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# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** August 7, 2008

**TO:** Office of Commission Clerk (Cole)

**FROM:** Office of the General Counsel (Miller, Cibula)  
Division of Regulatory Compliance (Mailhot, Salah)  
Division of Economic Regulation (Dickens)

*Handwritten initials and signatures:*  
PM, S.M.C., DM, [Signature], [Signature]

**RE:** Docket No. 080159-TP – Joint petition to initiate rulemaking to adopt new rule in Chapter 25-24, F.A.C., amend and repeal Rules in Chapter 25-4, F.A.C., and amend rules in Chapter 25-9, F.A.C., by Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom, and Windstream Florida, Inc.

**AGENDA:** 08/19/08 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** McMurrian

**RULE STATUS:** Proposal may be deferred

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\080159.RCM.DOC

### Case Background

On March 14, 2008, Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc., (jointly referred to herein as "Petitioners") filed a petition to initiate rulemaking pursuant to Section 120.54(7), Florida Statutes (F.S.), and Rules 28-103.006 and 25-22.017(2), Florida Administrative Code (F.A.C.). The Petitioners requested that the Commission initiate rulemaking to amend and repeal rules in Chapter 25-4, F.A.C., amend rules in Chapter

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FPSC-COMMISSION CLERK

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25-9, F.A.C., and adopt a new rule, "in order to update the Commission's rules to reflect Florida's highly competitive telecommunications market."

On April 8, 2008, the Commission approved the request to initiate rulemaking to adopt Rule 25-4.008; to amend Rules 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178, 25-4.022, 25-4.034, 25-4.040, 25-4.067, 25-4.079, 25-9.034 and 25-9.044, F.A.C.; and repeal Rules 25-4.006, 25-4.007, 25-4.019, 25-4.024, 25-4.039, 25-4.046, and 25-4.116, F.A.C. In addition, staff included additional rules in the notice to initiate rulemaking, which staff believes may require amendment or repeal. Those rules are Rule 25-4.002, Application and Scope; Rule 25-4.003, Definitions; Rule 25-4.021, System Maps and Records; Rule 25-4.077, Metering and Recording Equipment; Rule 25-4.215, Limited Scope Proceedings; Rule 25-9.001, Application and Scope; and Rule 25-14.001, In General.

On May 14, 2008, a staff rule development workshop was held to discuss all of the rules included in the petition and the rules identified by staff. On June 20, 2008, post-workshop comments were filed by interested persons.

Upon review of the information gathered at the workshop and the post-workshop comments, it was clear that interested persons and staff were in general agreement that Rules 25-4.003, 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178, 25-4.040, 25-4.079, 25-4.215, and 25-14.001 should be amended. There also appeared to be agreement that Rules 25-4.006, 25-4.007, 25-4.021, 25-4.024, 25-4.039, 25-4.077, and 25-4.116 should be repealed.

This recommendation addresses whether the Commission should propose the amendment of Rules 25-4.003, 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178, 25-4.040, 25-4.079, 25-4.215, and 25-14.001, F.A.C., and the repeal of Rules 25-4.006, 25-4.007, 25-4.021, 25-4.024, 25-4.039, 25-4.077, and 25-4.116, F.A.C. Thus, six of the 11 rule amendments and five of the seven rule repeals requested by the Petitioners are addressed.

This recommendation does not address the adoption of Rule 25-4.008, F.A.C., Streamlined Regulation for Telecommunications Markets and Companies, also called the "competition test" rule, nor the amendment of other rules in the Joint Petition. A Commission workshop has been scheduled on September 10, 2008, to further examine the remaining rules.

The Commission has jurisdiction pursuant to Section 120.54, F.S., and Chapter 364, F.S.

### **Discussion Of Issues**

**Issue 1:** Should the Commission propose the amendment of Rules 25-4.003, 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178, 25-4.040, 25-4.079, 25-4.215 and 25-14.001, F.A.C.?

**Recommendation:** Yes, the Commission should propose the amendment of these rules as set forth in Attachment A. (Miller, Cibula, Mailhot, Salak).

**Staff Analysis:** As stated in the case background, it became apparent after a review of the information gathered at the May 14, 2008, rule development workshop and the June 20, 2008, post-workshop comments that there was agreement that certain rules in this docket should be amended. These rules are set forth in Attachment A and are discussed below.

Staff is recommending that a number of rules be amended to clarify that the rules only apply to rate-of-return regulated companies. Pursuant to law enacted in 1995, local exchange telecommunications companies were given the option to elect price cap regulation. Companies that opt for price cap regulation are exempt from Commission rules pertaining to rate-of-return regulation. However, as pointed out by the Petitioners, a number of Commission rules do not expressly indicate that they apply only to rate-of-return regulated companies. To clarify that the rules apply only to rate-of-return regulated companies, staff recommends that the rules be amended as follows:

- Rule 25-4.003, Definitions (p. 8) – language should be added to the rule to define “price regulated local exchange telecommunications company” and “rate-of-return regulated local exchange telecommunications company.” The current rules use the term “rate-of-return” but there is no definition. This amendment should help clarify which rules apply only to rate-of-return regulated companies.
- Rule 25-4.017, Uniform System of Accounts (p. 15) – the title of the rule should be amended to refer to “Rate-of-Return Regulated Local Exchange Companies.”
- Rule 25-4.0174, Uniform System and Classification of Accounts (p. 16) – the title of the rule should be amended to refer to “Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies.”
- Rule 25-4.0175, Depreciation (p. 21) – the title of the rule should be amended to refer to “Depreciation for Rate-of-Return Regulated Local Exchange Companies.”
- Rule 25-4.0178, Retirement Units (p. 29) – the title of the rule should be amended to refer to “Retirement Units for Rate-of-Return Regulated Local Exchange Companies.
- Rule 25-4.215, Limited Scope Proceedings (p. 40) – language should be added to the rule to clarify that it only applies to rate-of-return regulated companies.

- Rule 25-14.001, In General (p. 40) – language should be added to clarify that the rule does not apply to competitive local exchange companies or price regulated local exchange companies.

Staff also recommends that the Commission amend Rule 25-4.040 (p. 33), Telephone Directories; Directory Assistance. Currently, the rule contains language about starting dates by which companies must begin complying with the rule. These dates have passed and are no longer relevant. Thus, the language should be deleted from the rule.

There is also language in Rule 25-4.040 regarding what a company must do when “911” service is not provided in an exchange. “911” service is now provided in all exchanges. Thus, staff recommends that this provision of the rule be deleted because it is obsolete.

Staff also recommends that a sentence be added to Rule 25-4.040 to allow companies to identify customer payment locations by listing a website and a toll-free number. The Petitioners proposed that the rule allow them to simply identify where customer payment locations can be found, such as on a website. However, staff believes that simply listing a website may not be adequate for those customers that do not have a computer. Instead, staff recommends that, if companies choose to list payment locations on a website, they also be required to list a toll-free number in their directory for customers to call to identify the payment locations.

Staff recommends amendments to Rule 25-4.079 (p. 38), Hearing/Speech Impaired Persons. The rule currently requires companies to provide specialized customer equipment for lease or sale to hearing/speech impaired persons. The Petitioners pointed out that the Florida Telecommunications Relay, Inc. (FTRI) provides equipment for hearing/speech impaired persons at no cost. The Petitioners believe, and staff agrees, that Rule 25-4.079 should be amended to reflect this current practice of the FTRI. Staff also recommends that the rule be amended to require each LEC to inform persons inquiring about hearing/speech impaired equipment about the FTRI.

#### Statement of Estimated Regulatory Cost (SERC)

The Statement of Estimated Regulatory Costs (Attachment C) notes that the proposed amendments should make it simpler for rate-of-return regulated companies and price regulated companies to identify which rules apply to them. The SERC also notes that the elimination of ambiguous language may result in lower transaction costs.

Based on the above, staff recommends that the Commission propose the amendment of Rules 25-4.003, 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178, 25-4.040, 25-4.079, 25-4.215, and 25-14.001, as set forth in Attachment A.

**Issue 2:** Should the Commission propose the repeal of Rules 25-4.006, 25-4.007, 25-4.021, 25-4.024, 25-4.039, 25-4.077, and 25-4.116, F.A.C.?

**Recommendation:** Yes, the Commission should propose the repeal of these rules as set forth in Attachment B. (Miller, Cibula, Mailhot, Salak)

**Staff Analysis:** A review of the information gathered at the staff rule development workshop and the post-workshop comments also revealed agreement between staff and interested persons on a number of rules that should be repealed. These rules are set forth in Attachment B and are discussed below.

Staff recommends that Rule 25-4.006 (p. 42), Issuance of Certificate in the Event of Failure to Furnish Adequate Service, be repealed. The rule is no longer needed because it is obsolete as it assumes there is only one certificate holder per territory.

