

ORIGINAL

DOCKET NO. 060554-TL

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

/x/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/x/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/x/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

/x/ (a) Are filed not more than 90 days after the notice; or

// (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

// (c) Are filed more than 90 days after the notice, but not less than 21 days nor

CMP _____ more than 45 days from the date of publication of the notice of change; or

COM _____

CTR _____ // (d) Are filed more than 90 days after the notice, but not less than 14 nor more

ECR _____ than 45 days after the adjournment of the final public hearing on the rule; or

GCL _____

OPC _____ // (e) Are filed more than 90 days after the notice, but within 21 days after the

SEC _____

RCA _____ date of receipt of all material authorized to be submitted at the hearing; or

SCR _____

SGA _____

OTH _____

DOCUMENT NUMBER-DATE

01117 FEB-18

FPSC-COMMISSION CLERK

// (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

// (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

// (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

// (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

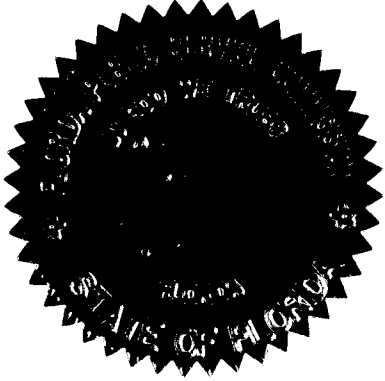
Rule No.

25-4.084

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Blanca S. Bayo, Director
BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services



DES

Number of Pages Certified

1 **25-4.084 Carrier-of-Last-Resort; Multitenant Business and Residential Property.**

2 (1) A petition for waiver of the carrier-of-last-resort obligation to a multitenant
3 business or residential property pursuant to Section 364.025(6)(d), Florida Statutes, shall be
4 filed with the Division of the Commission Clerk and Administrative Services and shall be
5 delivered by hand delivery on the same day, or by overnight mail on the day following filing,
6 upon the relevant owners or developers together with a copy of Section 364.025(6) and this
7 rule.

8 (2) A petition for waiver of the carrier-of-last-resort obligation shall be limited to a
9 single development.

10 (3) The petition must include the following:

11 (a) The name, address, telephone number, electronic mail address, and any facsimile
12 number of the petitioner;

13 (b) The name, address, telephone number, electronic mail address, and any facsimile
14 number of the attorney or qualified representative of the petitioner if any;

15 (c) The address or other specific description of the property for which the waiver is
16 requested;

17 (d) The specific facts and circumstances that demonstrate good cause for the waiver
18 as required by Section 364.025(6)(d);

19 (e) A statement that interested persons have 14 calendar days from the date the
20 petition is received to file a response to the petition with the Commission, unless the
21 fourteenth day falls on a Saturday, Sunday, or holiday, in which case the response must be
22 filed no later than the next working day; and

23 (f) A statement certifying that delivery of the petition has been made on the relevant
24 owners or developers and the method of delivery.

25 (4) A response to a petition must include the following:

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

1 (a) The name, address, telephone number, electronic mail address, and any facsimile
2 number of the respondent;

3 (b) The name, address, telephone number, electronic mail address, and any facsimile
4 number of the attorney or qualified representative of the respondent if any upon whom
5 service of pleadings and other papers shall be made; and

6 (c) Whether the respondent disputes the facts and circumstances alleged in the
7 petition.

8 Specific Authority 350.127(2) FS.

9 Law Implemented 364.025 FS.

10 History–New.

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SUMMARY OF RULE

The rule implements Section 364.025(6)(d), F.S., providing notice and filing requirements.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Section 2 of Chapter 2006-80, Laws of Florida (Senate Bill 142), amended section 364.025, Florida Statutes, governing universal service, to provide that a local exchange telecommunications company is automatically relieved from its carrier-of-last-resort obligation (COLR) under certain enumerated circumstances. Paragraph (6)(d) of section 364.025, Florida Statutes, provides that a local exchange company (LEC) that is not automatically relieved of its COLR obligation may petition the Florida Public Service Commission for a waiver of the obligation for good cause shown based on the facts and circumstances of provision of service to the multitenant business or residential property. The LEC filing such a petition is required to give notice at the same time to the building owner or developer. The Commission has 90 days to act on the petition. The Commission is required to implement paragraph (6)(d) through rulemaking.

Given the significant differences of opinions of property owners and developers and the LECs, the Commission believes that it is premature at this time to define good cause in the rule, or to mandate what factors it will consider in making its determination. Whether or not good cause is established should be determined on a case-by-case basis until the Commission gains some experience with adjudicating petitions for waiver of the COLR obligation based upon actual facts and circumstances, or by adjudicating complaints, so that it will have sufficient knowledge to address "good cause" by rulemaking.