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IN ATTENDANCE:

TRACY HATCH, AT&T Florida.

THOMAS McCABE, TDS Telecom.

SANDY KHAZRAEE, CenturyLink.

MATT FEIL, TW Telecom/CompSouth.

STAN GREER, AT&T.

DULANEY O'ROARK, Verizon.

EARL POUCHER, Office of Public Counsel.

KATHRYN COWDERY, LAURA KING, JEFF BATES and

JULIE GOWEN, Commission Staff.

## P R O C E E D I N G S

1  
2           **MS. COWDERY:** Good morning. Pursuant to  
3 notice, this time and place has been set aside for this  
4 staff undocketed rule workshop to take input from  
5 interested persons regarding amendments on rules to --  
6 in Chapters 25-4 and 25-24, *Florida Administrative Code*,  
7 concerning telecommunications companies.

8           I am Kathryn Cowdery with the Office of  
9 General Counsel. Also here on behalf of staff are Julie  
10 Gowen, Jeff Bates and Laura King. There are sign-in  
11 sheets in the back of the room. We would appreciate  
12 your signing in so we have a record of who has been at  
13 attendance today. Also, all materials for today's  
14 workshop are on the back counters for your use. These  
15 are the same materials that are posted on the PSC  
16 website, which are available for anybody who also may be  
17 listening in or watching over the internet.

18           Mr. Bates will lead the discussion of the  
19 draft rules. We will proceed rule by rule as set forth  
20 in the agenda, with Mr. Bates addressing the amendments  
21 to a rule and then asking for any comments on the rule.  
22 Each time you speak, please identify yourself for the  
23 benefit of the court reporter and also for those  
24 listening in or watching over the internet. I think  
25 we're ready to proceed.

1           **MR. BATES:** Good morning. I'm Jeff Bates with  
2 staff. The reason we're here today is for this  
3 workshop. The changes to Rule 25-4.034, tariffs, is,  
4 are being made because of the change in the statutes  
5 last July 1st.

6           Rule 25-4.034 prescribes the general tariff  
7 filing requirements for all telecommunications  
8 companies. The rule currently requires that except to  
9 the extent otherwise permitted by statute, Section  
10 364.051(5)(a), *Florida Statutes*, each telecommunications  
11 company shall maintain on file with the Commission  
12 tariffs as required by provisions in Rule 25-4.034. The  
13 rule requires that the tariffs filed with the Commission  
14 comply with certain physical characteristics. The  
15 changes that we have suggested to this rule in general  
16 apply to those type tariff filing requirements.

17           In general, the word tariff has been removed  
18 from the rules almost completely as it relates to  
19 telecommunications. In its place service schedules have  
20 been put in.

21           The, the options included or the option  
22 included via the statute change included the ability for  
23 companies to file their tariffs or schedules  
24 electronically or otherwise publicly publish them, and  
25 what we've tried to capture here is the ability for

1 companies to do that.

2 Going through the rules, Page 8 of the notice,  
3 we've changed the Rule 25-4.034, service schedules --  
4 tariffs to be service schedules. And the changes that  
5 we've suggested are pursuant to Section 364.04, *Florida*  
6 *Statutes*, to replace the phrase, Except to the extent  
7 otherwise permitted by Section 364.051(5)(a), *Florida*  
8 *Statutes*, each telecommunications company shall publish  
9 its Florida-specific service schedules, and this is a  
10 change from the maintain on file with the Commission  
11 tariffs, which shall set forth all intrastate rates and  
12 charges for customer services, fees and surcharges, the  
13 classes and grades of service available to subscribers,  
14 the conditions and circumstances under which service  
15 will be furnished, and all general rules and regulations  
16 governing the relation of the customer and company.

17 Do you have comments on this first page?

18 **MR. HATCH:** This is Tracy Hatch for AT&T  
19 Florida. I guess sort of as a preliminary not really  
20 with respect to specific language, we're kind of  
21 concerned that the approach that you're taking sort of  
22 cosmetically changes the rules but doesn't really update  
23 them to reflect the statutory changes.

24 I guess we're concerned that every time we  
25 take a deregulatory step in the Legislature, it doesn't

1 seem to follow over here in the same spirit or sense  
2 that it happened in the Legislature. And it seems like  
3 what you're attempting to do with these rules is  
4 essentially perpetuate the same regulatory regime  
5 through very prescriptive requirements for tariff  
6 filings and so forth that previously existed that  
7 technically, I guess, were addressed and in our opinion  
8 changed by the legislative process.