Staff also believes that Rule 25-4.007, Reference to Commission (p. 42), is not needed. Rule 24-4.007 allows any party in interest to apply in writing to the Commission for an interpretation of the Commission's rules and regulations. In effect, this rule allows interested persons to request a declaratory statement from the Commission on its rules. Section 120.565, F.S., and Chapter 28-105, F.A.C., already address the procedure for requesting a declaratory statement from the Commission. Thus, staff recommends that Rule 25-4.007 be repealed because it is redundant of the declaratory statement provisions.

Rule 25-4.021, System Maps and Records (p. 42), requires a company to keep maps and records to show the location and description of its toll and exchange plant facilities and the extent of area served by the company. However, Rule 25-4.034, which pertains to tariffs, requires each company to file, as an integral part of its tariff, maps defining the exchange service areas. Thus, Rule 25-4.021 should be repealed because it requires companies to keep information which the Commission already has on file.

Rule 25-4.024, Held Applications for Service (p. 43), requires companies to maintain a record of each application for access lines received during periods when a company is unable to supply initial or additional telephone service to applicants within 30 days of the date the applicant wants service. This rule requires similar information required by Rule 25-4.066, which pertains to the availability of service for a telecommunications company. Thus, staff recommends that Rule 25-4.024 be repealed.

Rule 25-4.039, Traffic (p. 43), requires companies to adopt operating methods to provide efficient service to customers and instructs telephone operators and service observing personnel to comply with applicable statutes in maintaining secrecy of communications. Section 364.24, F.S., sets out penalties for disclosing the contents or substance of any message or communication by customers and customer account information. Staff recommends that Rule 25-4.039 be repealed because it is redundant of Section 364.24, F.S.

Staff also recommends that Rule 25-4.077 (p. 44), Metering and Recording Equipment, be repealed. The rule is not needed because it is outdated and refers to mechanical and electronic equipment which is not used by the companies.

Rule 25-4.116, Telephone Number Assignment Procedure (p. 44), requires each company to maintain written standard operating procedures for the assignment of telephone numbers and requires that the procedures be applied in a non-discriminatory manner to requests for assignment. Currently, the North American Numbering Plan Administrator (NANPA) sets forth the procedure the companies must follow when assigning telephone numbers. Staff believes that Rule 25-4.116 should be repealed because it adds little to NANPA's requirements.

Statement of Estimated Regulatory Costs (SERC)

The SERC (Attachment D) addresses the proposed repeals. It notes that the proposed repeals would eliminate obsolete regulation and unnecessary regulatory oversight. It also states that there should be no costs on customers or small business as a result of the repeal of these rules.

Based on the above, staff recommends that the Commission propose the repeal of Rules 25-4.006, 25-4.007, 25-4.021, 25-4.024, 25-4.039, 25-4.077, and 25-4.116, F.A.C., as set forth in Attachment B.

Docket No. 080159-TP

Date: August 7, 2008

**Issue 3:** Should this docket be closed?

**Recommendation:** No. (Miller)

**Staff Analysis:** If no requests for hearing or comments are filed, the rules may be filed with the Department of State. The docket should remain open to proceed forward with the development of the rules that remain in this docket.

1 **25-4.003 Definitions.**

2 For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

3 (1) "Access Line" or "Subscriber Line" or "Subscriber Loop". The circuit or channel  
4 between the demarcation point at the customer's premises and the serving end or class 5  
5 central office.

6 (2) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the  
7 busy season busy hours.

8 (3) "Billing Party." Any entity that bills an end user on its own behalf or on behalf of  
9 an originating party.

10 (4) "Busy Hour." The continuous one-hour period of the day during which the greatest  
11 volume of traffic is handled in the office.

12 (5) "Busy Season." The calendar month or period of the year (preferably 30 days but  
13 not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

14 (6) "Call." An attempted telephone message.

15 (7) "Central Office." A location where there is an assembly of equipment that  
16 establishes the connections between subscriber access lines, trunks, switched access circuits,  
17 private line facilities, and special access facilities with the rest of the telephone network.

18 (8) "Commission." The Florida Public Service Commission.

19 (9) "Company," "Telecommunications Company," "Telephone Company," or  
20 "Utility." These terms may be used interchangeably herein and shall mean  
21 "telecommunications company" as defined in Section 364.02(14), F.S.

22 (10) Competitive Local Exchange Telecommunications Company (CLEC)." Any  
23 company certificated by the commission to provide local exchange telecommunications  
24 services in Florida on or after July 1, 1995.

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1 (11) "Completed call." A call which has been switched through an established path so  
2 that two-way conversation or data transmission is possible.

3 (12) "Disconnect" or "Disconnection." The dissociation or release of a circuit. In the  
4 case of a billable call, the end of the billable time for the call whether intentionally terminated  
5 or terminated due to a service interruption.

6 (13) "Drop or Service Wire." The connecting link that extends from the local  
7 distribution service terminal to the protector or telephone network interface device on the  
8 customer's premises.

9 (14) "Exchange." The entire telephone plant and facilities used in providing telephone  
10 service to subscribers located in an exchange area. An exchange may include more than one  
11 central office unit.

12 (15) "Exchange (Service) Area." The territory of a local exchange company (LEC)  
13 within which local telephone service is furnished at the exchange rates applicable within that  
14 area.

15 (16) "Extended Area Service." A type of telephone service whereby subscribers of a  
16 given exchange or area may complete calls to, and receive messages from, one or more other  
17 exchanges or areas without toll charges, or complete calls to one or more other exchanges or  
18 areas without toll message charges.

19 (17) "Foreign Exchange Service." A classification of LEC exchange service furnished  
20 under tariff provisions whereby a subscriber may be provided telephone service from an  
21 exchange other than the one from which he would normally be served.

22 (18) "Information Service." Telephone calls made to 900 or 976 type services, but does  
23 not include Internet services.

24 (19) "Intercept Service." A service arrangement provided by the telecommunications  
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1 company whereby calls placed to an unequipped non-working, disconnected, or discontinued  
2 telephone number are intercepted by operator, recorder, or audio response computer and the  
3 calling party informed that the called telephone number is not in service, has been  
4 disconnected, discontinued, or changed to another number, or that calls are received by  
5 another telephone. This service is also provided in certain central offices and switching centers  
6 to inform the calling party of conditions such as system blockages, inability of the system to  
7 complete a call as dialed, no such office code, and all circuits busy.

8 (20) "Inter-office Call." A telephone call originating in one central office but  
9 terminating in another central office, both of which are in the same designated exchange area.

10 (21) "Interstate Toll Message." Those toll messages that do not originate and terminate  
11 within the same state.

12 (22) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or  
13 between an end office and toll office, over which toll calls are passed.

14 (23) "Intra-office Call." A telephone call originating and terminating within the same  
15 central office.

16 (24) "Intrastate Interexchange Company (IXC)." Any entity that provides intrastate  
17 interexchange telecommunications services.

18 (25) "Intrastate Toll Message." Those toll messages which originate and terminate  
19 within the same state.

20 (26) "Invalid Number." A number comprised of an unassigned area code number or a  
21 non-working central office code (NXX).

22 (27) "Large LEC." A LEC certificated by the Commission prior to July 1, 1995, that  
23 had in excess of 100,000 access lines in service on July 1, 1995.

24 (28) "Local Access and Transport Area (LATA)" or "Market Area." A geographical  
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1 area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which  
2 a LEC may transport telecommunication signals.

3 (29) "Local Exchange Telecommunications Company (LEC)." Any  
4 telecommunications company, certificated by the Commission prior to July 1, 1995, to provide  
5 local exchange telecommunications service.

6 (30) "Local Provider (LP)." Any telecommunications company providing local  
7 telecommunications service, excluding pay telephone providers and call aggregators.

8 (31) "Local Service Area" or "Local Calling Area." The area within which telephone  
9 service is furnished subscribers under a specific schedule of rates and without toll charges. A  
10 LEC's local service area may include one or more exchange areas or portions of exchange  
11 areas.

12 (32) "Local Toll Provider (LTP)." Any entity providing intraLATA or intramarket area  
13 long distance telecommunications service.

14 (33) "Main Station." The principal telephone associated with each service to which a  
15 telephone number is assigned and which is connected to the central office equipment by a  
16 circuit or channel.

17 (34) "Message." A completed telephone call.

18 (35) "Mileage Charge." A tariff charge for circuits and channels connecting other  
19 services that are auxiliary to local exchange service such as off premises extensions, foreign  
20 exchange and foreign central office services, private line services, and tie lines.

21 (36) "New Construction." New construction is the installation of facilities to serve  
22 unserved areas; new construction is not the rearrangement or repair of defective facilities to  
23 serve an existing area. Adding to or the rearrangement of existing facilities is not considered  
24 "new construction" unless an engineer work order is issued.

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1 (37) "Normal Working Days." The normal working days for installation and  
2 construction shall be all days except Saturdays, Sundays, and holidays. The normal working  
3 days for repair service shall be all days except Sundays and holidays. Holidays shall be the  
4 days which are observed by each individual telephone company.

