

VOTE SHEET

January 6, 2009

Docket No. 080641-TP – Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications.

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.

Issue 1: Should the Commission propose the repeal of Rules 25-4.046, 25-4.071, 25-4.072, and 25-4.108?

Recommendation: The Commission should propose repeal of Rules 25-4.046 and 25-4.108 as set forth in Attachment A of staff's memorandum dated December 23, 2008. However, the Commission should not propose the repeal of Rules 25-4.071 and 25-4.072. Staff also recommends that the notice of rulemaking contain language stating that none of the rule repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including Katrina J. McMurrian and others.

Handwritten signature of Katrina J. McMurrian in the dissenting column, with the note "(part of Issues 1 & 2)".

REMARKS/DISSENTING COMMENTS: The document titled "Detailed Comparison Chart," which was referenced in the vote, is attached to this Vote Sheet. -ac

DOCUMENT NUMBER-DATE

00230 JAN-9 8

Vote Sheet  
January 6, 2009

Docket No. 080641-TP – Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications.

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.

(Continued from previous page)

**Issue 2:** Should the Commission propose the amendment of Rules 25-4.002, 25-4.0185, 25-4.023, 25-4.066, 25-4.067, 25-4.070, 25-4.071, 25-4.073, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110?

**Recommendation:** The Commission should propose the amendment of Rules 25-4.002, 25-4.0185, 25-4.023, 25-4.066, 25-4.067, 25-4.070, 25-4.071, 25-4.073, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110, as set forth in Attachment B of staff's memorandum dated December 23, 2008. Staff recommends that the notice of rulemaking contain language stating that none of the rule amendments are intended to impact the type of data that must be collected and analyzed for purposes of the SEEM (Self-Effectuating Enforcement Mechanism) plan. Staff recommends that the notice of rulemaking also contain language stating that the amendments to Rules 25-4.002, 25-4.0185, 25-4.023, 25-4.067, 25-4.071, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110 are not intended to impact wholesale service or the SEEM plan, or the SEEM metrics or payments.

**APPROVED** RECOMMENDATION FOR 25-4.002, 25-4.0185, 25-4.023, 25-4.071, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110 and the following rules are

**MODIFIED:**

**25-4.066** ADOPTED with the exception that installation time will remain at 3 days.

**25-4.067** REPEAL RULE.

**25-4.070** ADOPTED STAFF RECOMMENDATION WITH THESE EXCEPTIONS:

**25-4.070(1)** – not combine out of service and service affecting troubles into one standard of 48 hours and **25-4.070(3)** – the service standard for trouble reports for residential service shall be moved to 90 percent. The service interruption shall be 90 percent within 24 hours of report and the service affecting standard shall be 90 percent within 72 hours of the report.

**25-4.073** ADOPTED AS PROPOSED BY STAFF AT THE CONFERENCE (for calls initially routed to an automated menu and handled without the intervention of a live business office representative, a one second answer time for these calls will not be counted to measure answer time).

Vote Sheet

January 6, 2009

Docket No. 080641-TP – Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications.

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.

(Continued from previous page)

**Issue 3:** Should these dockets be closed?

**Recommendation:** Yes. Docket No. 080159-TP should be closed for administrative efficiency. If no requests for hearing or comments are filed, the rules proposed by the Commission may be filed with the Department of State, and Docket No. 080641-TP may be closed.

