

BEFORE THE PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: PROPOSED AMENDMENT OF RULE NOS. 25-24.511, 25.24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730 25-24.810 25-24.815

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: June 23, 2005

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-24.511, 25.24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, and 25-24.815, Florida Administrative Code, to amend provisions relating to applications of certificates.

The attached Notice of Proposed Rule Development will appear in the July 1, 2005, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Wednesday, July 20, 2005
Betty Easley Conference Center
Room 148, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

The request must be submitted in writing to Christiana T. Moore, Appeals, Rules & Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, and should be submitted for receipt by the Commission no later than July 14, 2005.

Any person requiring some accommodation at this workshop 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 using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

05967 JUN 23 05

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NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 2

By DIRECTION of the Florida Public Service Commission this 23rd day of June, 2005.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

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NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 3

NOTICE OF PROPOSED RULE DEVELOPMENT
FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE:	RULE NO.:
Application for Certificate	25-24.511
Improper Use of a Certificate <u>Application for Approval of Sale, Assignment or Transfer of Certificate</u>	25-24.512
Application for Certificate	25-24.567
Application for Approval of <u>Sale</u> , Assignment or Transfer of Certificate	25-24.569
Application for Certificate	25-24.720
Application for Approval of Sale, Assignment or Transfer of Certificate	25-24.730
Application for Certificate	25-24.810
Application for Approval of <u>Sale</u> , Assignment or Transfer of Certificate	25-24.815

PURPOSE AND EFFECT: To increase the fees charged for processing applications for new and transferred certificates to provide pay telephone service, shared tenant service, alternative access vendor service, and competitive local exchange service; and to allow the transfer of a certificate from one pay telephone service company to another.

SUBJECT AREA TO BE ADDRESSED: Certificate application fees and transfer.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 350.123, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.339,
364.345 FS

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 4

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., Wednesday, July 20, 2005

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO CHRISTIANA T. MOORE, OFFICE OF THE GENERAL COUNSEL, FLORIDA PUBLIC SERVICE COMMISSION, 2540 SHUMARD OAK BLVD., TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop 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 workshop. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, 850-413-6584, rkennedy@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.511 Application for Certificate.

(1) No change.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 5

Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00
~~\$100.00~~ must accompany the filing of all applications.

(3) – (4) No change.

~~(5) Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled.~~

Specific Authority 350.127(2) FS.

Law Implemented 350.123, 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS.

History–New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99.

25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate ~~Improper Use of a Certificate~~

(1) Certificates ~~No certificate~~ of public convenience and necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 32 (xx/xx), entitled “Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida”. The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(3) An original and two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 6

(4) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS.

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

History--New 1-5-87, Amended 5-15-89.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMP 37 (~~xx/xx7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx7/97~~), entitled "Application Form For Authority To Provide Shared Tenant Service Within the State of Florida," may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

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

(3) – (4) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.33, 364.335, 364.339, 364.345 FS.

History--New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 37 (~~xx/xx7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37

(~~xx/xx7/97~~) is entitled “Application Form for Authority to Provide Shared Tenant Service Within the State of Florida.” The application form may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

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

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS.

History–New 1-28-91, Amended 11-20-91, 7-29-97.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx1/95~~), entitled “Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida,” which is incorporated into this rule by reference. The form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

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

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 8

(3) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.33, 364.335, 364.337, 364.345 FS.

History—New 1-8-95.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 43 (~~xx/xx1/95~~) (entitled “Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida”). The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

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

(3) – (4) No change.

Specific Authority 350.127(2) FS.

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

History—New 1-8-95.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx11/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx11/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the

State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$400.00~~ ~~\$250.00~~ must accompany the filing of each application.

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

Specific Authority 350.127(2) FS.

Law Implemented 364.335 FS.

History–New 12-27-95.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8 (~~xx/xx11/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx11/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$400.00~~ ~~\$250.00~~ must accompany the filing of each application.

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

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

(4) A certificate may be sold, assigned or transferred only as a whole.

(5) In the case of sale, ~~an~~ assignment or transfer where the assignor and assignee or transferor or transferee are all currently certificated by the Commission and there are no pending actions

NOTICE OF PROPOSED RULE DEVELOPMENT
UNDOCKETED
PAGE 10

against them, a sale, ~~an~~ assignment or transfer shall be considered effective upon filing. Any party protesting the sale, assignment or transfer shall be required to prove why the sale, assignment or transfer is not in the public interest.

Specific Authority 350.127(2) FS.

Law Implemented 364.335, 364.345(2) FS.

History—New 12-27-95.