5 (38) "Optional Calling Plan." An optional service furnished under tariff provisions  
6 which recognizes the need of some subscribers for extended area calling without imposing the  
7 cost on the entire body of subscribers.

8 (39) "Originating Party." Any person, firm, corporation, or other entity, including a  
9 telecommunications company or a billing clearinghouse, that provides any  
10 telecommunications service or information service to a customer or bills a customer through a  
11 billing party, except the term "originating party" does not include any entity specifically  
12 exempted from the definition of "telecommunications company" as provided in Section  
13 364.02(14)(a) through (f), F.S.

14 (40) "Out of Service." The inability, as reported by the customer, to complete either  
15 incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

16 (a) Service difficulties such as slow dial tone, circuits busy, or other network or  
17 switching capacity shortages;

18 (b) Interruptions caused by a negligent or willful act of the subscriber; and

19 (c) Situations in which a company suspends or terminates service because of  
20 nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set  
21 forth in approved tariffs or Commission rules.

22 (41) "Outside Plant." The telephone equipment and facilities installed on, along, or  
23 under streets, alleys, highways, or on private rights-of-way between the central office and  
24 subscribers' locations or between central offices of the same or different exchanges.

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1 (42) "Pay Telephone Service Company." Any telecommunications company that  
2 provides pay telephone service as defined in Section 364.3375, F.S.

3 (43) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the  
4 customer's carrier selection until further notice from the customer.

5 (44) "Price regulated local exchange telecommunications company." Any local  
6 exchange telecommunications company certificated by the Commission prior to July 1, 1995  
7 that has elected to become subject to price regulation pursuant to Section 364.051, F.S.

8 ~~(454)~~ "Provider." Any entity providing telecommunication service, excluding pay  
9 telephone providers and call aggregators (i.e., local, local toll, and toll providers).

10 (46) "Rate-of-return regulated local exchange telecommunications company." Any  
11 local exchange telecommunications company certificated by the Commission prior to July 1,  
12 1995 that has not elected to become subject to price regulation pursuant to Section 364.051,  
13 F.S.

14 (475) "Service Objective." A quality of service which is desirable to be achieved under  
15 normal conditions.

16 (486) "Service Standard." A level of service that a telecommunications company,  
17 under normal conditions, is expected to meet in its certificated territory as representative of  
18 adequate services.

19 (497) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995,  
20 which had fewer than 100,000 access lines in service on July 1, 1995.

21 (5048) "Station." A telephone instrument consisting of a transmitter, receiver, and  
22 associated apparatus so connected as to permit sending or receiving telephone messages.

23 (5149) "Subscriber" or "Customer." These terms may be used interchangeably herein  
24 and shall mean any person, firm, partnership, corporation, municipality, cooperative  
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1 organization, or governmental agency supplied with communication service by a  
2 telecommunications company.

3 (529) "Subscriber Line." or "Subscriber Loop." See "Access Line."

4 (534) "Switching Center." Location at which telephone traffic, either local or toll, is  
5 switched or connected from one circuit or line to another. A local switching center may be  
6 comprised of several central office units.

7 (542) "Toll Connecting Trunk." A trunk that connects a local central office with its toll  
8 operating office.

9 (553) "Toll Message." A completed telephone call between stations in different  
10 exchanges for which message toll charges are applicable.

11 (564) "Toll Provider (TP)." Any entity providing interLATA long distance  
12 telecommunications service.

13 (575) "Traffic Study." The process of recording usage measurements which can be  
14 translated into required quantities of equipment.

15 (586) "Trouble Report." Any oral or written report from a subscriber or user of  
16 telephone service to the telephone company indicating improper function or defective  
17 conditions with respect to the operation of telephone facilities over which the telephone  
18 company has control.

19 (597) "Trunk." A communication channel between central office units or entities, or  
20 private branch exchanges.

21 (6058) "Valid Number." A number for a specific telephone terminal in an assigned  
22 area code and working central office which is equipped to ring and connect a calling party to  
23 such terminal number.

24 Specific Authority 350.127(2) FS.

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1 Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,  
2 364.603, 364.604 FS.

3 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92,  
4 12-21-93, 3-10-96, 12-28-98, 7-5-00, 4-3-05, Repromulgated 5-8-05.

5 **25-4.017 Uniform System of Accounts for Rate-of-Return Regulated Local Exchange**  
6 **Companies.**

7 (1) Each rate-of-return regulated local exchange telecommunications company shall  
8 maintain its accounts and records in conformity with the Uniform System of Accounts for  
9 Telecommunications Companies (USOA) as prescribed by the Federal Communications  
10 Commission in Title 47, Code of Federal Regulations, Part 32 Class A, revised as of October  
11 1, 2002, and as modified below. Inquiries relating to interpretation of the USOA shall be  
12 submitted in writing to the Commission's Division of Economic Regulation.

13 (2) Each company shall establish separate depreciation reserve subaccounts for each  
14 corresponding subaccount established in the USOA or by rules of this Commission.

15 (3) A telecommunications company may use a different account numbering system but  
16 shall use the same account descriptions as prescribed in the USOA or by this Commission. If a  
17 different account numbering system is used, a cross reference of the company's system to the  
18 Commission's numbering system shall be shown in the company's chart of accounts.

19 (4) Each company shall file, within 60 days of a final order involving accounting  
20 matters, a description of all resultant entries and adjustments to the accounting records.

21 Specific Authority 350.127(2) FS.

22 Law Implemented 350.115, 364.17 FS.

23 History—Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85,  
24 Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96, 9-15-03,\_\_\_\_\_.

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1 **25-4.0174 Uniform System and Classification of Accounts—Depreciation Accounts for**  
2 **Rate-of-Return Regulated Local Exchange Companies.**

3 (1) Depreciation rates are to be designed in accordance with the Uniform System and  
4 Classification of Accounts (USOA) and this rule. The primary accounts listed below are  
5 identical to those prescribed in the USOA. New accounts and subaccounts, as listed below, are  
6 established under these accounts. They are intended to group together items which are  
7 relatively homogeneous in their expected life and salvage characteristics, and are for the  
8 purpose of establishing uniformity among the companies in depreciation studies.

9 (2) A company may further develop depreciation subaccounts within a listed account  
10 as appropriate for its plant. No company shall, however, establish a new subaccount that  
11 would represent less than ten percent of the original primary account.

12 (3) Notwithstanding subsection (2), a new subaccount must be established for the  
13 introduction of a new technology, or for the treatment of an obsolescent component of a  
14 current viable technology.

15 (4) Depreciation reserve, plant activity data, salvage cost, and costs of removal,  
16 respectively, shall be maintained for each depreciation category for which a depreciation rate  
17 is to be developed. This shall be done on the books of the company.

18 (5) The following accounts and subaccounts, where applicable, shall be used in the  
19 design of depreciation rates.

20 (a) Support assets, Account 2110. The following accounts shall be used:

21 1. Motor vehicles, Account 2112. The following subaccounts shall be used,

22 a. Passenger cars and light trucks. This account shall include passenger cars and trucks  
23 of one ton in capacity or less.

24 b. Heavy trucks and special purpose vehicles. This subaccount shall include trucks of  
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1 greater than one ton capacity.

2 c. Tractors and trailers.

3 2. Garage work equipment, Account 2115. This account shall include tools and  
4 equipment used to maintain vehicles.

5 3. Other work equipment, Account 2116. This account shall include power operated  
6 equipment, general purpose tools, and other such work equipment items.

7 4. Buildings, Account 2121.

8 5. Furniture, Account 2122.

9 6. Office equipment, Account 2123. The following subaccounts shall be used:

10 a. Office support equipment. This subaccount shall include office devices such as  
11 typewriters, cash registers, check writers, calculating, reproducing, addressing, billing,  
12 blueprinting, and other office machines.

13 b. Company communications equipment. This subaccount shall include CPE and PBX  
14 equipment installed for official company use.

15 7. General purpose computers, Account 2124.

16 (b) Central office switching, Account 2211. The following accounts shall be used:

17 1. Analog electronic switching, Account 2211. This account shall be established for  
18 analog switching equipment and peripheral gear. It shall include equipment serving analog  
19 switchers that is used solely for recording calling telephone numbers in connection with  
20 customer dialed charged traffic dial tandem switchboards and special service switchboards  
21 used in conjunction with private line service. It shall not include switchboards, and integral  
22 equipment thereof, which perform an operator assistance function.

23 2. Digital electronic switching, Account 2212. This account includes investments in  
24 digital switches. This switching account shall include equipment serving digital electronic  
25

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1 switchers that is used solely for the recording of calling telephone numbers in connection with  
2 customer dialed charged traffic dial tandem switchboards and special service switchboards  
3 used in conjunction with private line service. It shall not include switchboards, and integral  
4 equipment thereof, which perform an operator assistance function. Major components such as  
5 hardware, processors, and cards that are expected to live substantially different from the  
6 remaining switch investment should be considered as subcomponents in developing the rate  
7 for the account.