**APPROVED**

**DOCKET NOS. 080159-TP AND 080641-TP  
DETAILED COMPARISON CHART**

Rule	Staff Recommendation	Petitioner's Position#	
	<p>25-4.002 Application and Scope. 25-4.0185 Periodic Reports. 25-4.023 Report of Interruptions. 25-4.046 Incremental Cost Data Submitted by Local Exchange Companies. 25-4.074 Intercept Service. 25-4.083 Preferred Carrier Freeze. 25-4.107 Information to Residential Customers; Installment Plan. 25-4.108 Initiation of Service.</p>	<p style="text-align: center;">Agree with Staff.</p>	
<p>4.066</p>	<p><b>25-4.066 Availability of Residential Service.</b> (1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for <u>basic residential</u> local telecommunications service within its certificated area in accordance with its filed tariffs, <del>or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.</del> (2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service in any calendar month shall normally be satisfied <del>installed in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines</del> within an interval of <u>three five</u> working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or <u>when broadband or video services are requested in addition to the telecommunications service, where special equipment or services are involved.</u> (3) If the applicant requests an installation date beyond <u>three five</u> working days, the requested date shall be counted as day <u>three five</u> for measurement purposes. (4) <del>When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes.</del> Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. <del>Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.</del> (5) Each telecommunications company shall establish as its objective the satisfaction of at least 95 percent of all applications for new service in each exchange within a 30 day maximum interval and, further, shall have as its objective the capability of furnishing service within each of its exchanges to applicants within 60 days after date of application; except those instances where a later installation date is requested by the applicant or where special equipment or services are involved. (6) Whenever, for any reason, the service installation cannot be made at the time</p>	<p><b>25-4.066 Availability of Residential Service.</b> (1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for <u>basic residential</u> local telecommunications service within its certificated area in accordance with its filed tariffs, <del>or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.</del> (2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary <u>basic residential local telecommunications</u> service in any calendar month shall normally be satisfied <u>installed in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines</u> within an interval of <u>three five</u> working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or <u>when broadband or video services are requested in addition to the telecommunications service, where special equipment or services are involved.</u> (3) If the applicant <u>for primary basic residential local telecommunications service</u> requests an installation date beyond <u>three five</u> working days, the requested date shall be counted as day <u>three five</u> for measurement purposes. (4) <del>When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes.</del> Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. <del>Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.</del> (5) Each telecommunications company shall establish as its objective the satisfaction of at least 95 percent of all applications for new service in each exchange within a 30 day maximum interval and, further, shall have as its objective the capability of furnishing service within each of its exchanges to applicants within 60 days after date of application; except those instances where a later installation date is requested by the applicant or where special equipment or</p>	<p>Staff's proposed changes</p> <ol style="list-style-type: none"> <li>1. increase installation time from 3 days to 5 days</li> <li>2. aggregate reporting to quarterly from monthly</li> <li>3. aggregate reporting from individual exchanges to combining exchanges above 50,000 access lines and combining exchanges with fewer than 50,000 access lines</li> <li>4. not applicable to residential customers that request broadband or video service at time of installing telephone service.</li> </ol> <p>Petitioners want to limit rule to applicants for <u>basic</u> service only. Therefore, the rule would not apply to a customer that orders bundled telecommunications services, such as call waiting or call forwarding. Petitioners' also want the calculations to be done statewide. Staff wants the data separated into exchanges aggregated into greater and lesser than 50,000 lines to insure rural area quality of service is on par with that in more urban areas.</p>

**DOCUMENT NO.      DATE**  
00230-09      01/09/09  
**FPSC - COMMISSION CLERK**

Rule	Staff Recommendation	Petitioner's Position#	
	<p>requested by the applicant or within the prescribed interval, the applicant shall be notified promptly of the delay and the reason therefor.</p> <p>(7) Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission and shall include an explanation of the reasons therefor.</p> <p>(85) Each company shall report <u>primary residential installation performance</u> pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to the availability of service requirements, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.</p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05.</i></p>	<p>services are involved.</p> <p>(6) Whenever, for any reason, the service installation cannot be made at the time requested by the applicant or within the prescribed interval, the applicant shall be notified promptly of the delay and the reason therefor.</p> <p>(7) Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission and shall include an explanation of the reasons therefor.</p> <p>(85) Each company shall report <u>primary basic residential installation performance</u> pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to the availability of service requirements, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.</p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05.</i></p>	
4.067	<p><b>25-4.067 Extension of Facilities - Contributions in Aid of Construction.</b></p> <p>(1) Each telecommunications company shall make reasonable extensions to its lines and service and shall include in its tariffs filed with the Commission a statement of its standard extension policy setting forth the terms and conditions under which its facilities will be extended to serve applicants for service within its certificated area.</p> <p>(12) Each company's This line extension policy shall have uniform application and shall provide that the proportion of construction expense to be borne by the utility company in serving the immediate applicant shall be not less than five times the annual exchange local telecommunications service revenue of the applicants.</p> <p>(23) If the cost which the servicing utility must bear under subsection (2) above (or has provided in its tariff) equals or exceeds the estimated cost of the proposed extension, the utility shall construct it without cost to the subscribers initially served. If the estimated cost of the proposed extension exceeds the amount which the utility is required to bear, the excess cost may be distributed equitably among all subscribers initially served by the extension. However, No portion of construction shall be assessed to the applicant for the provision of new plant where the new plant parallels and reinforces existing plant or is constructed on or along any public road or highway and is to be used to serve subscribers in general except in those instances where the applicant requests that facilities be constructed by other than the normal serving method.</p> <p>(3) The portion of construction costs paid by the subscriber company's tariffs shall provide that such excess may be paid in cash in a lump sum or as a surcharge over a period of three five years or such other lesser period as the subscriber and company may mutually agree upon.</p> <p>(4) Line extension tariffs shall also contain provisions designed to require that all</p>	<p><b>25-4.067 Extension of Facilities - Contributions in Aid of Construction.</b></p> <p>(1) Each telecommunications company shall make reasonable extensions to its lines and service and shall include in its tariffs filed with the Commission a statement of its standard extension policy setting forth the terms and conditions under which its facilities will be extended to serve applicants for service within its certificated area.</p> <p style="text-align: center;">Repeal subsections (2) – (8).</p> <p><i>Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96.</i></p>	<p>Staff recommends retaining simple requirements which limit the amount of CIAC that a company can collect from a customer who wants just telephone service. Staff proposes to exclude those residential customers that request either broadband or video service in addition to telecommunications service.</p> <p>The companies do not want to be limited in the amount they can collect for CIAC since they believe they have no obligation to provide line extensions.</p>