9           It's not clear exactly what you're attempting  
10 to really accomplish at a substantive level. I mean,  
11 the statute itself seems to be fairly self-executing in  
12 the sense of what it requires you to put in your  
13 schedules or your tariffs, whether you put them online  
14 or whether you file them with the Commission. And once  
15 you've complied with the statute, what more is needed?  
16 And essentially what you've done is incorporated a whole  
17 bunch of structure, albeit historic structure that  
18 everybody is fairly used to and sort of, you know, aware  
19 of. But what's the point of perpetuating that structure  
20 when the statute really is very simple in its effect but  
21 complete in what it requires of us? It doesn't really  
22 require any interpretation or explanation or additional  
23 rulemaking.

24           And then there's, you know, at a substantive  
25 level this is kind of a lawyer issue, but then you run

1 into the APA issues of what's the basis for enacting  
2 this rule in the first place? And it's not the generic  
3 rulemaking under 350 and the new legislative changes  
4 didn't have specific rulemaking prescriptions. So it's  
5 an open question as a place to start before we get into  
6 the technical language, I guess.

7 **MS. KING:** Well, I can address that to some  
8 extent. What we were trying to do with these rules is  
9 if companies choose to continue filing tariffs here at  
10 the Commission, we're trying to keep the same rules to  
11 some extent in place. We lessened some of the  
12 requirements. But if you're going to continue to file  
13 here, we need some order, some structure.

14 If you choose to file on -- keep your tariffs  
15 publicly published online, we still have an obligation  
16 to address certain consumer complaints. So we were  
17 trying to create a structure where we would be notified  
18 when you go ahead and put your files out online and when  
19 they get updated, things of that nature. We're  
20 certainly open to comment on any of these, but that was  
21 our basis. We weren't trying to go beyond the statutory  
22 requirements. We were just trying to figure out how do  
23 we fulfill our role as trying to respond to consumer  
24 complaints? How does our consumer affairs division,  
25 when they come over here and need to look at a copy of a

1 tariff filing or need to find it online, how do they go  
2 about doing that?

3 **MR. HATCH:** Yeah. Clearly we understand that  
4 part. I guess the real question is standardization of  
5 the tariffs and the requirements that it imposes on  
6 customers, I mean, and companies. And make no mistake,  
7 it is a cost to us to do all of this independent and  
8 it's a cost to specialize it for Florida as for all  
9 other jurisdictions.

10 I guess with respect to if we want to file it  
11 with you, it makes more sense to have the  
12 standardization, I suspect. If we're putting it online  
13 and de-tariffing, if you will, it makes far less sense  
14 for us to do that. And we're trying to figure out why  
15 this is needed in the sense that if you go there, it  
16 tells you, assuming the tariff complies with the statute  
17 and the rates, terms and conditions, places where  
18 services are offered, if that's there consistent with  
19 the statute, it seems like you don't need a rule to do  
20 that. And consistent with your generic legislative  
21 intent language, your job in many respects is to reduce  
22 regulatory burdens that are not necessary or otherwise  
23 needed to reduce regulatory cost.

24 **MS. KING:** Well, I understand where you're  
25 coming from, Tracy. So why don't we try to go through



1 these rules and see if there's places where maybe you  
2 can offer some suggestions or give us some of your  
3 ideas. And we're open for -- you know, we're going to  
4 take written comment afterwards and certainly take  
5 everything under consideration and confer with our legal  
6 staff and, and go forward from there.

7 **MS. COWDERY:** Mr. Hatch, what also would be  
8 helpful is in 25-4.034, either now or also in the  
9 written comments that you'll be submitting, if there is  
10 a particular requirement that is currently in the draft  
11 rule, which would be something that would be different  
12 than what you would do in other states, which would be  
13 more of a burden, please identify it so we know.  
14 Because some of these I think you probably do already.  
15 You're probably having fairly clearly written schedules,  
16 et cetera.

17 **MR. HATCH:** Truly they are. But they're not  
18 all in the same prescriptive format and the same  
19 prescriptive content either.

20 **MS. COWDERY:** Right. And we'd appreciate  
21 those -- that information.

22 **MS. KING:** Does anyone else have any general  
23 comments before we look at the specifics that we're  
24 proposing?

25 **MR. McCABE:** I just -- Tom McCabe with TDS. I

1 do have one. If you choose to continue to file your  
2 tariffs, is anything going to change? I mean, the  
3 process that we use today, the format, things of that  
4 nature, can we continue to do the same thing today -- as  
5 we're doing today after these rules are put in?

6 **MR. BATES:** Yes.

7 **MR. McCABE:** Okay.