8         3. Electromechanical switching, Account 2215. This switching account includes  
9 investments in step-by-step or crossbar switchers. It does not include digital compatible  
10 equipment that is expected to live beyond the calculated life of electromechanical switching.  
11 Such investment shall be in a separate subaccount or included as a subcomponent used to  
12 develop the rate for the account or subaccount. This account also does not include  
13 switchboards which perform an operator assistance function and equipment which is an  
14 integral part thereof. It shall include, however, equipment serving electromechanical switchers  
15 that is used solely for the recording of calling telephone numbers in connection with customer  
16 dialed charged traffic dial tandem switchboards and special service switchboards used in  
17 conjunction with private line service.

18         (c) Operator systems, Account 2220. This account shall include such charges as  
19 directory assistance, call intercept, and other operator assisted call completion activities.

20         (d) Central office – transmission, Account 2230. The following accounts shall be used:

21             1. Radio systems, Account 2231.

22             2. Circuit equipment, Account 2232. This investment shall be subcategorized in accord  
23 with the planning of the company, to be separated between the following:

24                 a. Analog;

25

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from existing law.

- 1           b. Digital; and
- 2           c. That portion associated with optic technology.
- 3           (e) Information organization or termination, Account 2310. The following accounts
- 4 shall be used:
- 5           1. Public telephone equipment. This account shall include coinless, coin-operated
- 6 (including public and semi-public), credit card, and pay telephones.
- 7           2. Other regulated station equipment. This account shall include private line
- 8 equipment, telecommunication devices for the deaf, E-911 equipment, and network carrier
- 9 equipment physically located on the customer's premises.
- 10          (f) Cable and wire facilities, Account 2410. The following accounts shall be used:
- 11          1. Poles, Account 2411.
- 12          2. Aerial cable, Account 2421. The following subaccounts shall be used:
- 13           a. Metallic. This investment shall be further subcategorized in accord with company
- 14 planning; and
- 15           b. Fiber.
- 16          3. Underground cable, Account 2422. The following subaccounts shall be used:
- 17           a. Metallic. This investment shall be further subcategorized in accord with company
- 18 planning; and
- 19           b. Fiber.
- 20          4. Buried cable, Account 2423. The following subaccounts shall be used:
- 21           a. Metallic. This subaccount shall be further subcategorized in accord with company
- 22 planning; and
- 23           b. Fiber.
- 24          5. Submarine cable, Account 2424. The following subaccount shall be used:
- 25

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1 a. Metallic. This investment shall be further subcategorized in accord with company  
2 planning; and

3 b. Fiber.

4 6. Intrabuilding network cable, Account 2426. The following subaccounts shall be  
5 used:

6 a. Metallic. This investment shall be further subcategorized in accord with company  
7 planning; and

8 b. Fiber.

9 7. Aerial wire, Account 2431.

10 8. Conduit systems, Account 2441.

11 (6) Depreciation rates used after July 1, 1996, shall be based on the account  
12 classifications in the USOA and this rule. In implementing these rates the following  
13 procedures shall be followed:

14 (a) Reserve activity data, plant activity data, salvage costs, and costs of removal are to  
15 be recorded to the new accounts for activity subsequent to July 1, 1996.

16 (b) The separation of investments and reserves under prior accounts into balances  
17 relating to new accounts and subaccounts under this rule may require estimation. Where  
18 vintaged distributions are maintained, separation into accounts and subaccounts may require  
19 synthesization.

20 (c) If an existing account, in the opinion of the Commission, is essentially compatible  
21 with an account listed in this rule, that account shall be deemed to be in compliance with this  
22 rule.

23 Specific Authority 350.127(2) FS.

24 Law Implemented 350.115, 364.17 FS.

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1 History--New 4-25-88, Amended 9-11-96,\_\_\_\_\_.

2 **25-4.0175 Depreciation for Rate-of-Return Regulated Local Exchange Companies.**

3 (1) For the purposes of Part II, the following definitions shall apply to small local  
4 exchange companies remaining under rate of return regulation:

5 (a) Category or Category of Depreciable Plant – A grouping of plant for which a  
6 depreciation rate is prescribed. At a minimum it should include each plant account prescribed  
7 in Rule 25-4.017, F.A.C.

8 (b) Average Service Life – The period of time that the given type of equipment, on  
9 average, can be expected to prudently and economically serve the public.

10 (c) Embedded Vintage – A vintage of plant in service as of the date of study or  
11 implementation of proposed rates.

12 (d) Mortality Data – Historical data by study category showing plant balances,  
13 additions, adjustments and retirements, used in analyses for life indications or for calculations  
14 of realized life. Preferably, this is aged data in accord with the following:

15 1. The number of plant items or equivalent units (usually expressed in dollars) added  
16 each calendar year.

17 2. The number of plant items retired (usually expressed in dollars) each year and the  
18 distribution by years of placing of such retirements.

19 3. The net increase or decrease resulting from purchases, sales, or adjustments, and the  
20 distribution by years of placing of such amounts.

21 4. The number that remains in service (usually expressed in dollars) at the end of each  
22 year and the distribution by years of placing of such amounts.

23 (e) Remaining Life Method – The method of calculating a depreciation rate based on  
24 the unrecovered plant balance, less average future net salvage and the average remaining life.

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from existing law.

1 The formula for calculating a Remaining Life Rate (RLR) is:

2                   100% – Reserve % – Average Future Net Salvage %  
3 RLR = \_\_\_\_\_  
4                   Average Remaining Life in Years

5  
6 (f) Reserve Data – Historical data by study category showing reserve balances, debits  
7 and credits such as booked depreciation expense, salvage and cost of removal, and  
8 adjustments to the reserve utilized in monitoring reserve activity and position.

9 (g) Reserve Deficiency – An inadequacy in the reserve of a category as evidenced by a  
10 comparison of that reserve indicated as necessary under current projections of life and salvage  
11 with that reserve historically accrued. The latter figure may be available from the company's  
12 records or may require retrospective calculation.

13 (h) Reserve Surplus – An excess in the reserve of a category as evidenced by a  
14 comparison of that reserve indicated as necessary under current projections of life and salvage  
15 with that reserve historically accrued. The latter figure may be available from the company's  
16 records or may require retrospective calculation.

17 (i) Salvage Data – Historical data by study category showing bookings of retirements,  
18 gross salvage and cost of removal used in analysis of trends in gross salvage and cost of  
19 removal, or for calculations of realized salvage.

20 (j) Theoretical Reserve or Prospective Theoretical Reserve – A calculated reserve  
21 based on components of the proposed rate, using the formula:

22 Theoretical Reserve = Book Investment - Future Accruals - Future Net Salvage

23 (k) Vintage – The year of placement of a group of plant items or investment under  
24 study.

25 (l) Whole Life Method – The method of calculating a depreciation rate based on the

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from existing law.

1 Whole Life (Average Service Life) and the Average Net Salvage. Both life and salvage  
2 components are the estimated or calculated composite of realized experience and expected  
3 activity. The formula is:

$$\text{Whole Life Rate} = \frac{100\% - \text{Average Net Salvage \%}}{\text{Average Service Life in Years}}$$

4  
5  
6  
7  
8 (2)(a) Ranges for basic life and salvage values, established by the Commission, may be  
9 used by small LECs regardless of the depreciation methodology utilized. The ranges for basic  
10 life and salvage values for small LECs are as follows:

11 Ranges of Basic Life and Salvage Values for Small Local Exchange Companies

12 AVERAGE SERVICE LIFE NET SALVAGE		
13 ACCOUNT		
14 GENERAL SUPPORT ASSETS	(Years)	(Percent)
15 Motor vehicle		
16 Passenger cars & light trucks	6-8	10-20
17 Heavy trucks & special purpose vehicles	8-11	5-10
18 Buildings	32-36	0-5
19 Other work equipment	7 yr. Amortization	
20 Furniture	10 yr. Amortization	
21 Office machines	7 yr. Amortization	
22 Office equipment (official use)	5 yr. Amortization	
23 Computer equipment	5 yr. Amortization	
24 CENTRAL OFFICE ASSETS		
25 Digital switching	13-16	0-5

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1	Operator systems	8-10	0-5
2	Radio	10-12	(5)-0
3	Circuit		
4	Analog	8-10	(5)-0
5	Digital	10-12	0-5
6	Fiber electronics (optics)	8-10	0-5
7	INFORMATION/ORIGINATION		
8	ASSETS		
9	Public telephone equipment	8-10	0-5
10	Other	8-10	0-5
11	CABLE/WIRE FACILITIES		
12	Poles	20-22	(60)-(40)
13	Aerial cable		
14	Metallic	18-20	(30)-(20)
15	Fiber	20-22	(30)-(20)
16	Underground cable		
17	Metallic	19-21	(10)-(5)
18	Fiber	20-22	(10)-(5)
19	Buried cable		
20	Metallic	17-19	(5)-0
21	Fiber	20-22	(5)-0
22	Submarine cable		
23	Metallic	20-25	(5)-0
24	Fiber	20-22	(5)-0
25			

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1 five hard copies, and a diskette of the information required by subsection (10) of this rule.

