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COMMISSION
CLERK

Public Service Commission

November 5, 2005

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

RE: Docket No. 050681-TP - Rule Nos. 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, F.A.C.

Dear Mr. Boyd:

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

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

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

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 QPC _____
 RCA _____
 SCR _____ me.
 SGA _____
 SEC 1
 OTH _____

Sincerely,

Christiana T. Moore
Associate General Counsel

050681 JAPC.ctm.doc

Enclosures

cc: ~~Division of the Commission Clerk~~
and Administrative Services

DOCUMENT NUMBER - DATE
10719 NOV -4 05

1 **25-24.511 Application for Certificate.**

2 (1) Any person desiring to provide pay telephone services must have a pay telephone
3 service certificate.

4 (2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx~~ 02/99),
5 entitled "Application Form for Authority-Certificate to Provide Pay Telephone Service Within
6 the State of Florida," which is incorporated into this rule by reference and may be obtained
7 from the Commission's Division of Competitive Markets and Enforcement. A non-refundable
8 application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

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

11 (4) Any pay telephone service authority previously granted or granted hereafter is
12 subject to the following:

13 (a) Authority granted is statewide.

14 (b) Authority is to provide both local and intrastate toll pay telephone service. A
15 certificate to provide pay telephone service does not carry with it the authority to provide local
16 exchange or interexchange service. A separate application must be made for such authority.

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

19 Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337,
20 364.3375, 364.345 FS. History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92,
21 2-1-99,_____.

22
23 **25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate**

24 **~~Improper Use of a Certificate.~~**

25 (1) Certificates ~~No certificate~~ of public convenience and necessity authorizing pay

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

1 telephone service shall not be sold, assigned or transferred by the holder without prior
2 Commission approval.

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

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

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

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

16 Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337,
17 364.3375, 364.345 FS. History—New 1-5-87, Amended 5-15-89,_____.

18

19 **25-24.567 Application for Certificate.**

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

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

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

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

5 (4) Any shared tenant service authority granted hereafter is subject to the following:

6 (a) Shared tenant authority granted to all companies is on a statewide basis and is
7 restricted to tenants as defined in subsection 25-24.560(10), F.A.C.

8 (b) Each shared tenant service applicant shall:

9 1. Advise all customers of its current rates and conditions for resold local exchange
10 service and its quality of service standards.

11 2. Inform each customer in advance of agreement to provide service, that the Florida
12 Public Service Commission will not set rates or regulate the service quality standards.

13 (c) A certificate to provide shared tenant service does not carry with it the authority to
14 provide competitive local exchange telecommunication, alternative access vendor,
15 interexchange or pay telephone service. A separate application must be made for such
16 authority.

17 Specific Authority 350.127(2) FS.

18 Law Implemented 364.33, 364.335, 364.339, 364.345 FS.

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

20
21 **25-24.569 Application for Approval of Sale, Assignment or Transfer of**
22 **Certificate.**

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

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

1 PSC/CMP 37 (~~xx/xx7/97~~) is entitled "Application Form for Authority to Provide Shared
2 Tenant Service Within the State of Florida." The application form may be obtained by
3 contacting the Commission's Division of Competitive Markets and Enforcement. A
4 nonrefundable application fee of \$250.00 must accompany each application. The
5 Commission's acceptance of the application fee does not imply that the application for sale,
6 assignment or transfer of a certificate will be granted.

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

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

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

12 Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337,
13 364.339, 364.345 FS. History--New 1-28-91, Amended 11-20-91, 7-29-97, _____.

14

15 **25-24.720 Application for Certificate.**

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

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

25 (3) A certificate will be granted if the Commission determines that such approval is in

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from existing law.

1 the public interest.
2 Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS.
3 History—New 1-8-95, Amended.

4

5 **25-24.730 Application for Approval of Sale, Assignment, or Transfer of**
6 **Certificate.**

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

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

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

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

20 Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337,
21 364.345 FS. History—New 1-8-95, Amended.

22

23 **25-24.810 Application for Certificate.**

24 (1) An applicant for a certificate shall submit an application on Form PSC/CMP 8
25 (~~xx/xx11/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8

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1 (~~xx/xx11/95~~), entitled "Application Form for Authority to Provide Competitive Local
2 Exchange Service Within the State of Florida", may be obtained by contacting the
3 Commission's Division of Competitive Markets and Enforcement. A non-refundable
4 application fee of \$400.00 ~~\$250.00~~ must accompany the filing of each application.

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

7 Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History--New 12-27-95,
8 Amended.

9
10 **25-24.815 Application for Approval of Sale, Assignment or Transfer of**
11 **Certificate.**

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

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

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

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

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

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

4 Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History—New
5 12-27-95, Amended.

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9 Certificate Rules 25-24.ctm.doc

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from existing law.

