

STATE OF FLORIDA



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Public Service Commission

COMMISSION
CLERK

July 29, 2005

HAND DELIVER

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
statutory changes.

Dear Mr. Boyd:

The Commission has approved the adoption of Rules 25-24.455, 25-24.465, 25-24.470,
25-24.474, 25-24.475, 25-24.480, 25-24.485, 25-24.490, 25-24.600, 25-24.610, 25-24.640, 25-
24.835, 25-24.840, 25-24.900, 25-24.905, 25-24.910, 25-24.915, 25-24.920, and the repeal of
Rules 25-24.471, 25-24.4701, 25-24.472, 25-24.473, 25-24.491, 25-24.930 and 25-24.940,
without changes.

We plan to file the rules for adoption on August 5, 2005.

Sincerely,

Marlene K. Stern

Marlene K. Stern
Associate General Counsel

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC
- OTH _____

041017 Adopt 25-24.mks.doc

Enclosure

c: Division of the Commission Clerk
and Administrative Services

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

1 25-24.455 Scope and Waiver.

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

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

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

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

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

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

24 (c) Alternative regulatory requirements for the company which may serve the purpose
25 of this part; and

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from existing law.

1 (d) Whether the waiver is in the public interest.

2 (5) ~~Any statutory exemptions or rule waivers granted prior to the adoption of this rule~~

3 ~~are void, and to the extent not covered in this rule, must be renewed.~~

4 Specific Authority 350.127(2) FS.

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

6 History—New 2-23-87, Amended _____.

7

8 25-24.465 Terms and Definitions; ~~Rule Incorporated.~~

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

10 ~~Company.~~

11 (2) Rule 25-4.003, Florida Administrative Code, Definitions, applies to IXCs. ~~The~~

12 ~~following rule is incorporated herein by reference~~

13

Portions not

14

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
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15

25-4.003	Definitions	Subsection (8)
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16 Specific Authority 350.127(2) FS.

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

18 History—New 2-23-87, Amended 3-13-96, _____.

19

20 25-24.470 Registration Certificate of Public Convenience and Necessity Required.

21 (1) No person shall provide intrastate interexchange telephone service without first

22 filing an initial tariff containing the rates, terms, and conditions of service and providing the

23 company’s current contact information with ~~obtaining a certificate of public convenience and~~

24 ~~necessity from~~ the Division of the Commission Clerk and Administrative Services. ~~Services~~

25 ~~may not be provided, nor may deposits or payment for services be collected until the effective~~

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1 ~~date of a certificate, if granted. However, acquisition of equipment and facilities, advertising~~
2 ~~and other promotional activities may begin prior to the effective date of the certificate at the~~
3 ~~applicant's risk that it may not be granted. In any customer contacts or advertisements prior to~~
4 ~~certification, the applicant must advise the customer that certification has not and may never~~
5 ~~be granted.~~

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

8 (3) The company's contact information shall be provided using Form PSC/CMP 31
9 (08/05), entitled "IXC Registration Form" which is hereby incorporated into these rules. A
10 copy of the form may be obtained from the Commission's website, www.floridapsc.com, or
11 by contacting the Commission's Division of Competitive Markets and Enforcement.

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

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

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

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

21 Specific Authority 350.127(2) FS.

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

23 History ~~New 2-23-87, Amended~~ _____.

24

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

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1 Prohibited.

2 Specific Authority 350.127(2) FS.

3 Law Implemented 364.07, 364.19, 364.27 FS.

4 History–New 1-12-92, Repealed_____.

5

6 25-24.471 Application for Certificate.

7 Specific Authority 350.127(2) FS.

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

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

10 Repealed_____.

11

12 25-24.472 Improper Use of a Certificate.

13 Specific Authority 350.127(2) FS.

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

15 History–New 2-23-87, Repealed_____.

16

17 25-24.473 Application for Approval of Assignment or Transfer of Certificate.

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

22 25-24.474 Cancellation of a Registration Certificate.

23 (1) The following are grounds for cancellation of~~Commission may on its own motion~~

24 ~~cancel~~ a company's registration certificate ~~for any of the following reasons:~~

25 (a) – (c) No change.