2 (6) After filing a petition for a change in depreciation rates, the company may reflect  
3 on its books and records the preliminary implementation of the proposed rates as of the  
4 proposed effective date. These rates are subject to Commission approval.

5 (7) Any party protesting a Commission approved depreciation life or salvage value,  
6 shall carry the burden of proof in demonstrating that each protested value is unsupported by  
7 the operations and planning of each company.

8 (8) A depreciation filing shall include:

9 (a) A comparison of current and proposed depreciation rates and components for each  
10 category of depreciable plant. Current rates shall be identified as to the effective date and  
11 proposed rates as to the proposed effective date.

12 (b) A comparison of annual depreciation expense, as of the proposed effective date,  
13 resulting from current rates with the expense produced by the proposed rates for each category  
14 of depreciable plant. The plant balances may involve estimates. Submitted data including plant  
15 and reserve balances or company planning involving estimates shall be brought to the  
16 effective date of the proposed rates.

17 (c) Each recovery and amortization schedule currently in effect should be included  
18 with any new filing showing total amount amortized, effective date, length of schedule, annual  
19 amount amortized, and reason for the schedule.

20 (d) A general narrative describing the service environment of the applicant company  
21 and the factors, e.g., growth, technology, and physical conditions necessitating a revision in  
22 rates.

23 (9) If a company's current average service life or salvage value for any given category  
24 of depreciable plant is not within the established range, the company must file the information

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1 in subsection (10) to justify its move into the range.

2 (10) For each account that the company proposed life or salvage value is not within the  
3 established range, the depreciation filing shall include the information in subsection (8) as  
4 well as the following:

5 (a) An explanation and justification for each study category of depreciable plant  
6 defining the specific factors that justify the life or salvage components and rates being  
7 proposed. Each explanation and justification shall include substantiating factors utilized by the  
8 company in the design of the depreciation rates for the specific category, e.g., company  
9 planning, growth, technology, physical conditions, and trends. The explanation and  
10 justification shall state any statistical or mathematical methods of analysis or calculation used  
11 in the design of the category rate.

12 (b) The mortality and salvage data used by the company in the depreciation rate design  
13 must agree with activity booked by the utility. Unusual transactions not included in life or  
14 salvage studies, e.g., sales or extraordinary retirements must be specifically enumerated and  
15 explained.

16 (c) The filing shall contain all calculations, analysis and numerical basic data used in  
17 the design of the depreciation rate for each category of depreciable plant. To the degree  
18 possible, data involving retirements should be aged.

19 (11)(a) Companies shall provide calculations of depreciation rates using either the  
20 whole life method or the remaining life method. The use of one of these methods is required  
21 for all depreciable categories.

22 (b) Companies shall file an election to remain with the remaining life methodology or  
23 move to whole life methodology within 90 days of the effective date of this rule. Failure to file  
24 an election shall result in the company's use of remaining life methodology. Only one election

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1 regarding depreciation methodology will be permitted.

2 (12) When a company elects whole life methodology, no recovery of reserve  
3 imbalances will be considered for depreciation purposes. This methodology is not reserve  
4 sensitive.

5 (13) When a company elects remaining life methodology, the following apply:

6 (a) A company requiring the Commission staff's assistance in determining a remaining  
7 life based on its average service life selection, shall notify the Director of the Division of  
8 Economic Regulation, by letter, three months prior to the company's filing date.

9 (b) The possibility of corrective reserve transfers shall be investigated by the  
10 Commission prior to changing depreciation rates.

11 (c) It shall be a rebuttable presumption that in determining the average remaining life,  
12 the mortality curve shapes shall be those used by the Commission the last time it prescribed  
13 rates.

14 (14)(a) A company proposing an effective date of the beginning of its fiscal year shall  
15 submit its petition for a change in depreciation rates no later than the mid-point of that fiscal  
16 year.

17 (b) A company proposing an effective date coinciding with the expected date of  
18 additional revenues initiated through a rate case proceeding shall submit its petition for a  
19 change in depreciation rates no later than the filing date of its Minimum Filing Requirements.

20 (15) Included as part of the annual report filed pursuant to Rule 25-4.135, F.A.C., each  
21 company shall provide Schedule B-3, Analysis of Plant In Service, and Schedule B-4,  
22 Analysis of Accumulated Depreciation. Schedule B-3 shall include booked plant activity  
23 (plant balance at the beginning of the year, additions, adjustments, transfers, reclassifications,  
24 retirements, and plant balance at year end). Schedule B-4 shall include reserve activity

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1 (reserve balance at the beginning of the year, retirements, accruals, salvage, cost of removal,  
2 adjustments, transfers, reclassifications, and reserve balance at year end) for each category of  
3 investment for which a depreciation rate, amortization schedule, or capital recovery schedule  
4 has been approved.

5 (16)(a) Prior to the date of retirement, the Commission may approve capital recovery  
6 schedules to correct calculated deficiencies where a utility demonstrates that replacement of  
7 an installation or group of installations is prudent, and the associated investment will not be  
8 recovered by the time of retirement through the existing depreciation rate.

9 (b) The Commission may approve a special capital recovery schedule when an  
10 installation is designed for a specific purpose or for a limited duration.

11 (c) Associated plant and reserve activity, balances, and the annual capital recovery  
12 schedule expense must be maintained as subsidiary records.

13 Specific Authority 350.127(2) FS.

14 Law Implemented 350.115, 364.03 FS.

15 History—New 9-8-81, Amended 4-28-83, 1-6-85, Formerly 25-4.175, Amended 4-27-88, 12-  
16 12-91, 9-11-96,\_\_\_\_\_.

17 **25-4.0178 Retirement Units for Rate-of-Return Regulated Local Exchange Companies.**

18 (1) This rule is intended to establish uniform retirement units for telephone companies  
19 and does not relieve any company from maintaining its accounts and records in conformity  
20 with the Uniform System and Classification of Accounts (USOA) as prescribed by the Federal  
21 Communications Commission (FCC) in Title 47, Code of Federal Regulations, Part 32, as  
22 adopted on December 2, 1986 and revised as of December 1, 1987, except to the extent that  
23 this rule requires different treatment as stated below.

24 (2) For the purposes of this rule the following definitions apply:

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from existing law.

1 (a) "Book Cost" means the amount at which a retirement unit is included in a  
2 telephone plant account, including the costs of all labor and installation. This cost is to be  
3 determined from the company's records, but if it cannot be, it is to be estimated.

4 (b) "Cost or in-plant cost" means original purchase price plus all labor and installation  
5 costs.

6 (c) "Cost of Removal" means the cost of demolishing, dismantling, removing, tearing  
7 down or otherwise disposing of a retirement unit, including the cost of transportation and  
8 handling.

9 (d) "Cradle-To-Grave Accounting" means an accounting method which treats a unit of  
10 plant as being in service from the time it is first purchased until it is finally junked or is  
11 otherwise finally disposed. Periods of in shop for refurbishing or in stock/inventory awaiting  
12 reinstallation are treated as being in service.

13 (e) "Gross Salvage" means the amount received from selling or trading-in a retirement  
14 unit; or, if retained for reuse, the original, or estimated if not known, material cost of the unit.

15 (f) "Item" means a single identifiable unit of plant. Where a dollar threshold is  
16 imposed, that threshold applies to the single item and not to the total of a group of such items  
17 purchased in one order.

18 (g) "Minor Item" means any part or element of plant which is not designated as a  
19 retirement unit, but may be a component of or adjunct to a retirement unit.

20 (h) "Plant Retired" means a retirement unit not subject to cradle to grave accounting,  
21 or an unreplaced minor item which has been removed, sold, abandoned, destroyed or  
22 otherwise removed from service.

23 (i) "Retirement Unit" means an item of telephone plant designated as a retirement unit  
24 which when placed in service is to be capitalized if the cost of the unit meets the criteria in the

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from existing law.

1 “List of Retirement Units”, and when removed from service, without a replacement or with a  
2 replacement that meets the criteria in the “List of Retirement Units”, is to be credited to the  
3 plant account in which it is included and debited to the associated account reserve.

4 (3) All depreciable plant is considered as consisting of retirement units or minor items  
5 of plant. Each company is to use this list of retirement units on a prospective basis. A  
6 company may add retirement units to this list. In the case of such addition, the company shall  
7 notify the Director of the Division of Economic Regulation within thirty days as to the nature  
8 and justification of the addition. However, the combination of any retirement units or the  
9 increase in size of any unit will not be permitted without Commission prior approval.  
10 Additions to or revisions to this list will be issued, when necessary, by this Commission.

11 (4) The addition and retirement of retirement units are to be accounted for as follows:

12 (a) When a retirement unit other than one designated for Company Communications  
13 Equipment, Account 2132.2, or Public Telephone Equipment, Account 2351, is placed in  
14 service for the first time at a location, the cost of the unit, if it meets the criteria in the “Lists of  
15 Retirement Units”, should be added to the appropriate plant account along with associated  
16 labor and installation costs.