Rule	Staff Recommendation	Petitioner's Position#	
	<p>subscribers served by a line extension during the first five years after it is constructed shall pay their pro-rata share of the costs assignable to them.</p> <p>(5) No company shall be required to extend facilities for new service unless the right-of-way necessary for the construction of line extension is provided by the applicant or group of applicants. Where pole attachments may be made in lieu of new construction costs, the company may charge the subscriber the expense or rental charges for such attachments, provided that the applicant may elect to pay excess construction costs as though the service were provided without the use of attachments.</p> <p>(6) Except as provided in filed tariffs, the ownership of all facilities constructed as herein provided shall be vested in the telecommunications company and no portion of the expense assessed against the applicant shall be refundable by the company.</p> <p>(7) Nothing in this rule shall be construed as prohibiting any utility from establishing an extension policy more favorable to customers as long as no undue discrimination is practiced between customers under the same or substantially the same circumstances and conditions.</p> <p>(48) In the event that a company and applicant are unable to agree in regard to an extension, either party may appeal to the Commission for a review.</p> <p>(5) This rule shall apply to residential service only. However, this rule shall not apply to line extensions when the applicant has requested either broadband or video service in addition to telecommunications service.</p> <p><i>Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96.</i></p>		
4.070	<p><b>25-4.070 Customer Trouble Reports for Residential Service.</b></p> <p>(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect residential customer telephone service. Trouble reports will be classified as to their severity on a service interruption (synonymous with out of service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.</p> <p>(a) Companies shall make every reasonable attempt to restore service on the same day that the interruption is reported to the serving repair center.</p> <p>(b) In the event a subscriber's service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 48 hours after being reported to the company, an appropriate adjustment or refund shall be made to the subscriber automatically, pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time will be computed on a continuous basis, Sundays and holidays included. Also, if the company finds that it is the customer's responsibility to correct the trouble, it must notify or attempt to notify the customer within 24 48 hours after the trouble was reported.</p> <p>(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.</p> <p>(2) Sundays and Holidays:</p> <p>(a) Except for emergency service providers, such as the military, medical, police,</p>	<p><b>25-4.070 Customer Trouble Reports for Residential Service.</b></p> <p>(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of <u>service interruptions and service affecting conditions (collectively)</u> trouble conditions that disrupt or affect <u>basic</u> residential customer telephone service. Trouble reports will be classified as to their severity on a service interruption (synonymous with out of service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.</p> <p>(a) Companies shall make every reasonable attempt to restore service on the same day that the interruption is reported to the serving repair center.</p> <p>(b) In the event a subscriber's service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 48 hours after being reported to the company, an appropriate adjustment or refund shall be made to the subscriber automatically, pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time will be computed on a continuous basis, Sundays and holidays included. Also, if the company finds that it is the customer's responsibility to correct the trouble, it must notify or attempt to notify the customer within 24 48 hours after the trouble was reported.</p> <p>(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.</p> <p>(2) Sundays and Holidays:</p>	<p>Staff's proposed changes</p> <ol style="list-style-type: none"> <li>combine out of service and service affecting troubles into one standard of 48 hrs</li> <li>aggregate reporting to quarterly from monthly</li> <li>aggregate reporting from individual exchanges to combining exchanges above 50,000 access lines and combining exchanges with fewer than 50,000 access lines</li> </ol> <p>Petitioners want to limit rule to customers with <u>basic</u> service only and reduce the standard from 95% to 80%. Therefore, the rule would not apply to a customer that has bundled telecommunications services, such as call waiting or call forwarding.</p>