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT
APPLICATION FORM
for
AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS COMPANY SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 8).
- B. Print or type all responses to each item requested in the application. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form along with a non-refundable application fee of **\$400.00** to:

Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770

- E. A filing fee of **\$400.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.815, F.A.C.).
- F. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Competitive Markets and Enforcement
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority rather than apply for a new certificate.

Approval of assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

2. Name of company:

3. Name under which applicant will do business (fictitious name, etc.):

4. Official mailing address:

Street/Post Office Box:

City:

State:

Zip:

5. Florida address:

Street/Post Office Box:

City:

State:

Zip:

6. Structure of organization:

- Individual
- Foreign Corporation
- General Partnership
- Other,

- Corporation
- Foreign Partnership
- Limited Partnership

7. **If individual**, provide:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is:

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

12. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is:

14. Provide **F.E.I. Number**(if applicable):

15. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(b) Official point of contact for the ongoing operations of the company:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(c) Complaints/Inquiries from customers:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

16. List the states in which the applicant:

(a) has operated as a Competitive Local Exchange Telecommunications Company.

(b) has applications pending to be certificated as a Competitive Local Exchange Telecommunications Company.

(c) is certificated to operate as a Competitive Local Exchange Telecommunications Company.

(d) has been denied authority to operate as a Competitive Local Exchange Telecommunications Company and the circumstances involved.

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

17. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

(b) granted or denied a competitive local exchange certificate in the State of Florida (this includes active and canceled competitive local exchange certificates). If yes, provide explanation and list the certificate holder and certificate number.

(c) an officer, director, partner or stockholder in any other Florida certificated or registered telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

18. Submit the following:

(a) Managerial capability: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

(b) Technical capability: resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

(c) Financial Capability: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. Unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet,
2. income statement, and
3. statement of retained earnings.

Note: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of competitive local exchange telecommunications company (CLEC) service in Florida.

APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide competitive local exchange telecommunications company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "**Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083.**"

Company Owner or Officer

Print Name:
Title:
Telephone No.:
E-Mail Address:

Signature: _____

Date: _____

CERTIFICATE SALE, TRANSFER,
OR
ASSIGNMENT STATEMENT

As current holder of Florida Public Service Commission Certificate Number _____, I have reviewed this application and join in the petitioner's request for a

- sale
- transfer
- assignment

of the certificate.

Company Owner or Officer

Print Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:

Signature: _____

Date: _____

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT
APPLICATION FORM
for
AUTHORITY TO PROVIDE SHARED TENANT SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 9).
- B. Print or type all responses to each item requested in the application and appendices. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form along with a non-refundable application fee of **\$250.00** to:

Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770

- E. A filing fee of **\$250.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.569, F.A.C.).
- F. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Competitive Markets and Enforcement
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate authority rather than apply for a new certificate.

Approval of Assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

Approval for transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

3. Name under which applicant will do business (fictitious name, etc.):

4. Official mailing address:

Street/Post Office Box:
City:
State:
Zip:

5. Florida address:

Street/Post Office Box:
City:
State:
Zip:

6. Structure of organization:

Individual
 Foreign Corporation
 General Partnership
 Other,

Corporation
 Foreign Partnership
 Limited Partnership

7. **If individual**, provide:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is:

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

12. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is:

14. Provide **F.E.I. Number**(if applicable):

15. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?

Yes

No

(b) If not, who will bill for your services?

Name:

Title:

Street/Post Office Box:

City:

State:

Zip:

Telephone No.:

Fax No.:

E-Mail Address:

Website Address:

(c) Who will the billed party contact to ask questions about the bill?

Name:

Title:

Telephone No.:

E-Mail Address:

(d) How is this information provided?

16. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(b) Official point of contact for the ongoing operations of the company:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(c) Complaints/Inquiries from customers:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

17. List the states in which the applicant:

(a) has operated as an Shared Tenant Service provider.

(b) has applications pending to be certificated as an Shared Tenant Service provider.

(c) is certificated to operate as an Shared Tenant Service provider.

(d) has been denied authority to operate as an Shared Tenant Service provider and the circumstances involved.

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

18. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

(b) granted or denied a shared tenant services certificate in the State of Florida (this includes active and canceled shared tenant services certificates). If yes, provide explanation and list the certificate holder and certificate number.

(c) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

19. Submit the following:

(a) Managerial capability: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

(b) Technical capability: resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

(c) Financial Capability: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. Unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet,
2. income statement, and
3. statement of retained earnings.

Note: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of shared tenant service (STS) in Florida.

APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative access vendor service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "**Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083.**"

Company Owner or Officer

Print Name:
Title:
Telephone No.:
E-Mail Address:

Signature: _____

Date: _____

CERTIFICATE SALE, TRANSFER,
OR
ASSIGNMENT STATEMENT

As current holder of Florida Public Service Commission Certificate Number _____, I have reviewed this application and join in the petitioner's request for a

- sale
- transfer
- assignment

of the certificate.

Company Owner or Officer

Print Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:

Signature: _____

Date: _____

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT
APPLICATION FORM
for
AUTHORITY TO PROVIDE ALTERNATIVE ACCESS VENDOR SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 9).
- B. Print or type all responses to each item requested in the application and appendices. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

- E. A filing fee of **\$250.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.730, F.A.C.).
- F. If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Competitive Markets and Enforcement
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600**

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate authority rather than apply for a new certificate.

Approval of Assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

Approval for transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

3. Name under which applicant will do business (fictitious name, etc.):

4. Official mailing address:

Street/Post Office Box:
City:
State:
Zip:

5. Florida address:

Street/Post Office Box:
City:
State:
Zip:

6. Structure of organization:

Individual
 Foreign Corporation
 General Partnership
 Other,

Corporation
 Foreign Partnership
 Limited Partnership

7. **If individual**, provide:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is:

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

12. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is:

14. Provide **F.E.I. Number**(if applicable):

15. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?

Yes

No

(b) If not, who will bill for your services?

Name:

Title:

Street/Post Office Box:

City:

State:

Zip:

Telephone No.:

Fax No.:

E-Mail Address:

Website Address:

(c) Who will the billed party contact to ask questions about the bill?

Name:

Title:

Telephone No.:

E-Mail Address:

(d) How is this information provided?

16. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(b) Official point of contact for the ongoing operations of the company:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(c) Complaints/Inquiries from customers:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

17. List the states in which the applicant:

(a) has operated as an Alternative Access Vendor.

(b) has applications pending to be certificated as an Alternative Access Vendor.

(c) is certificated to operate as an Alternative Access Vendor.

(d) has been denied authority to operate as an Alternative Access Vendor and the circumstances involved.

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

18. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

(b) granted or denied an alternative access vendor certificate in the State of Florida (this includes active and canceled alternative access vendor certificates). If yes, provide explanation and list the certificate holder and certificate number.

(c) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of alternative access vendor (AAV) service in Florida.

APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative access vendor service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "**Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083.**"

Company Owner or Officer

Print Name:
Title:
Telephone No.:
E-Mail Address:

Signature: _____

Date: _____

CERTIFICATE SALE, TRANSFER,
OR
ASSIGNMENT STATEMENT

As current holder of Florida Public Service Commission Certificate Number _____, I have reviewed this application and join in the petitioner's request for a

- sale
- transfer
- assignment

of the certificate.

Company Owner or Officer

Print Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:

Signature: _____ Date: _____

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT

APPLICATION FORM
for
AUTHORITY TO PROVIDE PAY TELEPHONE SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 8).
- B. Print or type all responses to each item requested in the application and appendices. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and two (2) copies of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

- E. A filing fee of **\$250.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.512, F.A.C.).
- F. If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Competitive Markets and Enforcement
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600**

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate authority rather than apply for a new certificate.

Approval of Assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

Approval for transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

3. Name under which applicant will do business (fictitious name, etc.):

4. Official mailing address:

Street/Post Office Box:

City:

State:

Zip:

5. Florida address:

Street/Post Office Box:

City:

State:

Zip:

6. Structure of organization:

Individual
 Foreign Corporation
 General Partnership
 Other,

Corporation
 Foreign Partnership
 Limited Partnership

7. **If individual**, provide:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is:

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

12. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable. The Florida registration number is:

14. Provide **F.E.I. Number**(if applicable):

15. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(b) Official point of contact for the ongoing operations of the company:

Name:
Title:
Street name & number:
Post office box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

(c) Complaints/Inquiries from customers:

Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:
Website Address:

16. List the states in which the applicant:

(a) has operated as a Pay Telephone Service provider.

(b) has applications pending to be certificated as a Pay Telephone Service provider.

(c) is certificated to operate as a Pay Telephone Service provider.

(d) has been denied authority to operate as a Pay Telephone Service provider and the circumstances involved.

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved. Explain circumstances.

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

17. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

(b) granted or denied a pay telephone certificate in the State of Florida (this includes active and canceled pay telephone certificates). If yes, provide explanation and list the certificate holder and certificate number.

(c) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

THIS PAGE MUST BE COMPLETED AND SIGNED

REGULATORY ASSESSMENT FEE: I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

RECEIPT AND UNDERSTANDING OF RULES: I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of pay telephone service (PATS) in Florida.