17 (b) When a retirement unit for Company Communications Equipment, Account  
18 2123.2, or Public Telephone Equipment, Account 2351, is placed in service for the first time  
19 at a location, only the materials cost of the unit, if it meets the criteria in the “List of  
20 Retirement Units”, shall be added to the appropriate plant account. Associated labor and minor  
21 materials costs of installing such equipment shall be charged to the appropriate expense  
22 account.

23 (c) When a retirement unit is replaced, the cost of the replacement should be accounted  
24 for in the same manner as in subsection (a) if the cost meets the criteria set forth in the “List of  
25

1 Retirement Units” referred to in subsection (6). Otherwise, the charge should be made to the  
2 appropriate expense account.

3 (d) When a retirement unit is retired, with a replacement that meets the criteria in the  
4 “List of Retirement Units” referred to in subsection (6), or is retired without replacement, the  
5 book cost of the retiring unit is to be credited to the plant account in which it is included and  
6 likewise debited to the associated account reserve. Any cost of removal and gross salvage  
7 associated with the retirement should be debited and credited, respectively, to the account  
8 reserve. Cost of the retiring unit, removal and gross salvage are to be recorded within one  
9 month of the retirement date. Such costs may be estimated with corrective adjustment entries  
10 made when the transactions are finalized.

11 (5) The addition and retirement of minor items of depreciable property other than  
12 Company Communications Equipment, Account 2123.2, and Public Telephone Equipment  
13 Account 2351, are to be accounted for as follows:

14 (a) When a minor item which did not previously exist as a part of a retirement unit at a  
15 given location is added, the cost is to be accounted for in the same manner as the addition of a  
16 retirement unit.

17 (b) When a minor item is retired and not replaced, the book cost along with any  
18 associated cost of removal and gross salvage is to be accounted for in the same manner as the  
19 retirement of a retirement unit. If, however, the book cost of such a minor item has been  
20 accounted for by its inclusion in the retirement unit of which it is a part, no separate credit to  
21 the property account or debit to the associated account reserve is to be made.

22 (c) When a minor item is replaced independently of the retirement unit of which it is a  
23 part, the cost of replacement is to be charged to the appropriate maintenance account for that  
24 item. If, however, the replacement causes a substantial betterment, the primary aim of which is

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1 to make the property affected more useful, more efficient, of greater durability, or of greater  
2 capacity, the excess cost of the replacement over the estimated cost at current prices of the  
3 replacement without betterment should be charged to the appropriate plant account.

4 (6) The Florida Public Service Commission document "List of Retirement Units  
5 (Telephone Utilities)" dated January 1, 1988, is hereby incorporated by reference. A copy of  
6 this document may be obtained from the Director, Division of Economic Regulation, Florida  
7 Public Service Commission.

8 (7) The capitalization and expensing of depreciable plant for 1988 and subsequent  
9 years shall be governed by this rule.

10 Specific Authority 350.127(2) FS.

11 Law Implemented 350.115, 364.17 FS.

12 History—New 4-25-88, Amended.

13 **25-4.040 Telephone Directories; Directory Assistance.**

14 (1) Each local exchange telecommunications company shall normally publish updated  
15 telephone directories once every 12 months and shall publish updated directories at least once  
16 every 15 months. The directories shall normally alphabetically list the name, address, and  
17 telephone number of all subscribers located in the exchange(s) contained in the directory  
18 except the telephone numbers for public telephones or a name, address, number/address  
19 unlisted or unpublished at the subscriber's request. Also listed alphabetically shall be a listing  
20 designated "Poison Information Center" and the local telephone number, where the exchange  
21 served by the directory has local calling to a Poison Information Center. If no local telephone  
22 number exists, then the toll-free telephone number of a Poison Information Center shall be  
23 listed. A description of the local (toll free) calling scope shall be prominently displayed at the  
24 beginning of each alphabetical section in a directory. At no additional charge and upon the

25  
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1 request of any residential subscriber, the exchange company shall list an additional first name  
2 or initial under the same address, telephone number and surname of the subscriber. The  
3 exchange company shall place the first names or initials in the order requested by the  
4 subscriber.

5 (2) Each subscriber served by a directory shall be furnished one copy of that directory  
6 for each access line. Subject to availability, additional directories shall be provided by the  
7 local exchange telecommunications company, which may charge a reasonable fee therefor.  
8 ~~Within 30 days after the effective date of this rule e~~Each exchange company shall file with the  
9 Commission a tariff setting forth the fee, if any, and the conditions under which it will apply.  
10 Copies of each directory shall be furnished to the Bureau of Service Quality. When expanded  
11 calling scopes are involved, as with Extended Area Service, each subscriber shall be provided  
12 with directory listings for all published telephone numbers within the local service area.

13 (3)(a) The name of the local exchange telecommunications company, the individual  
14 exchanges included in the directory and the month/year of issuance shall appear on the front  
15 cover of each directory.

16 (b) ~~Beginning with directories issued on or after January 1, 1995, t~~The following  
17 information shall be listed on the inside of the front cover of the directory:

18 1. ~~“911” instructions for exchanges with “911” service. Such “911” instructions shall~~  
19 be at the top of the inside front cover and shall be outlined in order to be separate from other  
20 information on the inside front cover. “911” shall be the only listed emergency number; all  
21 other numbers on the inside front cover shall be listed as “nonemergency” or “other important  
22 numbers.”

23 2. ~~For exchanges where “911” emergency service is not provided, emergency calling~~  
24 ~~instructions and numbers including those of the police, sheriff, fire departments and~~

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from existing law.

1 ~~ambulance services used by local government in case of emergency. Such emergency calling~~  
2 ~~instructions shall be listed at the top of the inside front cover and shall be outlined and~~  
3 ~~separate from other information. All other numbers on the inside front cover shall be listed as~~  
4 ~~“nonemergency” or “other important numbers.”~~

5 23. The information required by Section 395.1027, F.S.

6 (c) The following notice shall be conspicuously listed on the inside front cover or first  
7 page of the directory:

8 FLORIDA PUBLIC SERVICE COMMISSION INQUIRIES CUSTOMERS OF UTILITIES  
9 AND COMPANIES REGULATED BY THE COMMISSION WHO HAVE FIRST  
10 CONTACTED SUCH A FIRM CONCERNING A PROBLEM, AND ARE NOT SATISFIED  
11 BY THE CORRECTIVE ACTION TAKEN MAY CONTACT:

12 COMISION DE SERVICIO PÚBLICO DEL ESTADO DE LA FLORIDA: TODOS LOS  
13 CLIENTES DE UTILIDADES Y EMPRESAS REGULADAS EN LA FLORIDA QUE  
14 HAYAN INICIADO CONTACTO CON DICHA ENTIDAD Y NO ESTÉN SÀTISFECHOS  
15 CON LA RESOLUCIÓN DE SU QUEJA Y/O INVESTIGACIÓN PUEDEN DIRIGIRSE A:

16 **THE FLORIDA PUBLIC SERVICE COMMISSION**

17 **Division of Regulatory Compliance and Consumer Assistance**

18 **2540 Shumard Oak Boulevard**

19 **Tallahassee, Florida 32399-8153**

20 **Phone Toll Free (TDD & Voice) 1 (800) 342-3552**

21 **Facsimile Toll Free 1 (800) 511-0809**

22 **Internet E-mail address for filing complaints:**

23 **CONTACT@PSC.STATE.FL.US**

24 **Internet Address for retrieving information:**

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from existing law.

1 <http://www.psc.state.fl.us/>

2 (4) The following information shall appear in the front pages of the directory,  
3 preceding subscriber listings, along with an index where there are four or more pages of such  
4 information:

5 (a) Directions for the use of local exchange and long distance telephone services and  
6 calls to repair and directory assistance services.

7 (b) Application and amount of directory assistance charges contained in company  
8 tariffs.

9 (c) Application and amount of charges for line busy verification, emergency interrupt  
10 and maintenance/repair services.

11 (d) The location of telephone company public business offices located in the area(s)  
12 contained in the directory.

13 (e) Identification of customer payment locations and an explanation of discontinuance  
14 of service procedures for local service. Identification of customer payment locations may be  
15 accomplished by listing a website and toll-free number.

16 (f) Policy on customer owned equipment and inside wiring shall include, but not be  
17 limited to the following information, separately stated:

18 1. A layman's description of inside wiring.

19 2. A layman's description of demarcation point.

20 3. A layman's description of the customer's responsibility for all wiring on the  
21 customer's side of the demarcation point.

22 4. A generic description of the various types of vendors which sell repair equipment.

23 5. A generic list of the types of service vendors providing maintenance or repair of  
24 inside wire, or customer premises equipment.

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from existing law.

1           6. Instructions on how to determine whether the customer or the telephone company is  
2 responsible for needed repairs.

3           7. Instructions for determining when a phone jack is defective.