Rule	Staff Recommendation	Petitioner's Position#	
90	<p>and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service objectives, but not refunds for <del>OOS conditions- service interruptions.</del></p> <p>(b) Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by a subscriber.</p> <p>(3) Service Objectives Standard: <u>Trouble reports for residential customer service shall be corrected 95 percent of the time within 48 hours.</u></p> <p><del>(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.</del></p> <p><del>(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.</del></p> <p><del>(e4) If the customer requests that the service be restored on a particular day beyond the objectives outlined service standard in paragraphs (a) and (b) subsection (3) above, the trouble report shall be counted as having met the service standard objective if the requested date is met.</del></p> <p><del>(45) Priority shall be given to service interruptions that affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as promptly as possible on an emergency basis.</del></p> <p><del>(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.</del></p> <p><del>(6) The service standard objectives of this rule shall not apply to subsequent customer reports, or (not to be confused with repeat trouble reports), emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.</del></p> <p><del>(7) Reporting Criteria: Each company shall report pursuant to periodically report the data specified in Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.</del></p> <p><del>(8) This rule shall apply to residential service only.</del></p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History- Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05.</i></p>	<p>(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service objectives, but not refunds for <del>OOS conditions- service interruptions.</del></p> <p>(b) Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by a subscriber.</p> <p>(3) Service Objectives Standard: <u>Trouble reports for trouble conditions for basic residential customer service shall be corrected 95 80 percent of the time within 48 hours. For companies that do not have systems enabling them to report results on an automated basis according to service type, performance will be measured and reported based on results for all residential telecommunications customers. Upon request, the Commission may authorize a company to measure and report results on an alternative basis.</u></p> <p>Subsections (3)(a) and (3)(b) repealed.</p> <p><del>(e4) If the customer requests that the service be restored on a particular day beyond the objectives outlined service standard in paragraphs (a) and (b) subsection (3) above, the trouble report shall be counted as having met the service standard objective if the requested date is met.</del></p> <p><del>(45) Priority shall be given to service interruptions that affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as promptly as possible on an emergency basis.</del></p> <p><del>(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.</del></p> <p><del>(6) The service standard objectives of this rule shall not apply to subsequent customer reports, or (not to be confused with repeat trouble reports), emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.</del></p> <p><del>(7) Reporting Criteria: Each company shall report pursuant to periodically report the data specified in Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.</del></p> <p><del>(8) This rule shall apply to residential service only.</del></p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History- Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05.</i></p>	

Rule	Staff Recommendation	Petitioner's Position#	
4.071	<p><b>25-4.071 Adequacy of Service.</b></p> <p><del>(1) Each telecommunications company shall provide switching equipment, trunking, and associated facilities within its operating territory for the handling of local and toll traffic, designed and engineered on the basis of realistic forecasts of growth so that during the average busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting, inter office, extended area service) shall not encounter an all trunk busy condition.</del></p> <p><del>(12) Telephone calls to valid numbers shall should encounter a ring-back tone, line busy signal, or non-working number intercept facility (operator or recording) after completion of dialing. The call completion standards established for such calls by category of call is as follows:</del></p> <p><del>(a) Intra office Calls—95 percent;</del></p> <p><del>(b) Inter office Calls—95 percent;</del></p> <p><del>(c) Extended Area Calls—95 percent; and</del></p> <p><del>(d) Intra LATA DDD Calls—95 percent.</del></p> <p><del>(3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable recorded intercept facility, preferably a recording other than the non-working number recording used for valid number calls.</del></p> <p><del>(4) Intercept service shall be as outlined in Rule 25-4.074, F.A.C.</del></p> <p><del>(25) A line busy signal (60 impulse per minute tone) shall not be used for any signaling purpose except to denote that a subscriber's line, other valid terminal, centrex or PBX trunks, or equipment where the quantity is controlled by the customer is in use.</del></p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71, Amended 6-24-90, 3-10-96.</i></p>	<p><b>25-4.071 Adequacy of Service.</b></p> <p>Repeal entire rule.</p>	<p>Staff recommends that basic call completion requirements be maintained.</p>
4.072	<p><b>25-4.072 Transmission Requirements.</b></p> <p>(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. Transmission parameters shall conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted 1984) incorporated herein by reference.</p> <p>(2) Accurate dependable milliwatt supplies shall be made a part of each central office. Additionally, for those central offices having an installed line capacity of 1,000 lines or more, the buffered access on a minimum three line rotary group basis shall be a part of the milliwatt supply.</p> <p>(3) Each central office shall be equipped with a minimum of one termination which shall trip ringing and terminate the line on a balanced basis so that end to end noise measurements may be made.</p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, 4-3-05.</i></p>	<p><b>25-4.072 Transmission Requirements.</b></p> <p>Repeal entire rule.</p>	<p>Staff recommends no change to the rule and believes that standards are necessary for the functioning of the network.</p> <p>The petitioners believe that industry forums to which they belong provide adequate transmission standards. However, without a rule the standards are not enforceable by the FPSC.</p>