8 **MR. BATES:** Absolutely. It's a company --  
9 it's the company's decision whether or not to file  
10 electronically, file via hard copy as some companies do,  
11 to publicly publish, whether that be on a company  
12 website, what have you. That's the company's option.

13 **MR. McCABE:** That's fine. They were, you  
14 know, taking the language out, taking tariffs out, I was  
15 under the impression that we were going to have to  
16 refile something completely under this price schedule  
17 and things of that nature. So I just wanted to clarify  
18 that.

19 **MS. KING:** Yeah. That's certainly not our  
20 intent, so.

21 **MR. McCABE:** Okay.

22 **MS. KHAZRAEE:** This is Sandy Khazraee with  
23 CenturyLink. And my just brief opening comment would be  
24 that we had one suggestion which we will provide in our  
25 written comments. Our attorney wasn't able to be here

1 today, so, you know, she can actually address it in the  
2 written comments.

3 But our idea was to in 364 -- I mean,  
4 25-4.034, to strike everything in (2), (3) and (4) and  
5 only leave those rules related to the styling and timing  
6 of the tariff filings themselves. And I guess the basis  
7 for our thought on that was that the statute, 364.04,  
8 speaks for itself and you don't really need a rule to  
9 try and expand on it. So we will address that in our  
10 written comments.

11 **MR. BATES:** Thank you.

12 Matt?

13 **MR. FEIL:** Hi. I had a question. This is  
14 Matt Feil here for TW Telecom/CompSouth. As we go  
15 through, I may be asking questions here and there.

16 My first question on Page 8, Line 8 through  
17 10, I didn't understand why that was being crossed out.  
18 I just wanted to explore the rationale for that, if  
19 there was one.

20 **MR. BATES:** Well, companies are not required  
21 to file contract service arrangements with the  
22 Commission.

23 **MR. FEIL:** Because of the changes to 364.04?

24 **MR. BATES:** This language, I believe, has been  
25 around for quite some time. But in my 21 years at the

1 Commission we've never required contract service  
2 arrangements to actually be filed here. They need to be  
3 available to some degree upon request for us to review  
4 if there are issues related to them. And language  
5 within the current tariffs require that the tariffs  
6 indicate that contract service arrangements are  
7 available to a customer or a company, what have you.

8 **MR. HATCH:** Yeah. To that point, Jeff -- this  
9 is Tracy. Early on, way, way early on, like in the way  
10 olden days when I was still a young one, when contracts  
11 were first created, individual customer contracts were  
12 created, sometimes they actually were filed initially  
13 for the Commissions to review. Then they got tired of  
14 wading through, you know, acres of paper. They finally  
15 said, well, file a summary of the contract. Then they  
16 gave up on that and said, don't file anything.

17 But this question -- this language here when  
18 you take that out begs the question: If you're taking  
19 it out, does it now require you to file it? Because it  
20 was clear that you didn't have to file it. Nothing in  
21 the statute requires it, but taking this language out, I  
22 don't know what -- it's not clear what you're trying to  
23 do. Because the statute says any rates, terms or  
24 conditions. That could be an individual customer  
25 contract arguably, and this language was designed to

1 make it clear that that was not required even under the  
2 existing statutory language.

3 **MS. KING:** It wasn't our intent, Tracy, to  
4 make customer service arrangements be filed here. And  
5 that may -- that's a great suggestion, if that's  
6 something we need to clarify or make clear or reword.  
7 While we were going through the rules, we thought we'd  
8 take the opportunity to maybe --

9 **MR. HATCH:** Clean them up?

10 **MS. KING:** -- clean them up a little bit where  
11 we could. Hopefully we'll achieve that and not make  
12 them more complicated.

13 **MR. BATES:** Some of the language that's  
14 included in these revisions has been rearranged to sort  
15 of flow more properly so that we can let everyone know  
16 that we want to require, if the word require is  
17 appropriate, we want the same methods used for online or  
18 publicly publishing as we're using for any hard copies  
19 being filed. As in -- if -- in the case of 1(a),  
20 service schedules shall be clearly written in simple  
21 words, this language has been in the rules for quite  
22 some time. We just want to make sure that this is still  
23 the case, whether publicly published or whether filed in  
24 hard copy form.

25 **MR. GREER:** Jeff, this is Stan Greer with

1 AT&T. Where was that at previously, that verbiage?

2 **MR. BATES:** I will have to search, but I  
3 will --

4 **MR. GREER:** That does give me some concern  
5 because, you know, simple words, sentences and  
6 paragraphs, that's probably in the eye of the beholder,  
7 especially dealing with tariffs.