4           8. Instructions for determining when a telephone is defective.

5           (g) Policy on the recording of telephone conversations.

6           (h) Policy on harassing calls and sales solicitations generated by illegal automatic  
7 dialing equipment.

8           (i) Policy on various violations of law arising from the illegal use of telephone  
9 equipment and service.

10           (j) A conspicuous notice of the availability of the "No Sales Solicitation" list offered  
11 through the Florida Department of Agriculture and Consumer Services, Division of Consumer  
12 Services, and the 800 number to contact for further information.

13           (5) Directory assistance operators shall maintain records of all telephone numbers  
14 (except for non-published telephone numbers) in the area for which they have the  
15 responsibility of furnishing service. Directory assistance records must also contain listings for  
16 "Poison Information Center" and, the local telephone number, where the area served by the  
17 directory assistance operator has local calling to a Poison Information Center. If no local  
18 telephone number exists, then the toll-free telephone number of a Poison Information Center  
19 shall be listed. All new or changed listings shall be provided to directory assistance operators  
20 within 48 hours after connection of service, excluding Saturdays, Sundays and holidays.

21           (6) In the event of an error in the listed number of any subscriber, each local exchange  
22 telecommunications company shall intercept all calls to the listed number for the period of  
23 time required to comply with Rule 25-4.074, F.A.C., provided the listed number is not in  
24 service. In the event of an error or omission in the name listing of a customer, the customer's  
25

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1 correct name and telephone number shall be listed in the directory assistance and intercept  
2 records and the correct number furnished the calling party upon request or interception.

3 (7) When a subscriber will establish a residence or business shortly after the close of  
4 subscriber listing records but preceding publication, the local exchange telecommunications  
5 company shall, upon request, establish and list service at the requested new address and  
6 immediately place the service on suspension. Service connection and other appropriate local  
7 service charges shall be due and payable, independent of whether service is later restored.

8 (8) When scheduled additions or changes in plant, records or operations will require a  
9 large group of number changes, the earliest possible notice shall be given to affected  
10 customers, regardless of the time of the change relative to the directory issuance cycle.

11 (9) The local exchange telecommunications company shall not change a subscriber's  
12 telephone number without good cause and at least 30 days prior notice to the affected  
13 subscriber.

14 Specific Authority 350.127(2) FS.

15 Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171,  
16 395.1027 FS.

17 History— New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-  
18 28-89, 3-31-91, 2-11-92, 12-16-94,\_\_\_\_\_.

19 **25-4.079 Hearing/Speech Impaired Persons.**

20 (1) The telephone directory published by each local exchange telephone company  
21 (LEC) shall:

22 (a) List, with other emergency numbers at the beginning of the directory,  
23 Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which  
24 shall be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an  
25

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1 ear with a slash across it;

2 (b) List the company's business office TDD number, which shall also be denoted by  
3 said universal symbol, for communicating with hearing/speech impaired persons;

4 (c) At the option of and without charge to TDD users, have a special notation by each  
5 TDD user's number indicating TDD or TDD plus voice capability;

6 (d) At the option of and without charge to hearing/speech impaired customers, not list  
7 the number of any hearing/speech impaired customer who requests that it not be published.

8 (2) Each LEC shall provide directory and operator assistance to TDD users. The  
9 numbers for these services shall be listed in the front of the directory and denoted by the  
10 universal symbol.

11 (3) Each LEC shall compile informational literature about the services it makes  
12 available to hearing/speech impaired persons and shall maintain this literature for public  
13 inspection in the company's business office. Each company shall send this literature at no  
14 charge to anyone requesting it and shall include this literature or a summary of it, once a year,  
15 in the company's informational mailings.

16 (4) Intrastate toll message rates for TDD users shall be evening rates for daytime calls  
17 and night rates for evening and night calls. These discounts shall be offered by all LECs.

18 (5) Each LEC shall inform persons inquiring about specialized customer premises  
19 equipment for hearing/speech impaired persons of Florida Telecommunications Relay, Inc.,  
20 which provides such equipment at no cost, pursuant to tariff, provide specialized customer  
21 premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This  
22 specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of  
23 return on investment component. Each LEC shall provide at least one type of each of the  
24 following categories of specialized CPE:

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from existing law.

- 1       ~~(a) Audible ring signalers;~~
- 2       ~~(b) Visual ring signalers;~~
- 3       ~~(c) TDDs;~~
- 4       ~~(d) Volume control handsets.~~

5       Specific Authority 350.127(2) FS.

6       Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS.

7       History—New 4-5-88, Amended 6-3-90, 5-8-05, \_\_\_\_\_.

8       **25-4.215 Limited Scope Proceedings.**

9       A rate-of-return regulated small local exchange company may seek to change its existing  
10       overall rate relationships without affecting its total revenues by filing a petition for a limited  
11       scope proceeding pursuant to Sections 364.05 and 364.058, F.S., and submitting Schedule E-2  
12       (the priceout schedule) in Form PSC/ECR 20-T (3/96), entitled “Minimum Filing  
13       Requirements,” which is incorporated herein by reference in Rule 25-4.141, F.A.C., and may  
14       be obtained from the Commission’s Division of Economic Regulation. The required MFR  
15       Schedule E-2 must show that the revenues generated under the proposed rate relationships  
16       shall not exceed the revenues generated under the small local exchange company’s existing  
17       rate relationships, based on data for units and revenues for the last full calendar year available.

18       Specific Authority 350.127(2) FS.

19       Law Implemented 364.05, 364.052, 364.058 FS.

20       History—New 3-10-96.

21

22       **25-14.001 In General.**

23       The Commission is responsible for the setting of reasonable rates and charges of numerous  
24       utility companies. In determining reasonable charges to be paid by the customers of these

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1 companies, the Commission promulgates policy determinations affecting all companies  
2 subject to its jurisdiction. This chapter has been established to identify policy determinations  
3 affecting the rates, charges and tariffs of all companies subject to our rate-setting jurisdiction.  
4 ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this  
5 chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies,  
6 Shared Tenant Service Companies, Operator Service Provider Companies, ~~or~~ Alternative  
7 Access Vendor Service Providers, Competitive Local Exchange Companies or Price  
8 Regulated Local Exchange Companies.  
9 Specific Authority 350.127(2), 366.05(1), 367.121 FS.  
10 Law Implemented 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121 FS.  
11 History-- New 7-25-73, Formerly 25-14.01, Amended 2-23-87, 1-8-95.

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1 **25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.**

2 ~~If a certificate holder fails or refuses to provide reasonably adequate service to any~~  
3 ~~territory embraced within its certificate after notice and hearing and a reasonable opportunity~~  
4 ~~to do so, the Commission may issue a certificate to any other person willing and able to~~  
5 ~~provide reasonably adequate service to such territory.~~

6 Specific Authority 350.127(2) FS.

7 Law Implemented 364.01(4), 364.025, 364.335 FS.

8 History--Revised 12-1-68, Formerly 25-4.06, Repealed \_\_\_\_\_.

9

10 **25-4.007 Reference to Commission.**

11 ~~In the event of any question involving the interpretation of any of these rules and~~  
12 ~~regulations, any party in interest may apply in writing to the Commission for interpretation.~~

13 Specific Authority 364.20 FS.

14 Law Implemented 364.28 FS.

15 History--New 12-1-68, Formerly 25-4.07, Repealed \_\_\_\_\_.

16

17 **25-4.021 System Maps and Records.**

18 ~~Each telephone company shall maintain suitable maps and/or records to show the location and~~  
19 ~~description of its toll and exchange plant facilities and the extent of area served by the~~  
20 ~~company.~~

21 Specific Authority 350.127(2), 364.17 FS.

22 Law Implemented 364.17, 364.183 FS.

23 History--Revised 12-1-68, Formerly 25-4.21, Repealed \_\_\_\_\_ FS.

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1 **25-4.024 Held Applications for Service.**

2 ~~(1) Each local exchange telecommunications company shall accept and shall maintain~~  
3 ~~a record of each application for access lines received during periods when a~~  
4 ~~telecommunications company is unable to supply initial or additional telephone service to~~  
5 ~~applicants within 30 days after the date applicant desires service. The telecommunications~~  
6 ~~company shall keep a record, by exchanges, showing the name and address of each applicant~~  
7 ~~for service, the date of application, date service desired, date service was promised, and the~~  
8 ~~reason for the inability to provide the new service or additional access lines to the applicant.~~

9 ~~(2) Upon request, each company shall prepare and furnish to the Commission a report,~~  
10 ~~by exchanges, of such held applications.~~

11 Specific Authority 350.127(2), 364.17 FS.

12 Law Implemented 364.025, 364.163, 364.17 FS.

13 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.24, 3-10-96, Repealed.

