~~

~~c. This section shall contain a statement of the minimum call completion rate a subscriber can expect to encounter during the IXC's busy hour, expressed as a percentage, computed by dividing the number of calls completed by the number of calls attempted.~~

~~The state call completion rate for end to end Feature Group C & D service shall not be less than 90 percent.~~

~~d. This section shall detail all relevant information which pertains to a particular type of service, and will be subdivided into subsections for each type of service offered~~

7. Rates. All standard rate schedules, rates and charges for all services, and other data necessary to compute the customers' monthly bills for intrastate service shall be placed in this section. If more than one type of service is offered, all information pertaining to an individual service shall be grouped together or clearly cross-referenced.

(4) Information to Accompany Tariff Filings.

(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet number and revision level) being transmitted and gives a brief description of all changes included therein and the reasons for the changes

(b) Along with each tariff filing the company shall include three (3)~~four (4)~~ copies of the tariff pages which contain proposed changes as they will appear in the approved tariff.

Specific Authority 350.127(2) FS.

Law Implemented ~~364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14, 364.27, 364.337,~~ FS.



History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96.

25-24.490 ~~Customer Relations; Rules Incorporated~~ Toll Free Number Transfers

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

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

~~(2) An IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term.~~

~~(3) Upon request, each company shall provide verbally or in writing to any person inquiring about the company's service:~~

- ~~\_\_\_\_\_ (a) Any nonrecurring charge,~~
- ~~\_\_\_\_\_ (b) Any monthly service charge or minimum usage charge,~~
- ~~\_\_\_\_\_ (c) Company deposit practices,~~
- ~~\_\_\_\_\_ (d) Any charges applicable to call attempts not answered,~~
- ~~\_\_\_\_\_ (e) A statement of when charging for \_\_\_\_\_ begins and ends, and~~
- ~~\_\_\_\_\_ (f) A statement of billing adjustment practices for wrong numbers or incorrect bills. In addition, the above information shall be included in the first bill, or in a separate mailing no later than the first bill, to all new customers and to all customers presubscribing on or after the effective date of this rule, and in any information sheet or brochure distributed by the company for the purpose of providing information about the company's services. The above information shall be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms.~~

(4) Toll-free number transfers.

(1) – (3). No change.

Specific Authority 350.127(2), 364.604(5), ~~364.337(4)~~, FS.

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

History–New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03, 9-9-04, XXXXXX.

25-24.491 Notice to Customers Prior to Increase in Rates or Charges.

Specific Authority 350.127, 364.0252, 364.19 FS.

Law implemented 364.0252, 364.19 FS.

History–New 3-20-03, Repealed.

25-24.600 Application and Scope.

(1) The term “company” for the purpose of this Part also includes IXCs.

~~(2)~~ This Part applies to:

(a) – (c) No change.

~~(2) In addition to the rules contained in this Part, every company providing operator services shall also comply with the rules contained in Part X of Chapter 25-24, F.A.C.~~

(3) Each company subject to this Part may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under the authority of Section ~~364.01(4)(b)~~<sup>337</sup>, Florida Statutes.

Specific Authority 350.127(2), 364.3376(8) FS.

Law Implemented 364.01, 364.3376 FS.

History—New 9-6-93, Amended 9-10-97, 2-1-99.

25-24.610 Terms and Definitions; Rules Incorporated.

(1) For purposes of this Part, the following definitions apply:

(a) – 6. No change.

~~7. Schools required to comply with any portion of Chapters 228 and 246, Florida Statutes, or Section 229.808, Florida Statutes, School dormitories.~~

8. – 10. No change.

11. Timeshare plan as defined in Section 721.05(~~374~~), Florida Statutes,

12. No change.

13. Homes, communities, or facilities funded or insured by the United States Department of Housing and Urban Development (HUD) under 12 U.S.C.S. § 1701q (~~Law. Co-op. 1994~~) that sets forth the National Housing Act program designed to aid the elderly.