8 **MR. BATES:** Sure.

9 **MR. GREER:** You know. And I don't think it's  
10 your intent to make us try to rewrite all our tariffs to  
11 put them in sentence, words and sentences. Because, you  
12 know, the access tariff and the B tariff, you'd never be  
13 able to do that because there's nothing simple about  
14 those types of services. So that does give me a little  
15 concern.

16 And if you've, if it's been in there before,  
17 you know, I'd like to see where it's at because I don't,  
18 I just don't recall seeing those specific types of  
19 words. Clear maybe, you know. And, Lord knows, I'm not  
20 an English person. So I think all my stuff runs on, at  
21 least so I've been told.

22 **MR. BATES:** As far as the MO in writing this,  
23 the intent was not to change anything that the company  
24 is doing right now. The -- what appears in the company  
25 tariffs we suspect will also appear in the company's

1 publicly published schedules.

2 **MR. GREER:** And I understand that. But, you  
3 know, the problem is that if you put it in a rule, me,  
4 you and Laura and whoever else that's currently here now  
5 may not be here in the future. And, you know, I don't  
6 want to get into a dog fight with somebody -- well, this  
7 is simple, this is not.

8 **MR. BATES:** That's understood.

9 **MR. O'ROARK:** Jeff?

10 **MS. KING:** Oh, I'm sorry. Go ahead, Mr.  
11 O'Roark.

12 **MR. O'ROARK:** De O'Roark with Verizon. I just  
13 wanted to respond to something that you had mentioned  
14 that your idea was that, look, whatever regime we've got  
15 for tariffs filed here at the Commission ought to really  
16 be the same for what's published online. I've got --  
17 Verizon would have concerns with that. If you look at,  
18 you know, wireless companies, cable companies, companies  
19 that don't have to file tariffs, their offerings to  
20 customers online, I think you'll find, don't look very  
21 much like the tariffs that, that we file here at the  
22 Commission.

23 And, I mean, really to echo what Tracy had  
24 said earlier, the impetus of this legislation was not to  
25 expand regulation to places it's never been before. The

1 impetus was really deregulatory, and that part of what  
2 we ought to be trying to accomplish here is as we  
3 publish things online, we ought to have some more  
4 freedom to present things to consumers in a way that may  
5 be more consumer friendly frankly than tariffs are  
6 today.

7 **MR. BATES:** My response to that is everything  
8 written in this rule, in these rule revisions, the full  
9 intent is to make them more customer friendly and make  
10 them more available to the average customer. That's --  
11 most customers, consumers, and this is from my personal  
12 experience, don't know what a tariff is other than what  
13 they've read about the Boston Tea Party and tariffs  
14 without -- taxes without representation. That was my  
15 response when I was hired 21 years ago.

16 That, that is the sole intent is to try to  
17 follow the statute changes as appropriately as possible.  
18 And with regard to deregulation, I don't know where the  
19 word deregulated or deregulation appears in the  
20 statutory changes.

21 **MR. O'ROARK:** Well, in looking at the new --

22 **MR. BATES:** Now --

23 **MR. O'ROARK:** I'm sorry.

24 **MR. BATES:** -- with that said, I know that it  
25 is a new day and that filing is, should be easier and



1 more company friendly, as it were, but I'm not aware  
2 that there's actual deregulation yet. I know that's  
3 subject for, to change.

4 **MR. O'ROARK:** I know, just to respond to that,  
5 I appreciate and understand what you said. I'm  
6 certainly not suggesting that we have been completely  
7 deregulated. If we had been, I probably wouldn't be  
8 sitting here right now.

9 But to look at 364.04, and this again picks up  
10 on things that Tracy was saying, I mean, the statute  
11 doesn't say anything about the Commission regulating in  
12 detail what we're putting on our websites. And, I mean,  
13 that's the concern that I was trying to express.

14 **MS. KING:** Mr. Poucher, I saw you come up to  
15 the table. Did you have something you wanted to say?

16 **MR. POUCHER:** Yes. Earl Poucher with the  
17 Office of Public Counsel. I don't want to be redundant,  
18 so I'll try to make one good statement at the beginning  
19 and then maybe we won't have to repeat ourselves as you  
20 go through each of the sections.