14  
15 **25-4.039 Traffic.**

16 ~~(1) Suitable practices shall be adopted by each telecommunications company~~  
17 ~~concerning the operating methods to be employed by operators with the objective of providing~~  
18 ~~efficient service to the customers.~~

19 ~~(2) Telephone operators and service observing personnel shall be instructed to comply~~  
20 ~~with the provisions of applicable statutes in maintaining the secrecy of communications.~~

21 Specific Authority 350.127(2) FS.

22 Law Implemented 364.01(4), 364.03 FS.

23 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39, Amended  
24 3-10-96, Repealed.

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1 **25-4.077 Metering and Recording Equipment.**

2 ~~(1) Where mechanical or electronic means are used for registering or recording~~  
3 ~~information which will affect a subscriber's bill, such equipment shall be in good mechanical~~  
4 ~~and electrical condition, shall be accurately read, and shall be inspected daily to insure that it~~  
5 ~~is functioning properly. Where message rate service (MRS) or any type of optional calling that~~  
6 ~~involves customer billing other than by a flatrate method is used, the metering or measuring~~  
7 ~~device used to record call data shall be accurate 95 percent of the time.~~

8 ~~(2) Every telephone meter and recording device shall be tested prior to its installation,~~  
9 ~~either by the manufacturer, the company, or an approved organization equipped for testing.~~

10 ~~(3) Metering and timing equipment shall be maintained so that the accuracy of~~  
11 ~~company billing operations enjoys a high confidence level from their customers. After~~  
12 ~~allowance for a one second variation, timing accuracy shall be not less than 97 percent.~~

13 Specific Authority 350.127(2) FS.

14 Law Implemented 364.01(4), 364.03, 364.051, 364.19, Repealed FS.

15 History—New 12-1-68, Amended 3-31-76, Formerly 25-4.77, Amended 6-24-90, 3-10-96.

16

17 **25-4.116 Telephone Number Assignment Procedure.**

18 ~~Each company shall maintain written standard operating procedures for the assignment~~  
19 ~~of telephone numbers. The standard operating procedure shall be applied in a non-~~  
20 ~~discriminatory manner to requests for assignment of telephone numbers.~~

21 Specific Authority 350.127(2) FS.

22 Law Implemented 364.03, 364.14, 364.16, FS.

23 History—New 2-9-87, Repealed.

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State of Florida



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-

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**DATE:** July 17, 2008  
**TO:** Office of General Counsel (Miller) - *JK*  
**FROM:** Division of Economic Regulation (Dickens) *BD* *TR*  
**RE:** Proposed Amendments of Existing Rules: 25-4.017 (Uniform System of Accounts), 25-4.0174 (Uniform System of Accounts-Depreciation), 25-4.0175 (Depreciation), 25-4.0178 (Retirement Units), 25-4.215 (Limited Scope Proceedings), 25-4.14.001 (In General), 25-4.040 (Telephone Directories; Directory Assistance) and 25-4.079 (Hearing/Speech Impaired Persons)

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DETAILED DESCRIPTION OF THE PROPOSED RULE

*1. Why it is being proposed?*

The above proposed rule amendments address the issue of whether these rules apply to rate-of-return regulated Local Exchange Companies (LECs). As currently written, the rules do not make explicit reference to rate-of-return LECs as being compliant with the specific areas of regulatory compliance. These rules are ambiguous with respect to rate-of-return LECs and should be amended. In addition, the above rule amendment adds clarifying language regarding alternative options that must be included in telephone directories for customers to make telephone payment arrangements and current business practice for assisting hearing-impaired customers.

*2. What does the rule do and how does it accomplish its goal?*

The proposed amendments allow for a simpler approach to identifying rate-of-return LECs. The proposed amendments eliminate ambiguous language and provide a simpler and clearer change in the title of Rules 25-4.017, 25-4.0174, 25-4.0175, 25-4.0178 and 25-4.215 to indicate the rules apply to rate-of-return regulated LECs. This is the method previously used in Rule 25-4.141. The proposed amendment (25-4.040) requires LECs to expand customer service assistance by requiring their telephone directories to include website references and a toll free number to assist customers with their bill payment needs. Finally, proposed rule amendment 25-4.079 is being revised to reflect current business practice. LECs no longer routinely provide specialized customer premises equipment for hearing or speech impaired persons as reflected in the current rule. Currently, the Florida Telecommunications Relay, Inc. provides such equipment at no cost to qualifying persons.

## IMPACT ON THE PSC

### *Incremental costs*

There should be no negative impact on the Commission resulting from repeal of the proposed rules.

### *Incremental benefits*

There is no direct benefit to the Commission resulting from the implementation of the proposed rule amendments. The proposed amendments clarify which companies are subject to the rules.

## WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSAL

### *Utilities*

The proposed rule amendments impact the nine price-regulated incumbent local exchange companies and the lone rate-of-return LEC operating in Florida. The costs of the rule amendments are likely negligible for both price-regulated LECs and the only rate-of-return LEC in Florida. This should make it simpler for companies to identify which rules apply.

### *Residential Customers*

The proposed rule amendments will likely have no impact on ratepayers.

### *Outside business and local governments*

There will likely be no negative impacts on small businesses, small cities, or small counties resulting from a repeal of the above rules.

## HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

### *Estimated transactional costs to individuals and entities*

### *Utilities*

The proposed amendments of the existing rules will likely have a positive impact for the telecommunications industry in Florida. The elimination of ambiguous language about rate-of-return LECs will likely lower the transaction cost to provide telecommunications service for Florida customers.

*Customers*

Customers should have no transactional costs with the proposed rule amendments.

*Outside business including specifically small businesses*

There will likely be no impact on transaction costs for small businesses resulting from the proposed rule amendments.

*Local governments*

There should be no negative impact for small cities, and small county entities resulting from the proposed rule amendments.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE

There are no other pertinent comments regarding the application of the proposed rule amendments.

BD:kb

cc: Mary Andrews Bane  
Chuck Hill  
Beth Salak  
Dale Mailhot  
Hurd Reeves

State of Florida



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-

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**DATE:** July 17, 2008  
**TO:** Office of General Counsel (Miller)  
**FROM:** Division of Economic Regulation (Dickens) *CSK/TJG*  
**RE:** Proposed Repeal of Existing Rules: 25-4.006 (Issuance of Certificate), 25-4.007 (Reference to Commission), 25-4.021 (System Maps & Records), 25-4.024 (Held Applications for Service), 25-4.039 (Traffic), 25-4.077 (Metering and Recording Equipment), and 25-4.116 (Telephone Number Assignment Procedure)

---

DETAILED DESCRIPTION OF THE PROPOSED RULE

*1. Why it is being proposed?*

Rules 25-4.006, 25-4.007, 25-4.021, 25-4.024, 25-4.039, 25-4.077, and 25-4.116 generally address operations procedures for incumbent local exchange companies (LECs). Pursuant to law enacted in 1995, local exchange telecommunications companies were given the option to elect price cap regulation. This exempts them from rate-of-return regulation and from certain sections of Chapter 364, Florida Statutes. Thus, companies which elect price cap regulation should be exempt from FPSC rules which are necessary for rate-of-return regulation. Staff recommends clarifying the rules to expressly indicate which rules only apply to rate-of-return regulated companies. Many of these recommended rule revisions relate to this clarification. No substantive change is entailed. This is a mere clarification to make it simpler for companies to easily spot which rules apply.

*2. What does the rule do and how does it accomplish its goal?*

The repeal eliminates obsolete regulation and unnecessary regulatory oversight.

IMPACT ON THE PSC

*Incremental costs*

There should be no negative impact on the Commission resulting from repeal of the proposed rules.



*Incremental benefits*

There is no direct benefit to the Commission resulting from the implementation of the proposed rule repeals. An indirect benefit may occur through the PSC's Rule Book being cleaned up by expunging unnecessary rules.

WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSAL

*Utilities*

The proposed rule repeal impacts the nine price-regulated incumbent local exchange companies and the lone rate-of-return telecommunications company operating in Florida, Frontier Communications, Inc. The costs of the rule repeal are likely negligible for price-regulated LECs and Frontier since their operations will be unaffected by these proposed changes.

*Customers*

The proposed rule repeal will likely have no impact on ratepayers.

*Outside business and local governments*

There will likely be no negative impacts on small businesses, small cities, or small counties resulting from a repeal of the above rules.

HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

*Estimated transactional costs to individuals and entities*

*Utilities*

The proposed repeal of the existing rules will likely have a positive impact by lowering the transactional cost to the telecommunications industry in Florida. The elimination of the proposed rules mean the utilities can continue providing safe, affordable and efficient telecommunications service without the burden of complying with out-dated regulations.

*Customers*

Customers should have no transactional costs with the repeal of these rules.

*Outside business including specifically small businesses*

There will likely be no impact on transaction costs for small businesses resulting from repeal of the above rules.

*Local governments*

There should be no negative impact for small cities, and small county entities resulting from repealing the above rules.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE

There are no other pertinent comments regarding the application of the proposed repeal of rules.

BD:kb

cc: Mary Andrews Bane  
Chuck Hill  
Beth Salak  
Dale Mailhot  
Hurd Reeves