(b) – (e) No change.

(2) In addition to the above, the following rules are incorporated herein by reference:

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
25-4.003	Definitions	All
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	(2) and (3)

Specific Authority 350.127(2), 364.3376(8) FS.

Law Implemented 364.01, 364.016, 364.3376 FS.

History–New 9-6-93, Amended 9-10-97, 2-1-99.

25-24.640 Service Requirements for Call Aggregators.

(1) Every call aggregator shall:

(a) – (e) No change.

(f) Place a written notice in plain view, in the immediate vicinity of each telephone served by the call aggregator, which meets the requirements of Section 364.3376(5), Florida Statutes, (~~1995~~) and ~~also~~ clearly states at least the following information:

1. Name of the company providing operator services as it appears on the registration list or certificate issued by the Commission;

2. – 8. No change.

9. The toll-free telephone number of the Florida Public Service Commission's ~~Division~~ of Consumer Affairs.

(2) – (3) No change.

Specific Authority 350.127(2), 364.3376(5), (8) FS.

Law Implemented 364.01, 364.3376 FS

History–New 9-10-97.

25-24.835 Rules Incorporated.

The following rules are incorporated herein by reference and apply to competitive local exchange companies.

Section	Title	Portions Applicable
25-4.0161	Regulatory Assessment Fees	All
<del>25-4.020</del>	<del>Location and Preservation of Records</del>	<del>(2)</del>
25-4.043	Response to Commission Staff Inquiries	All
25-4.036	Design and Construction of Plant	All
25-4.038	Safety	All
25-4.160	Operation of Telecommunications Relay Service	All
<del>25-24.480</del>	<del>Records and Reports; Rules Incorporated</del>	<del>Subsection (2)</del>

(1) Each company shall file updated information for the following items with the Division of the Commission Clerk and Administrative Services within 10 days after any changes to the following:

(a) The address of the certificate holder’s main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.

Specific Authority 350.127(2), 364.337(2), 427.704(8) FS.

Law Implemented 364.016, 364.183, 364.336, 364.337(2) FS.

History–New 12-27-95, Amended 4-8-98, 6-24-99.

25-24.840 Service Standards.

(1) – (3) No change.

(4) When operator services are provided by a competitive local exchange company, the competitive local exchange company shall provide access to emergency service, busy line verification, and emergency interrupt service to the subscriber on at least the same level as that provided by the incumbent local exchange company.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.035, 364.337, 364.3376, 364.345 FS.

History–New 5-6-97, Amended 4-7-03.

25-24.900 Scope.

(1) This Part applies to companies that provide prepaid calling services (PPCS) to the public using its own or resold telecommunications networks.

(2) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.19, 364.337(~~4~~) FS.

History–New 3-26-98.

25-24.905 Terms and Definitions.

For purposes of this Part, the definitions to the following terms apply:

(1) – (4) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.03, 364.051, 364.335, 364.337(4) FS.

History—New 3-26-98.

25-24.910 Registration or Certificate of Public Convenience and Necessity Required .

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, competitive local exchange company, or registering as an interexchange company pursuant to Rule 24.470, F.A.C.. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued or registration is made. A “doing business as” name may be used in lieu of the certificated or registered name if it is registered as a fictitious name with the Florida Division of Corporations, and reflected on the certificate or registration with the Commission before the name is used on the card.

Specific Authority 350.127(2) FS.

Law Implemented 364.02, 364.33, 364.335, 364.337(4) FS.

History—New 3-26-98.

25-24.915 Tariffs or Price Lists.

(1) This section applies to all companies as defined in subsection 25-24.905(1), F.A.C., ~~regardless of certificate type or other tariff or price list requirements.~~

(2) No change.

(3) Each company shall include in its tariff or price list the following information:

(a) Maximum amount a person will be charged per billing increment ~~minute~~ for PPCS,  
and

(b) Any applicable surcharges or other fees assessed in addition to the billing increment that reduces the value of the card.