Rule	Staff Recommendation	Petitioner's Position#	
4.073	<p><b>25-4.073 Answering Time for Residential Service.</b></p> <p>(1) Each telephone utility company shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service standards criteria under normal operating conditions:</p> <p>(a) At least 90 percent of all calls directed to repair services and 80 percent of all calls to business and repair offices for residential service shall be answered within 30 90 seconds after the last digit is dialed when no menu driven system is utilized.</p> <p>(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within 4530 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first 360 seconds of the message.</p> <p>(c) For subscribers who either select the option of transferring to a live assistant, or do not interact with the system for twenty seconds, the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within 5590 seconds of being transferred to the attendant.</p> <p>(d) The terms "answered" as used in paragraphs (a) and (c) above, shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the service representative is ready to render assistance.</p> <p>(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule.</p> <p>(23) All telecommunications companies are expected to answer their main published telephone number on a 24 hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.</p> <p>(34) Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to answer time, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.</p> <p>(4) This rule shall apply to residential service only.</p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History--New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05.</i></p>	<p><b>25-4.073 Answering Time for Residential Service.</b></p> <p>(1) Each telephone utility company shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:</p> <p>(a) At least 90 percent of all calls directed to repair services and 80 percent of all calls to business offices shall be answered within 30 seconds after the last digit is dialed when no menu driven system is utilized. Answer time for calls directed to repair services and calls directed to business offices for residential basic service customers will be measured and reported based on the average speed of answer (ASA). Measurement of ASA begins when the call leaves the Integrated Voice Response Unit (IVRU) and ends when a service representative answers the call or the caller abandons the call. Where an IVRU is not used, measurement of ASA begins as soon as the call is received and ends when a service representative answers the call or the caller abandons the call. The ASA shall not exceed 120 seconds.</p> <p>(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first 30 seconds of the message. For calls initially routed to an automated menu and handled without the intervention of a live business office representative, the answer time for these calls should be counted as one second.</p> <p>(c) For subscribers who either select the option of transferring to a live assistant, or do not interact with the system for twenty seconds, the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within 55 seconds of being transferred to the attendant.</p> <p>(cd) The terms "answered" as used in paragraphs (a) and (c) above, shall refer to calls in which the customer elects to speak to a service representative, and shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the service representative is ready to render assistance.</p> <p>(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule.</p> <p>(23) All telecommunications companies are expected to answer their main published telephone number on a 24 hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.</p> <p>(34) Each company shall report, pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the performance of the company with respect to answer time as outlined</p>	<p>Staff's proposed changes</p> <ol style="list-style-type: none"> <li>combine business answer and repair answer time in to one measure</li> <li>aggregate reporting to quarterly from monthly</li> <li>increase time allowed for answering by IVRU from 15 to 30 seconds</li> <li>increase time allowed for transfer option to live attendant from 30 to 60 seconds</li> <li>increase time allowed for answer by live attendant from 55 to 90 seconds</li> </ol> <p>Petitioners propose to measure answer time based on the average speed of answer (ASA), which would not exceed 120 seconds. ASA measurement begins from the time the call leaves the IVRU and ends when an attendant answers the call or the call is abandoned. Calls routed to an IVRU and handled without the use of an attendant are considered answered in one second. Staff believes the inclusion of the IVRU at one second skews the results and is not reflective of the time to get a live person upon request.</p>