21 Regarding the overall proposed rule, I believe  
22 that we would support the rule as it is written and  
23 proposed by staff. We believe in competition, and the  
24 competitive world can't work without readily available  
25 schedules where customers can understand them and

1 they're knowledgeable about the prices and the  
2 alternatives in the market. And so I believe that's the  
3 intent of the proposed rules as I see it. And it is  
4 vital that customers be able to understand the language  
5 in the schedules and that customers understand the  
6 rates. Just as, as if we were in Publix shopping for  
7 soap and we could look at the price for the various  
8 products, you've got to be able to understand it. And I  
9 think that is the intent that staff had in drafting this  
10 rule, as I see it, so we would support it. And I  
11 don't -- I hope that we don't have to repeat that  
12 statement again.

13 **MR. BATES:** Thank you. Are there any other  
14 questions or concerns on pages -- or Page 8?

15 **MR. GREER:** Yeah, Jeff. This is Stan with  
16 AT&T. Fees and surcharges, what was your thought of  
17 adding that versus using, versus tracking the verbiage  
18 in the, in the statute, which is tolls, rentals,  
19 something like that? Rates, tolls, rentals and charges  
20 of the company.

21 **MR. HATCH:** We today don't tariff our fees and  
22 surcharges. I mean, you're talking about the SLC, TASA,  
23 911?

24 **MR. BATES:** No.

25 **MR. HATCH:** We've never tariffed those.

1           **MR. BATES:** We're, we are addressing fees like  
2 a 295 regulatory fee.

3           **MR. HATCH:** Those are all interstate and  
4 beyond your jurisdiction to start with.

5           **MR. BATES:** No. I'm talking about charges  
6 that aren't based on federal law, charges that some  
7 companies put in tariffs. This -- that actual fees and  
8 surcharges I've tried to incorporate throughout all the  
9 rules.

10          **MR. HATCH:** You mean like the similarly, the  
11 similarly named fee that we can't impose anymore?

12          **MS. KING:** Look, I think part of the intent of  
13 this, Tracy, was if a customer, whether they're looking  
14 at information in a tariff at our office or they're  
15 looking at something online, if they want to calculate  
16 what it costs to obtain service, they know what's out  
17 there. There's nothing hidden or -- and, you know, not  
18 trying to cast aspersions, but just so everyone knows,  
19 if this package starts at \$29.95, is it going to be  
20 \$69.95 by the time some fees or surcharges or something  
21 are added? That was the only intent is for customer --

22          **MR. GREER:** But we can't, we can't put  
23 taxes -- I mean all those kinds of things in the tariff.  
24 That just doesn't make any sense.

25          **MS. KING:** Could you, could you identify what

1 taxes, not necessarily the rate, but could you identify  
2 what fees -- for example, a TASA surcharge will apply,  
3 not necessarily the --

4 **MR. GREER:** That probably depends on where  
5 you're at. I mean, you know, like in Miami-Dade we have  
6 that crazy Miami-Dade manhole ordinance fee.

7 **MS. KING:** That's true. Okay.

8 **MR. GREER:** And that's something we've never  
9 put in the tariff. And the only reason we do it is to  
10 pass along the fee that the, that the county has put on  
11 us, and which the Commission has said that's okay.

12 **MS. KING:** Okay. Okay.

13 **MR. GREER:** I mean, if it's for a telecom  
14 service, I think you've probably got a fair shot of  
15 having something in the tariff. But if it's not a  
16 telecom service, I don't see where you have the ability  
17 to tell us what to -- to put those kinds of things in  
18 the tariff to me. And if you want to track what the  
19 statute says, that to me covers what you should be  
20 tracking versus fees and surcharges that I don't have a  
21 clue what that could be.

22 **MS. KING:** Okay. I appreciate those comments.

23 **MR. GREER:** I mean, those could go all over  
24 the place as far as --

25 **MR. HATCH:** The term fee and surcharge is so

1 ubiquitous that it covers so many things that -- I kind  
2 of understand what your intent is. It's any charge  
3 related to your service that's imposed by the company  
4 not imposed by somebody else for any other reason. I  
5 don't know how you actually define and do that very  
6 well. But more importantly, it's not entirely clear  
7 that that's what 04 requires.

8 **MR. BATES:** Is the company adverse to being  
9 able to do that?

10 **MR. HATCH:** I'm not sure what that is.

11 **MR. BATES:** Well, to, to -- basically full  
12 disclosure for a customer wanting to look at a bill and  
13 know what his or her final bill will be if he or she  
14 orders a service. Is there a property rental fee? Is  
15 there an instrument fee? Is there --

16 **MR. HATCH:** If there is, it's CPE and, again,  
17 it's not jurisdictional. I mean, I'm not trying to be  
18 facetious here, but just trying to illustrate just how  
19 difficult and probably impossible it is to actually do  
20 what you're trying to accomplish. And you're going to  
21 twist everybody in knots trying to do it, and I'm not  
22 sure that you'll accomplish anything.