Specific Authority 350.127(2) FS.

Law Implemented 364.04, 364.051, 364.057, 364.08, 364.09, 364.10, 364.19, 364.27, 364.337  
FS.

History—New 3-26-98.

25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.

(1) The following information shall be legibly printed on the card:

(a) The Florida certificated or registered name, or “doing business as” name as provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;

(b) – (d) No change.

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

(a) Maximum charge per billing increment ~~minute~~ for PPCS;

(b) Any applicable surcharges or other fees assessed in addition to the billing increment that reduces the value of the card; and

(c) No change.

The company must insure by contract with its retailers or distributors that the information is provided to the consumer.

(3) Each company shall provide through its customer service number the following information:

(a) Certificate or registration number;

(b) - (6) No change.

~~(7) The billing increment shall not exceed one minute.~~



~~(8) Each company shall only charge for conversation time plus applicable surcharges.~~

~~(9) Conversation time of less than a full minute shall not be rounded up beyond the next full minute.~~

(10) through (11) renumbered as (7) through (8) No change.

~~(12) All cards sold by the company after July 1, 1998, must comply with this rule.~~

Specific Authority 350.127(2) FS

Law Implemented 364.01, 364.02, 364.03, 364.04, 364.19 FS.

History—New 3-26-98.

**25-24.930 Adequacy of Service.**

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.19 FS.

History—New 3-26-98, Repealed

25-24.940 Penalties.

Specific Authority 350.127(2) FS.

Law Implemented 364.285 FS.

History—New 3-26-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULES: Nancy Pruitt.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THESE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: January 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 30,  
Number 32, August 6, 2004

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings. Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

Rules 25-4.003, 4.044, 4.079, 4.115, 4.118, 24.455,  
24.465, 24.470, 24.4701, 24.471, 24.472, 24.473,  
24.474, 24.475, 24.480, 24.485, 24.490, 24.491,  
24.600, 24.610, 24.640, 24.835, 24.840, 24.900,  
24.905, 24.910, 24.915, 24.920, 24.930, 24.940  
Docket No. 041017-TI

**STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE**

Rules 25-4.003 – 4.118, and 25-24.455 – 24.940, F.S.C., IXC rules contain the regulatory requirements for companies offering interexchange telecommunications service. Chapter 364, Florida Statutes, was revised to reduce the Commission's regulatory authority over interexchange carriers. The proposed rule amendments and repeals would streamline the IXC rules and implement the legislative changes.

**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:** December 16, 2004

**TO:** Office of General Counsel (Stern)

**FROM:** Division of Economic Regulation (Hewitt)

**RE:** Statement of Estimated Regulatory Costs for Proposed Rule Amendments to Interexchange Company (IXC) Rules: 25-4.003, Definitions; 25-4.018, Local, Local Toll, or Toll Provider Selection; 25-4.044, Private Line/Special Access Cost Manual; 25-4.079, Hearing/Speech Impaired Persons; 25-4.107, Information to Customers; 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; 25-4.115, Directory Assistance; 25-4.118, Local, Local Toll, or Toll Provider Selection; 25-24.455, Scope and Waiver; 25-24.465, Terms and Definitions; 25-24.470, Certificate of Public Convenience and Necessity; 25-24.4701, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited; 25-24.471, Application for Certificate; 25-24.472, Improper Use of a Certificate; 25-24.473, Application for Approval of Assignment or Transfer of Certificate; 25-24.474, Cancellation of a Certificate; 25-24.475, Company Operations; 25-24.480, Records & Reports; 25-24.485, Tariffs; 25-24.490, Customer Relations; 25-24.491, Notice to customers Prior to Increase in Rates or Charges; 25-24.600, Application and Scope; 25-24.610, Terms and Definitions; 25-24.640, Service Requirements for Call Aggregators; 25-24.835, Rules Incorporated; 25-24.840, Service Standards; 25-24.900, Scope; 25-24.905, Terms and Definitions; 25-24.910, Certificate of Public Convenience and Necessity Required; 25-24.915, Tariffs and Prices Lists; 25-24.920, Standards For Prepaid Calling Services and Consumer Disclosure; 25-24.930, Adequacy of Service; 25-24.940, Penalties, F.A.C.