APPLICANT ACKNOWLEDGEMENT: By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative access vendor service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "**Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083.**"

Company Owner or Officer

Print Name:

Title:

Telephone No.:

E-Mail Address:

Signature: _____

Date: _____

CERTIFICATE SALE, TRANSFER,
OR
ASSIGNMENT STATEMENT

As current holder of Florida Public Service Commission Certificate Number _____, I have reviewed this application and join in the petitioner's request for a

- sale
- transfer
- assignment

of the certificate.

Company Owner or Officer

Print Name:
Title:
Street/Post Office Box:
City:
State:
Zip:
Telephone No.:
Fax No.:
E-Mail Address:

Signature: _____

Date: _____

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050681-TP

RULE TITLE:	RULE NO.:
Application for Certificate	25-24.511
<u>Application for Approval of Sale, Assignment or Transfer of Certificate</u>	
Improper Use of a Certificate	25-24.512
Application for Certificate	25-24.456
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.

SUMMARY: Raises the application fee from \$100 to \$250 for an applicant for a pay telephone certificate or a shared tenant services certificate, and from \$250 to \$400 for an applicant for a competitive local exchange service certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Applicants for certificates to provide certain telecommunications' services will pay increased application fees.

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

SPECIFIC AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.337, 364.3375, 2364.339, 364.345, 364.345(2), 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 RULES ARE:

Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd.,

Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-24.511 Application for Certificate.

(1) Any person desiring to provide pay telephone services must have a pay telephone service certificate.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Authority 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 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 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 Authority 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.

(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, 364.3375, 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~~ two 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~~ two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(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, Amended.

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, Amended.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx1/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx1/95~~), 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, Amended.

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 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, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: November 1, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 31,
Number 26, July 1, 2005

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).



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: September 21, 2005
TO: Office of General Counsel (Moore)
FROM: Division of Economic Regulation (Hewitt) *[Handwritten initials]*
RE: Statement of Estimated Regulatory Costs for Proposed Amendments to Rules 25-24.511, -24.512, -24.567, -24.569, -24.720, -24.730, -24.810, -24.815, F.A.C., Application for Certificate; or Application for Approval of Sell, Assignment, or Transfer of Certificate

SUMMARY OF THE RULE

Rules 25-24.511, 24.567, 24.720, and 24.810 require that anyone that wants to provide regulated telecommunications service submit an application and pay an application fee. Rules 25-24.512, -24.569, -24.730, -24.815 concerns the assignment or transfer of a certificate.

The proposed amendments would increase the fees charged for processing applications for a new certificate and for the sell, assignment, or transfer of an existing certificate. The fees vary depending on the type of service.

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

Regulated Florida telecommunications companies would potentially be affected by the proposed rule changes if they wanted to sell, assign, or transfer a certificate. Pay telephone service (PATS) providers are currently not allowed to sell, assign, or transfer a certificate but would be allowed to do so under the proposed changes. There are 415 competitive local exchange companies (CLEC), 10 incumbent local exchange companies, 30 shared tenant service companies (STS), 423 pay telephone companies, 681 interexchange companies (IXC), and 37 alternative access vendors (AAV) as of June 30, 2005, regulated by the Commission. An unknown number of new entrants into the industry would pay a higher application fee, the amount of which would be based on the type of service.

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

The Commission would benefit from the higher fees which would more realistically cover the cost of processing the applications. The total increase in fees would depend on the number of applications.

There should be no negative impact on other state and local government entities unless they make an application concerning a telecommunications certificate.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES

New applicants for a regulated telecommunications certificate would have to pay a higher fee than at present. PATS and STS application fees would increase from \$100 to \$250 and a sell, transfer or assignment of certificate would be \$250. AAV fees are currently at \$250. A CLEC application, sell, transfer, or assignment of certificate would increase from \$250 to \$400.

IMPACT ON SMALL BUSINESSES, SMALL CITIES, OR SMALL COUNTIES

There would be an increase in application, sell, transfer, or assignment for certification fees for telecommunications companies of \$150 to \$250 each, depending on the type of service. These increased fees would impact any regulated small businesses, small cities, or small counties applying, selling, transferring, or assigning telecommunications service certificates.

cc: Mary Andrews Bane
Chuck Hill
Ray Kennedy
Hurd Reeves

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
Docket No. 050681-TP

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Section 364.335, Florida Statutes, requires an applicant for a certificate to provide telecommunications services to pay an application fee to the Commission in an amount not to exceed \$500. This amount was increased by the Legislature in 2005 from a maximum of \$250 to allow the Commission to collect an amount that more closely reflects its cost of processing applications. The Commission's current rules impose a fee of \$100 on an applicant for a pay telephone certificate or a shared tenant services certificate, and a fee of \$250 for an applicant for an alternative access vendor certificate or a competitive local exchange service certificate. The result is intended to more fairly allocate the cost burden among applicants and current certificate holders.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.