Rule	Staff Recommendation	Petitioner's Position#	
		<p>in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.</p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05.</i></p>	
4.109	<p><b>25-4.109 Residential Customer Deposits.</b></p> <p>(1) Deposit required; establishment of credit. Each local exchange company's (LEC) tariff shall contain their specific criteria for determining the amount of initial deposit. Each LEC may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the company's rules for prompt payment of bills. Credit will be deemed so established if:</p> <p>(a) The applicant for service has been a customer of any LEC within the last two years and during the last twelve (12) consecutive months of service did not have more than one occasion in which a bill was paid after becoming delinquent and has never had service disconnected for non-payment.</p> <p>(b) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. A satisfactory guarantor shall, at the minimum, be a customer of the company with a satisfactory payment record. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (4) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.</p> <p>(c) The applicant pays a cash deposit.</p> <p>(d) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.</p> <p>(2) Amount of deposit. The amount of the initial required deposit shall not exceed an amount equal to the charges for one month's local exchange service plus two months estimated toll service provided by or billed by the LEC. If, after ninety (90) days service, the actual deposit is found to be greater than an amount equal to one month's local service plus two months actual average toll service provided by or billed by the LEC, the company shall, upon demand of the subscriber to the Company, promptly refund the difference. These deposit rules apply to local exchange service and toll service provided by or billed by the LEC only and do not apply to special arrangement agreements covering termination equipment installations for which the telephone company may require a reasonable deposit.</p> <p>(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for the 90-day period immediately prior to the date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. When the company has a good reason to believe payment by a</p>	<p><b>25-4.109 Residential Customer Deposits.</b></p> <p>(1) Deposit required; establishment of credit. Each local exchange company's (LEC) tariff shall contain their specific criteria for determining the amount of initial deposit. Each LEC may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the company's rules for prompt payment of bills. <del>Credit will be deemed so established if:</del></p> <p><del>(a) The applicant for service has been a customer of any LEC within the last two years and during the last twelve (12) consecutive months of service did not have more than one occasion in which a bill was paid after becoming delinquent and has never had service disconnected for non-payment.</del></p> <p><del>(b) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. A satisfactory guarantor shall, at the minimum, be a customer of the company with a satisfactory payment record. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (4) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.</del></p> <p><del>(c) The applicant pays a cash deposit.</del></p> <p><del>(d) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.</del></p> <p>(2) Amount of deposit. The amount of the initial required deposit shall be <u>included in the Company's tariff. The company's tariff's will also identify when and under what conditions deposits will be returned to the customer.</u> <del>not exceed an amount equal to the charges for one month's local exchange service plus two months estimated toll service provided by or billed by the LEC. If, after ninety (90) days service, the actual deposit is found to be greater than an amount equal to one month's local service plus two months actual average toll service provided by or billed by the LEC, the company shall, upon demand of the subscriber to the Company, promptly refund the difference. These deposit rules apply to local exchange service and toll service provided by or billed by the LEC only and do not apply to special arrangement agreements covering termination equipment installations for which the telephone company may require a reasonable deposit.</del></p> <p>(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. <u>Each company shall identify in their tariff when and how much a new or additional deposit will be within their tariff.</u> <del>Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for</del></p>	<p>Staff's proposed change limits the rule to residential service only, thus excluding business customers.</p> <p>The petitioners want to set the conditions for when a deposit is collected, how much deposit is collected, and when to return the deposit.</p>

Rule	Staff Recommendation	Petitioner's Position#	
	<p>nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.</p> <p>(4) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:</p> <p>(a) Made more than one late payment of a bill (after the expiration of 15 days from the date of mailing or delivery by the company);</p> <p>(b) Paid with a check refused by a bank;</p> <p>(c) Been disconnected for nonpayment, or at any time; and</p> <p>(d) Used service in a fraudulent or unauthorized manner.</p> <p>(5) Interest on deposit.</p> <p>(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.</p> <p>(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any company paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on their deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months. Then he or she shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a company from refunding at any time a deposit with an accrued interest.</p> <p>(6) Record of deposits. Each company having on hand deposits from customers or hereafter receiving deposits from them shall keep records to show:</p> <p>(a) The name of each customer making the deposit;</p> <p>(b) The premises occupied by the customer when the deposit was made;</p> <p>(c) The date and amount of deposit; and</p> <p>(d) Each transaction concerning the deposit such as interest payment, interest credited or similar transactions.</p> <p>(7) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. The deposit receipt shall contain notice that after ninety (90) days service, the subscriber is entitled to refunds of any deposit over and above an amount equal to one month's local service plus two months' average toll service provided by or billed by the LEC.</p> <p>(8) Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account of the LEC and the balance, if any, shall be returned promptly to the customer but in no event later than forty-five (45) days after service is discontinued.</p> <p>(9) This rule shall apply to residential service only.</p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS.</i></p>	<p>the 90-day period immediately prior to the date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. When the company has a good reason to believe payment by a nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.</p> <p>(4) Refund of deposit. The company shall identify in its tariffs when a deposit will be refunded to the customer. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:</p> <p>(a) Made more than one late payment of a bill (after the expiration of 15 days from the date of mailing or delivery by the company);</p> <p>(b) Paid with a check refused by a bank;</p> <p>(c) Been disconnected for nonpayment, or at any time; and</p> <p>(d) Used service in a fraudulent or unauthorized manner.</p> <p>(5) Interest on deposit.</p> <p>(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.</p> <p>(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any company paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on their deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months. Then he or she shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a company from refunding at any time a deposit with an accrued interest.</p> <p>(6) Record of deposits. Each company having on hand deposits from customers or hereafter receiving deposits from them shall keep records to show:</p> <p>(a) The name of each customer making the deposit;</p> <p>(b) The premises occupied by the customer when the deposit was made;</p> <p>(c) The date and amount of deposit; and</p> <p>(d) Each transaction concerning the deposit such as interest payment, interest credited or similar transactions.</p> <p>(7) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. The deposit receipt shall contain notice that after ninety (90) days service, the subscriber is entitled to refunds of any deposit over and above an amount equal to one month's local service plus two months' average toll service provided by or billed by the LEC.</p> <p>(8) Refund of deposit when service is discontinued. Upon termination of service,</p>	