23 **MS. KING:** Okay. I appreciate those comments.  
24 And that's what we're looking for. We don't want to  
25 make things more difficult. We're -- you know, our main

1 intent here is to try to make sure customers have what  
2 they need. And if we make things worse, you know, we  
3 don't want to do that. We don't want to make things  
4 more complicated. So we certainly appreciate those  
5 comments. Is there anything else on this first page or  
6 this first section of the rule?

7 **MR. GREER:** This is Stan Greer with AT&T  
8 again. On Page 9, I guess, on H, if we're, if we're  
9 publishing them, publishing the tariffs on the web,  
10 where does that fit in, notification of proposed  
11 changes? Is that back to I've got to let you know that  
12 I posted something on the web?

13 **MR. BATES:** Yes.

14 **MR. GREER:** I don't see that as a requirement  
15 in the statute. You know, you can go, you can go look  
16 at the web just as well as I can, which is probably what  
17 I'll have to be doing too.

18 **MR. HATCH:** I'm not sure that notifying you  
19 does much.

20 **MS. KING:** Well, our intent was to try to  
21 comply with 051(5)(a) where it says, you know, each  
22 company subject to this section may set or change on one  
23 day's notice. And we assume that one day's notice was  
24 to -- I don't know who you notice if you don't notice  
25 the --

1           **MR. HATCH:** The notice would be to the  
2 customer. That's what the notice is requiring.  
3 Arguably it's public notice, which, you know, means  
4 customers really. Notifying the Commission doesn't do  
5 anything.

6           **MS. KING:** So you'd post that rate change on  
7 the web one day prior to it going into effect in all  
8 cases?

9           **MR. HATCH:** Right. Yes.

10          **MR. GREER:** I mean, we post a package that has  
11 whatever it is on there. Now it doesn't have, you know,  
12 like today we filed a legislative format page. It  
13 doesn't have that, and we'll get to that when we get a  
14 little further down. But, you know, it has the pages,  
15 the tariff pages in that given package.

16          **MR. BATES:** Okay. How would the company  
17 propose notifying the Commission of a basic rate  
18 increase?

19          **MR. GREER:** A basic rate increase is a little  
20 different in that we have -- and to be quite honest,  
21 even some of the nonbasic ones are different that deal  
22 with increases because we have to, we still have the  
23 price cap statute that we still have to comply with,  
24 which would still be me sending something to you saying  
25 here's what we got, here's the headroom. We'd have to

1 work through those details because we'd still have that  
2 requirement that we'd still have to deal with.

3 But as far as the tariff goes, you know, I'm  
4 not sure how -- why that's necessary. Now maybe that's  
5 all the notice you're looking at is when we do an  
6 increase, I would probably say, you know, I've got to  
7 send something to you telling you the headroom that we  
8 used and all that kind of stuff consistent with the  
9 price cap rule or order.

10 **MR. HATCH:** I guess the question to  
11 contemplate is what function does the notice, what good  
12 does it do you other than it changed? Because you're  
13 not going to go look at the tariff -- unless you're just  
14 curious. You're only going to go look at the tariff  
15 online or in the books if you have a question about it  
16 and then you're concerned about the date. And  
17 presumably the schedule, the tariff, whatever it's going  
18 to be, either in your hands or on the web, is going to  
19 have an effective date.

20 **MS. KING:** What about historical information?  
21 If we're trying -- if we get a customer bill, this kind  
22 of all ties together and why we try to capture some of  
23 these. If we get a customer complaining about a service  
24 that's still within our authority to look at, a rate, a  
25 rate increase or an incorrect bill, if we go to your



1 website, how do we get an historical view? I mean --

2 **MR. GREER:** I guess -- this is Stan with AT&T.  
3 I might have to ask a question first in that how do, how  
4 does the Commission intend to handle their tariff system  
5 on a going-forward basis when people de-tariff? Are you  
6 going to go and print out whatever the pages are that --  
7 a new one and put them in your books here that you have  
8 here or what? I just -- I mean, if you're going to do  
9 that, then that's your historical documents, you know.

10 **MS. KING:** Well, we can't do that because we  
11 don't -- I mean, unless you tell us a rate has changed,  
12 how -- we can't be looking at your website every day  
13 and -- you know, that's where I think we need to have  
14 some kind of meeting of the minds here.

15 **MR. GREER:** That's the way I, that's the way I  
16 am when I'm looking at y'all's dockets. I have to look  
17 every day to see what's come in.

