

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rules 25-4.053, Application and Scope; 25-4.054, Maintenance of Records; 25-4.055, Classification of Exchanges; and 25-4.056, Reclassification of Exchanges, F.A.C.

DOCKET NO. 070587-TP

In re: Proposed repeal of Rules 25-4.042, Extended Area Service; 25-4.057, Application and Scope; 25-4.058, Conditions for Approval; 25-4.059, Filing Requirements; 25-4.060, Community of Interest Considerations; 25-4.061, Hearings; 25-4.063, Subscriber Survey; and 25-4.064, Alternatives to Non-optional Extended Area Service, F.A.C.

DOCKET NO. 070588-TP

ORDER NO. PSC-07-0954-NOR-TP

ISSUED: November 29, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to repeal Rules 25-4.042, 25-4.053, 25-4.054, 25-4.055, 25-4.056, 25-4.057, 25-4.058, 25-4.059, 25-4.060, 25-4.061, 25-4.063, and 25-4.064, Florida Administrative Code, relating to eligible telecommunications carriers.

The attached Notice of Rulemaking will appear in the December 7, 2007 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on these rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than December 28, 2007.


DOCUMENT NUMBER-DATE

10580 NOV 29 07

FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 29th day of November, 2007.



ANN COLE
Commission Clerk

(SEAL)

RG

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.042: Extended Area Service

25-4.057: Application and Scope

25-4.058: Conditions for Approval

25-4.059: Filing Requirements

25-4.060: Community of Interest Considerations

25-4.061: Hearings

25-4.063: Subscriber Survey

25-4.064: Alternatives to Non-Optional Extended Area Service

PURPOSE AND EFFECT: The Commission proposes to repeal these rules because they are no longer necessary. Section 364.385(2), F.S., prohibits new Extended Area Service (EAS) proceedings for price-regulated local exchange companies (LECs). Repealing the EAS rules will align the FAC with this statute and will have no effect on the ten LECs in Florida. Docket No. 070588-TP.

SUMMARY: The listed rules address a LEC's obligation to anticipate, or respond to the Commission's directive to study and/or provide toll relief under specific circumstances. The toll relief at issue is EAS, and collectively, these rules can be described as "EAS rules." EAS is defined in Rule 25-4.057(2), FAC, as "a switching and trunking arrangement which provides for a nonoptional, unlimited, two-way, flat-rate calling service between two or more exchanges, at an increment to exchange rates, rather than at toll message charges."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC shows that the proposed repeal of these rules will likely have a negligible transactional cost to the telecommunications industry in Florida, and no transactional costs to ratepayers. There will likely be no impact on transaction costs for small businesses and no negative impact on local governments or on the Commission.

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

SPECIFIC AUTHORITY: 350.127, FS

LAW IMPLEMENTED: 364.03, 364.14, 364.15, 364.17, 364.385, FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6770 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6224.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.042 Extended Area Service.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15, 364.17, 364.385 FS. History--New 12-1-68,

Amended 3-31-76, Formerly 25-4.42, Repealed, XX-XX-XX.

25-4.057 Application and Scope.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.14, 364.15, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.57, Amended 10-5-92, Repealed, XX-XX-XX.

25-4.058 Conditions for Approval.

Specific Authority 350.127 FS. Law Implemented 364.03, 364.14, 364.15, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.58, Amended 10-5-92, Repealed, XX-XX-XX.

25-4.059 Filing Requirements.

Specific Authority 350.127 FS. Law Implemented 364.03, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.59, Amended 10-5-92, Repealed, XX-XX-XX.

25-4.060 Community of Interest Considerations.

Specific Authority 350.127 FS. Law Implemented 364.03, 364.14, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.60, Amended 10-5-92, Repealed, XX-XX-XX.

25-4.061 Hearings.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.61, Amended 10-5-92, Repealed, XX-XX-XX.

25-4.063 Subscriber Survey.

Specific Authority 350.127 FS. Law Implemented 364.03, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.63, Amended 10-5-92, Repealed, XX-XX-XX.

25-4.064 Alternatives to Non-Optional Extended Area Service.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.14, 364.385(2) FS. History--New 4-14-81, Formerly 25-4.64, Amended 10-5-92, Repealed, XX-XX-XX.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Barrett, Regulatory Analyst IV, Division of Competitive Markets & Enforcement, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6544.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2007

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.053: Application and Scope

25-4.054: Maintenance of Records

25-4.055: Classification of Exchanges

25-4.056: Reclassification of Exchanges

PURPOSE AND EFFECT: The Commission proposes to repeal these rules because they are no longer necessary. Statutory changes have profoundly impacted the regulatory landscape for local exchange companies (LECs), and as a result, rate groups no longer serve as a vehicle for regulating local exchange rates. Docket No. 070587-TP.

SUMMARY: Rules 25-4.053 - 25-4.056, F.A.C., generally address rate-grouping plans for LECs. Under the rate-base, rate-of-return form of regulation, LECs often had plans and pricing structures (rates) that were "grouped" based on the number of access lines a subscriber could call. The number of access lines in the local calling area of an exchange was referred to as the "calling scope," and these rules provided guidance for establishing the rate groups using calling scopes. These rules are related to the rules that provide guidelines and requirements for processing requests (Extended Area Service).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC shows that the proposed repeal of these rules will likely have a negligible transactional cost to the telecommunications industry in Florida, and no transactional costs to ratepayers. There will likely be no impact on transaction costs for small businesses and no negative impact on local governments or on the Commission.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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), 364.05, FS

LAW IMPLEMENTED: 364.04, 364.05, 364.18, 364.025, 364.051, FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6224.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.053 Application and Scope.

Specific Authority 350.127(2), 364.05 FS. Law Implemented 364.05 FS. History–New 1-20-63, Revised 12-1-68, Formerly 25-4.53, Repealed, XX-XX-XX.

25-4.054 Maintenance of Records.

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Specific Authority 350.127(2), 364.05 FS. Law Implemented 364.04, 364.05, 364.18 FS. History--New 1-20-63,
Revised 12-1-68, Formerly 25-4.54, Repealed, XX-XX-XX.

25-4.055 Classification of Exchanges.

Specific Authority 350.127(2), 364.05 FS. Law Implemented 364.025, 364.05, 364.051 FS. History--New 1-20-63,
Amended 7-21-65, Revised 12-1-68, Formerly 25-4.55, Repealed, XX-XX-XX.

25-4.056 Reclassification of Exchanges.

Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.05 FS. History--New 1-20-63, Revised 12-1-68,
Amended 3-31-76, 12-10-84, Formerly 25-4.56, Repealed, XX-XX-XX.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Barrett, Regulatory Analyst IV, Division of
Competitive Markets & Enforcement, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6544.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service
Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2007