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

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

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

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

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

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

11 Specific Authority 350.127(2) FS.

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

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

14

15 25-24.475 Company Operations and Customer Relations; ~~Rules Incorporated.~~

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

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

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

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

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1 calls.

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

3 (6) Each IXC shall comply with the requirements of Rule 25-4.083, Florida

4 Administrative Code, Preferred Carrier Freeze, except subsections (11) and (12).

5 (1) The following rules are incorporated herein by reference and apply to

6 Interexchange Companies. In these rules, the word "local" should be omitted or interpreted as

7 "toll", as they shall apply only to interexchange and not local service.

8 _____ Portions

9 Section _____ Title _____ Applicable

10 ~~25-4.022~~ _____ ~~Complaint~~ ~~Trouble Reports, etc.~~ _____ ~~All~~

11 ~~25-4.036~~ _____ ~~Design and Construction of Plant~~ _____ ~~All~~

12 ~~25-4.038~~ _____ ~~Safety~~ _____ ~~All~~

13 ~~25-4.039~~ _____ ~~Traffic~~ _____ ~~All~~

14 ~~25-4.071~~ _____ ~~Adequacy of Service~~ _____ ~~Subsection (5)~~

15 ~~25-24.515~~ _____ ~~Pay Telephone Service~~ _____ ~~Subsection (20)~~

16 ~~25-4.077~~ _____ ~~Metering and Recording Equipment~~ _____ ~~All~~

17 ~~25-4.160~~ _____ ~~Operation of Telecommunications Relay Service~~ _____ ~~Subsection (1)~~

18 _____ (2) A company may act as an agent of the customer in obtaining service from the local

19 exchange company, provided the local exchange company bills the customer directly for the

20 service rendered.

21 Specific Authority 350.127(2) FS.

22 Law Implemented 364.02, 364.04, 364.603, 364.604 ~~364.01(4), 364.07, 364.16, 364.17,~~

23 ~~364.185, 364.19, 364.30, 364.337, 364.3375, 364.345, 364.386, 427.704~~ FS.

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

25

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1 25-24.480 Records and Reports; ~~Rules Incorporated.~~

2 (1) Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-
3 4.0161, F.A.C.

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

7 ~~_____~~ Portions Not

8 Section ~~_____~~ Title ~~_____~~ Applicable

9 25 4.019 ~~_____~~ ~~Records and Reports in General~~ ~~_____~~ ~~None~~

10 25 4.020 ~~_____~~ ~~Location and Preservation of Records~~ ~~_____~~ ~~Subsections (1), (3)~~

11 25 4.023 ~~_____~~ ~~Report of Interruptions~~ ~~_____~~ ~~Subsection (1)~~

12 25 4.043 ~~_____~~ ~~Inquiries~~ ~~_____~~ ~~None~~

13 25 4.0161 ~~_____~~ ~~Regulatory Assessment Fees~~ ~~_____~~ ~~None~~

14 25 4.079 ~~_____~~ ~~Hearing/Speech Impaired Persons~~ ~~_____~~ ~~Subsections (1), (2), (3), and (5)~~

15 25 4.115 ~~_____~~ ~~Directory Assistance~~ ~~_____~~ ~~Subsections (1) and (2)~~

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

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

25 ~~(a) The address of the certificate holder's main corporate and Florida offices (if any);~~

1 including street name and address and post office box, city, state and zip code.

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

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

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

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

19 Specific Authority 350.127(2) FS.
20 Law Implemented 350.113, ~~350.115~~, 350.117, ~~364.01(4)~~, ~~364.02~~, ~~364.336~~, 364.17, 364.18,
21 364.185, ~~364.337~~, 427.704 FS.

22 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-
23 22-92, 12-27-94, 3-13-96, 10-1-96, _____.

24
25 25-24.485 Tariffs.

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

4 (1) General.