18 **MS. KING:** Right. But you can look in Case  
19 Management and look at everything that's been filed. I  
20 mean, I can't -- I don't think your website allows me to  
21 look at the prior filing for that tariff or the prior  
22 addition of that tariff, does it?

23 **MR. GREER:** But you have those. You have  
24 those today. And if you're going on a going-forward  
25 basis when somebody de-tariffs, you get each package

1 that gets to it and you add it to your, your historical  
2 documents. That is the historical documents.

3 **MS. KING:** And that's what I'm -- maybe we're  
4 talking past each other. But how would we -- you expect  
5 us -- your thought is that we'd look at your website  
6 every day, then print out the page and add it to our  
7 book? Is --

8 **MR. GREER:** Well, yes.

9 **MS. KING:** Okay. Because we've had nine  
10 companies so far give us notice that they've gone to web  
11 publishing.

12 **MR. GREER:** Uh-huh.

13 **MS. KING:** And they just send us an e-mail.  
14 It's worked fine, saying we've updated X, it's attached.  
15 I mean, we've -- and then we put that in our book when  
16 we know. I mean, just for our own benefit to --

17 **MR. GREER:** And we may be able to do that. I  
18 just don't know.

19 **MS. KING:** Well, perhaps that's something, you  
20 know, in your comments you might want to help us with  
21 that. We still have our obligation to work with  
22 consumers and help them resolve bills and billing  
23 issues. So we need -- if we get something that goes  
24 back three years, you know, it depends when you start  
25 publicly publishing what we have here and you need to

1 make sure we have what we need or we can get what we  
2 need. So those are things that we're struggling with,  
3 and we're certainly open to suggestions on that. But we  
4 need to make sure we can take care of those customers.

5 **MR. HATCH:** Just as, just as a footnote, I'm  
6 sort of the designated contrarian, but you need to start  
7 thinking about what your authority is for record  
8 retention. We don't have to engage in the discussion  
9 today. I'm just letting you know that that's a  
10 question.

11 **MR. FEIL:** This is Matt. The other thing I  
12 was going to say is depending on, let's say it's AT&T  
13 Florida's tariff, and I assume there are regular changes  
14 made to that, you may be getting more e-mails than you  
15 know what to do with every time they post a change to  
16 the, a web-based schedule. And I'm assuming that they  
17 track all that. So if you actually had a customer  
18 complaint and the PSC wanted to see the history of  
19 changes, AT&T would be able to pull that up and say, you  
20 know, and show you the information.

21 **MR. GREER:** We -- and we do have history. The  
22 history is generally not available to the public to go  
23 research. I mean, we use it internally. But it's, you  
24 know, it's -- we do have history. But I guess it's, you  
25 know, it kind of goes into the discussion about our

1 requirements versus what you all need to do. We just  
2 don't see us, you know, doing a lot of these things as  
3 being required pursuant to the statute.

4 **MS. KING:** Okay. Any other specific comments  
5 about, or questions about anything that we have here?  
6 It sounds like, you know, there's some areas we  
7 definitely would like to work on and work with the  
8 companies and, you know, take their comments and  
9 hopefully they'll offer some suggestions we can all work  
10 with. But, you know --

11 **MR. GREER:** On Number 3, the six years, does  
12 that just come straight out of your retention? Okay.  
13 That's what I thought.

14 **MR. HATCH:** Six years.

15 **MS. KHAZRAEE:** This is Sandy Khazraee with  
16 CenturyLink again. Right under that, Paragraph 4,  
17 complete information concerning a company's service  
18 offerings, rates, terms, conditions, et cetera, and  
19 subscribership information identified by exchange.  
20 That's the one, that subscriber information identified  
21 by exchange, that's for any, any service we offer, any  
22 custom calling feature, anything you guys might be  
23 asking us for subscribership information to that  
24 particular feature by exchange?

25 **MR. BATES:** This language is for the most part

1 language that relates to your annual reports and your  
2 quarterly reports. It's information that's typically on  
3 the Schedule 8s.

4 **MS. KHAZRAEE:** Okay.

5 **MR. GREER:** If that's, if that's the case --  
6 this is Stan with AT&T. If that's the case, why is it  
7 here since we have a Schedule 8 that we have to file and  
8 has that detail on it?

9 **MR. BATES:** Well, the information is here so  
10 that it's clear that when we, staff, request this  
11 information, that it be made available to us. It's not  
12 necessarily that we are going to publish it by no means,  
13 just that it's available upon request for any complaints  
14 or issues that we are working through at the moment.