---

### SUMMARY OF THE RULES

Rules 25-4.003 – 4.118, and 25-24.455 – 24.940, F.A.C., IXC Rules, contain the regulatory requirements for companies offering interexchange telecommunications service.

Chapter 364, Florida Statutes, was revised to reduce the Commission's regulatory authority over interexchange carriers. The proposed rule amendments and repeals would streamline the IXC rules and implement the legislative changes.

25-4.003	Definitions (amend)
25-4.044	Private Line/Special Access Cost Manual (repeal)
25-4.079	Hearing/Speech Impaired Persons (amend)
25-4.115	Directory Assistance (amend)
25-4.118	Local, Local Toll, or Toll Provider Selection (amend)

25-24.455	Scope and Waiver (amend)
25-24.465	Terms and Definitions, Rule Incorporated (amend)
25-24.470	Certificate of Public Convenience and Necessity (amend)
25-24.4701	Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited (repeal)
25-24.471	Application for Certificate (repeal)
25-24.472	Improper Use of a Certificate (repeal)
25-24.473	Application for Approval of Assignment or Transfer of Certificate (repealed)
25-24.474	Cancellation of a Certificate ((amend)
25-24.475	Company Operations; Rules Incorporated (amend)
25-24.480	Records & Reports; Rules Incorporated (amend)
25-24.485	Tariffs (amend)
25-24.490	Customer Relations; Rules Incorporated (repeal)
25-24.491	Notice to customers Prior to Increase in Rates or Charges ((amend)
25-24.600	Application and Scope (amend)
25-24.610	Terms and Definitions; Rules Incorporated (amend)
25-24.640	Service Requirements for Call Aggregators (amend)
25-24.835	Rules Incorporated (amend)
25-24.840	Service Standards (amend)
25-24.900	Scope (amend)
25-24.905	Terms and Definitions (amend)
25-24.910	Certificate of Public Convenience and Necessity Required (amend)
25-24.915	Tariffs and Prices Lists (amend)
25-24.920	Standards For Prepaid Calling Services and Consumer Disclosure (amend)
25-24.930	Adequacy of Service (repeal)
25-24.940	Penalties (repeal)

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

The IXC telecommunications companies regulated by the Commission would be affected. There were 703 interexchange companies currently active as of June 30, 2004.

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

The usual rule implementation costs would be incurred with these rule changes. The certification rule repeal would mean a loss of revenue to the Commission of \$250 for each new IXC applicant, but is necessary because the IXCs are no longer subject to the certification requirement. Although there would be a loss of application revenues, there should be reduced time and cost required to review reports and monitor IXC activities.

There should be no impact on other state or local government entities.

**ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES**

Affected companies may have some minor transactional costs to comply with the changes but there should be a significant net benefit with reduced reporting requirements, elimination of location and preservation of records, plus clarified and streamlined rule language. The total potential savings are unknown. Added rule language requires companies to reimburse the

Commission for reasonable travel expense incurred in out-of-state travel to review company records. The reimbursement requirement is currently required by statute and Commission policy and would not be a new cost to the companies.

IMPACT ON SMALL BUSINESSES, SMALL CITIES, OR SMALL COUNTIES

Small IXC businesses would have the same benefits as larger IXCs with reduced reporting and fewer rules to contend with. Small cities, and counties should have no impact from the changes.

cc: Mary Andrews Bane  
Chuck Hill  
Rick Moses  
Hurd Reeves

## SERC Summary

The proposed rule amendments would streamline the IXC rules and implement legislative changes. These changes should create net benefits with the decrease in the cost of regulation on IXCs through the reduction of required reports and regulatory oversight.