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

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

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

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

23 ~~(f) A printed notice shall be kept posted by each company in a public and conspicuous~~
24 ~~place in each office where application for service may be made stating that its tariff and~~
25 ~~standard contract and agreement forms are on file at that office and are open to examination~~

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1 | ~~by any person. The Company will also make available a list of the exchanges it serves.~~

2 | (eg) All proposed changes to an ~~the~~ existing tariff shall be directed to the Director of
3 | the Division of Competitive Markets and Enforcement, Florida Public Service Commission,
4 | 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-085066. A filing must be received by
5 | the Division of Competitive Markets and Enforcement Services before 5:00 p.m. of a normal
6 | Commission workday in order for it to be “filed” on that day.

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

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

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from existing law.

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(hj) 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" x 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

Cancel Original Sheet No. 1

or

Fourth Revised Sheet No. 5.2;

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1 Cancels Third Revised Sheet Nos. 5.2, ~~5.3~~ and

2 ~~Second Revised Sheet 5.4~~

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

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

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

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

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

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~~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 a 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 stated call completion rate for end to end Feature Group C & D service shall not be less~~

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1 than 90 percent.

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

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

8 (4) Information to Accompany Tariff Filings.

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

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

14 Specific Authority 350.127(2) FS.

15 Law Implemented ~~364.04, 364.05, 364.057, 364.07, 364.08, 364.09, 364.10, 364.11, 364.14,~~
16 ~~364.27, 364.337,~~ FS.

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

18

19 25-24.490 Toll Free Number Transfers Customer Relations; Rules Incorporated

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

<u>Section 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)

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1 ~~25 4.111~~ ~~Customer Complaint and Service Requests~~ ~~All except subsection (2)~~

2 ~~25 4.112~~ ~~Termination of Service by Customer~~ ~~All~~

3 ~~25 4.113~~ ~~Refusal or Discontinuance of Service by~~

4 ~~Company~~ ~~All~~

5 ~~25 4.114~~ ~~Refunds~~ ~~All~~

6 ~~25 4.117~~ ~~800 Service~~ ~~All~~

7 ~~25 4.118~~ ~~Local, Local Toll, or Toll Provider Selection~~ ~~All~~

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

9 ~~payments for more than one month of service if it maintains on file with the Commission a~~

10 ~~bond covering its current balance of deposits and advance payments (for more than one~~

11 ~~month's service). A company may apply to the Commission for a waiver of the bond~~

12 ~~requirement by demonstrating that it possesses the financial resources and income to provide~~

13 ~~assurance of continued operation under its certificate over the long term.~~

14 ~~(3) Upon request, each company shall provide verbally or in writing to any person~~

15 ~~inquiring about the company's service:~~

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

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

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

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

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

21 ~~(f) A statement of billing adjustment practices for wrong numbers or incorrect bills. In~~

22 ~~addition, the above information shall be included in the first bill, or in a separate mailing no~~

23 ~~later than the first bill, to all new customers and to all customers presubscribing on or after the~~

24 ~~effective date of this rule, and in any information sheet or brochure distributed by the~~

25 ~~company for the purpose of providing information about the company's services. The above~~

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1 information shall be clearly expressed in simple words, sentences and paragraphs. It must
2 avoid unnecessarily long, complicated or obscure phrases or acronyms.

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

4 (a) – (c) renumbered as (1) – (3) No change.

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

6 Law Implemented ~~364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603,~~
7 364.604, FS.

8 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-
9 03, 9-9-04, _____.

10

11 25-24.491 Notice to Customers Prior to Increase in Rates or Charges.

12 Specific Authority 350.127, 364.0252, 364.19 FS.

13 Law implemented 364.0252, 364.19 FS.

14 History–New 3-20-03, Repealed _____.

15

16 25-24.600 Application and Scope.

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

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

19 (a) – (c) No change.

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

22 ~~(3) Each company subject to this Part may petition for exemption from applicable~~
23 ~~portions of Chapter 364, Florida Statutes, or for application of different requirements than~~
24 ~~those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under~~
25 ~~the authority of Section 364.337, Florida Statutes.~~

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from existing law.

1 Specific Authority 350.127(2), 364.3376(8) FS.
2 Law Implemented 364.01, 364.3376 FS.
3 History—New 9-6-93, Amended 9-10-97, 2-1-99, _____.

4
5 25-24.610 Terms and Definitions; Rules Incorporated.