Rule	Staff Recommendation	Petitioner's Position#	
	<p><i>History—New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94.</i></p>	<p>the deposit and accrued interest may be credited against the final account of the LEC and the balance, if any, shall be returned promptly to the customer but in no event later than forty-five (45) days after service is discontinued.</p> <p><u>(9) This rule shall apply to residential service only.</u></p> <p><i>Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94.</i></p>	
4.110	<p><b>25-4.110 Customer Billing for Local Exchange Telecommunications Companies.</b></p> <p>(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.</p> <p><del>(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.</del></p> <p><del>(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.</del></p> <p><del>(b) The toll free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.</del></p> <p><del>(c) Each charge shall be described under the applicable originating party heading.</del></p> <p><del>(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.</del></p> <p><del>2. The billing party shall either:</del></p> <p><del>a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or</del></p> <p><del>b. (i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.</del></p> <p><del>(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base</del></p>	<p><b>25-4.110 Customer Billing for Local Exchange Telecommunications Companies.</b></p> <p><del>(1) Each company shall comply with the Federal Communications Commission's Truth-In-Billing requirements. issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.</del></p> <p>Repeal subsections (2) – (20).</p> <p><i>Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03.</i></p>	<p>Staff recommends maintaining many of the requirements in the current billing rule because they provide consumer protection and additional information to the consumer which are not required by the FCC Truth-in-Billing rule. Staff has eliminated those parts of the FPSC rule which are redundant of the Truth-In-Billing rule. The current rule also requires companies to remove certain charges from a customer's bill if the customer did not order the service.</p>

Rule	Staff Recommendation	Petitioner's Position#	
	<p><del>for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.</del></p> <p><del>(2e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request." In addition, the billing party will provide a plain language explanation to any customer who contacts the billing party.</del></p> <p><del>(3) Each LEC shall provide an itemized bill for local service:</del></p> <p><del>(a) With the first bill rendered after local exchange service to a customer is initiated or changed; and</del></p> <p><del>(b) To every customer at least once each twelve months.</del></p> <p><del>(4) The annual itemized bill shall be accompanied by a bill insert or bill message stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill insert or bill message stuffer shall be submitted to the Commission's Division of Regulatory Compliance Competitive Markets and Enforcement for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:</del></p> <p><del>(a) Number and types of access lines;</del></p> <p><del>(b) Charges for access to the system, by type of line;</del></p> <p><del>(c) Touch tone service charges;</del></p> <p><del>(d) Charges for each custom calling features, separated by feature or package;</del></p> <p><del>(e) Unlisted number charges;</del></p> <p><del>(f) Local directory assistance charges;</del></p> <p><del>(g) Other tariff charges; and</del></p> <p><del>(h) Other nontariffed, regulated charges contained in the bill.</del></p> <p><del>(5) All bills rendered by a local exchange company shall clearly state the following items:</del></p> <p><del>(a) Any discount or penalty. The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill, in a form usable by the billing party;</del></p> <p><del>(b) Past due balance;</del></p> <p><del>(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;</del></p> <p><del>(d) Long-distance monthly or minimum charges, if included in the bill;</del></p> <p><del>(e) Long-distance usage charges, if included in the bill;</del></p> <p><del>(f) Usage-based local charges, if included in the bill;</del></p> <p><del>(g) Telecommunications Access System Surcharge, per subsection 25-4.160(3), F.A.C.;</del></p> <p><del>(h) "911" fee per Section 365.171(13), F.S.; and</del></p> <p><del>(i) Delinquent date.</del></p>		

Rule	Staff Recommendation	Petitioner's Position#	
	<p>(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of <del>48</del> 24-hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.</p> <p>(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. <del>However, the company may demand immediate payment under the following circumstances:</del></p> <ol style="list-style-type: none"> <li><del>1. Where service is terminated or abandoned;</del></li> <li><del>2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or</del></li> <li><del>3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.</del></li> </ol> <p><del>(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.</del></p> <p><del>(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.</del></p> <p>(8) Each telephone company shall include a bill insert or <u>bill message</u> advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.</p> <p>(9) Annually, each telephone company shall include a bill insert or <u>bill message</u> advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.</p> <p>(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. <del>Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.</del></p> <p><del>(11) Local Communications Services Tax.</del></p> <p>(a) The Local Communications Services Tax is comprised of the discretionary</p>		

Rule	Staff Recommendation	Petitioner's Position#	
	<p>communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, F.S.</p> <p>(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.</p> <p>(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.</p> <p>(12) State Communications Services Tax</p> <p>(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any local option sales tax.</p> <p>(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.</p> <p>(13) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges. The remaining portion of the payment, if any, shall be applied to nonregulated charges.</p> <p>(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:</p> <p>(a) The name of the certificated company;</p> <p>(b) Type of service provided, i.e., local, local toll, or toll; and</p> <p>(c) A toll-free customer service number.</p> <p>(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.</p> <p>(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:</p> <ol style="list-style-type: none"> <li>1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;</li> <li>2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;</li> <li>3. The local or toll free number the end user/customer can call to dispute charges;</li> <li>4. The name of the IXC providing 900 service; and</li> <li>5. The Pay Per Call service (900 or 976) program name.</li> </ol> <p>(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:</p> <ol style="list-style-type: none"> <li>1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is</li> </ol>		

Rule	Staff Recommendation	Petitioner's Position#	
	<p>a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3-;</p> <p>2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;</p> <p>3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;</p> <p>4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;</p> <p>5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;</p> <p>6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;</p> <p>7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and</p> <p>8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.</p> <p>(12)(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer shall be notified of the availability of may agree to free blocking of Pay Per Call service (900 and 976).</p> <p>(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:</p>		

Rule	Staff Recommendation	Petitioner's Position#	
	<p>1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;</p> <p>2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;</p> <p>3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;</p> <p>4. The Pay Per Call (900 and/or 976) service provided out of date information; or</p> <p>5. The end user/customer terminated the call during the preamble described in subparagraph 25-4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).</p> <p>(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.</p> <p>(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:</p> <ol style="list-style-type: none"> <li>1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or</li> <li>2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.</li> </ol> <p>(g) LECs and IXCs billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.</p> <p>(136) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no charge. Existing customers must be notified annually that a PC-Freeze is available at no charge. <u>Notification shall conform to the requirements of Rule 25-4.083.</u></p> <p>(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.</p> <p>(148) If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill, with the exception of the following:</p> <p>(a) Charges that originate from:</p> <ol style="list-style-type: none"> <li>1. Billing party or its affiliates;</li> <li>2. A governmental agency;</li> <li>3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and</li> </ol> <p>(b) Charges associated with the following types of calls:</p> <ol style="list-style-type: none"> <li>1. Collect calls;</li> <li>2. Third party calls;</li> <li>3. Customer dialed calls for; and</li> <li>4. Calls using a 10-10-xxx calling pattern.</li> </ol> <p>(159)(a) Upon request from any customer, a billing party must restrict charges in its bills to only:</p>		

Rule	Staff Recommendation	Petitioner's Position#
	<p>1. Those charges that originate from the following:</p> <ul style="list-style-type: none"> <li>a. Billing party or its affiliates;</li> <li>b. A governmental agency;</li> <li>c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and</li> </ul> <p>2. Those charges associated with the following types of calls:</p> <ul style="list-style-type: none"> <li>a. Collect calls;</li> <li>b. Third party calls;</li> <li>c. Customer dialed calls; and</li> <li>d. Calls using a 10-10-xxx calling pattern.</li> </ul> <p>(b) Customers must be notified of this right by billing parties annually and at each time a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer.</p> <p>(c) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S., are exempted from this subsection.</p> <p><del>(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.</del></p> <p><u>(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference.</u></p> <p><i>Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03.</i></p>	

# The Petitioners' positions reflect the last informal information staff received from the companies.