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

7 (a) – 6. No change.

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

10 8. – 10. No change.

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

12 12. No change.

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

16 (b) – (e) No change.

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

<u>Section</u>	<u>Title</u>	<u>Applicable</u>
19 25-4.003	Definitions	All
20 25-4.019	Records and Reports in General	All
21 25-4.020	Location and Preservation of Records	(2) and (3)

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

23 Law Implemented 364.01, 364.016, 364.3376 FS.

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

25

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1 25-24.640 Service Requirements for Call Aggregators.

2 (1) Every call aggregator shall:

3 (a) – (e) No change.

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

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

9 2. – 8. No change.

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

12 (2) – (3) No change.

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

14 Law Implemented 364.01, 364.3376 FS

15 History--New 9-10-97, Amended _____.

16

17 25-24.835 Rules Incorporated.

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

20	<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
21	25-4.0161	Regulatory Assessment Fees	All
22	<u>25-4.020</u>	<u>Location and Preservation of Records</u>	<u>(2)</u>
23	25-4.043	Response to Commission Staff Inquiries	All
24	25-4.036	Design and Construction of Plant	All
25	25-4.038	Safety	All

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1 | 25-4.160 Operation of Telecommunications Relay Service All

2 | ~~25-24.480~~ ~~Records and Reports; Rules Incorporated~~ ~~Subsection (2)~~

3 | (1) Each company shall file updated information for the following items with the

4 | Division of the Commission Clerk and Administrative Services within 10 days after any

5 | changes to the following:

6 | (a) The address of the certificate holder's main corporate and Florida offices (if any)

7 | including street name and address and post office box, city, state and zip code; or

8 | (b) Telephone number, name, and address of the individual who is to serve as primary

9 | liaison with the Commission in regard to the ongoing Florida operations of the certificated

10 | company.

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

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

13 | History—New 12-27-95, Amended 4-8-98, 6-24-99, _____.

14 |

15 | 25-24.840 Service Standards.

16 | (1) – (3) No change.

17 | (4) When operator services are provided by a competitive local exchange company, the

18 | competitive local exchange company shall provide access to emergency service, busy line

19 | verification, and emergency interrupt service to the subscriber on at least the same level as that

20 | provided by the incumbent local exchange company.

21 | Specific Authority 350.127(2) FS.

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

23 | History—New 5-6-97, Amended 4-7-03, _____.

24 |

25 | 25-24.900 Scope.

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

3 (2) No change.

4 Specific Authority 350.127(2) FS.

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

6 History—New 3-26-98, Amended _____.

7

8 25-24.905 Terms and Definitions.

9 For purposes of this ~~P~~part, the definitions to the following terms apply:

10 (1) – (4) No change.

11 Specific Authority 350.127(2) FS.

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

13 History—New 3-26-98, Amended _____.

14

15 25-24.910 Registration or Certificate of Public Convenience and Necessity Required .

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

24 Specific Authority 350.127(2) FS.

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

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from existing law.

1 History—New 3-26-98, Amended.

2 25-24.915 Tariffs or Price Lists.

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

5 (2) No change.

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

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

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

11 Specific Authority 350.127(2) FS.

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

14 History—New 3-26-98, Amended.

15

16 25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.

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

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

20 (b) – (d) No change.

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

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

25 (b) Any applicable surcharges or other fees assessed in addition to the billing

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1 increment that reduces the value of the card; and

2 (c) No change.

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

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

7 (a) Certificate or registration number;

8 (b) - (6) No change.

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

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

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

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

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

15 Specific Authority 350.127(2) FS

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

17 History—New 3-26-98 Amended.

18

19 25-24.930 Adequacy of Service.

20 Specific Authority 350.127(2) FS.

21 Law Implemented 364.01, 364.19 FS.

22 History—New 3-26-98, Repealed

23

24 25-24.940 Penalties.

25 Specific Authority 350.127(2) FS.

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1 Law Implemented 364.285 FS.

2 History—New 3-26-98, Repealed

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6 Rules 25-24.mks.doc

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IXC REGISTRATION FORM – PSC/CMP 31

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: 08 / 05