15 **MR. HATCH:** Why is that in your tariff filings  
16 a requirement, I guess is the question? But setting  
17 that aside.

18 **MR. GREER:** I mean, you have that ability to  
19 ask whatever, for whatever you want to on a given basis  
20 any time you want to. It shouldn't be in a tariff, it  
21 shouldn't be in a general tariff rule. You send me a  
22 letter saying, Stan, give me a, give me the information  
23 on X, Y and Z. Well, you know, if X, Y and Z falls  
24 under your jurisdiction, then I'll sure give, I'll sure  
25 get the information for you. It doesn't make sense to

1 me that that kind of, type of stuff covering complaints  
2 or individual requests or something like that should  
3 fall in a general tariff rule. Your tariff rule should  
4 tell you what you've got to file, when you've got to  
5 file it, that kind of stuff. That does -- you know, a  
6 protection to have information available if I need it  
7 upon request doesn't make sense to me.

8 **MS. KING:** Any other comments before we leave  
9 that section or any other thoughts?

10 **MR. O'ROARK:** De O'Roark with Verizon. Just  
11 following up on keeping the subscribership information  
12 by exchange and putting aside the fact that this is in  
13 the, would be in a tariff rule. I know that this has  
14 been a sort of recurring issue with, with MCImetro.  
15 Staff I think annually would like the subscribership  
16 information by exchange, and MCImetro doesn't keep the  
17 data that way and does not, does not physically have it.  
18 To the extent that you would be creating a rule that  
19 would somehow impose an obligation on us to maintain  
20 information that we can't maintain, that would be a  
21 concern.

22 **MR. BATES:** Any other questions?

23 **MR. GREER:** Yeah. This is Stan with AT&T.  
24 Number 5, the last sentence which says, which gives the  
25 customer notification requirements, it seems like it's

1 really the company's decision what's the best way to  
2 notify their customers as long as they do notify them.  
3 I'm not for sure whether putting it on the customer bill  
4 or they may want to put it in a package that they send  
5 them or something of that nature. I don't think  
6 that's -- I don't think we ought to have that kind of  
7 verbiage in, in the rule.

8 **MS. KING:** Well, I think we say on Line 7,  
9 prominent on the customer bill or other reasonable  
10 method, and we just say, you know, it should be done  
11 once annually. A new customer when they apply and then  
12 once annually. So I thought we copied that language  
13 from the statute. So, you know --

14 **MR. GREER:** But you didn't copy that, that  
15 verbiage from the statute, at least not from the tariff  
16 statute section. Because it just says you'll give them  
17 notice annually or give them notice -- I'll have to look  
18 to see if it says annually. I don't think it does.

19 **MS. KING:** Right. It shall inform its  
20 customers wherever the customer may view --

21 **MR. GREER:** Right, so.

22 **MR. HATCH:** Just a technical question. When  
23 you say in writing, does that mean in paper writing or  
24 can that be electronically?

25 **MS. KING:** It can be electronically. I mean,

1 if a customer only gets their bills electronically, we  
2 certainly wouldn't expect you to --

3 **MR. HATCH:** Yeah. That's, that's the  
4 question. Because it --

5 **MS. KING:** Right.

6 **MR. HATCH:** A lot of the rules are drafted in  
7 the sense that there weren't electronic bills and they  
8 were all paper. So you --

9 **MS. KING:** Exactly. Right.

10 **MR. BATES:** Are there any other questions on  
11 5?

12 **MR. GREER:** And I may have missed, missed  
13 going through this, but the legislative format, we don't  
14 do legislative format in most of our other states and  
15 we'd like to see that go away, if possible, because it  
16 just don't make any sense. And we can try to figure out  
17 something else, but, you know, that is very manual type  
18 work and it's something that's a onesie for Florida  
19 because I don't think any other southeast state except  
20 for Florida does it, but I'll check and see.

21 **MS. KHAZRAEE:** And this is Sandy Khazraee with  
22 CenturyLink. That language is on Page 12 beginning on  
23 Line 22, and when we got there we were going to bring up  
24 the same issue. I think Florida is our only -- or one  
25 of very, very few states where our tariff folks are also



1 required to do the legislative format, and they are very  
2 much wanting to get out of that, you know. And they  
3 would suggest other ways that we could make our tariff  
4 filing show what changed without having to do the  
5 strike-through and the, particularly the notations in  
6 the margin, the ENCI (phonetic) and those type of  
7 things.

8 **MR. BATES:** The symbols.

9 **MS. KHAZRAEE:** The symbols. Putting them in  
10 the margin, I guess, is difficult. So we'll write that  
11 up in our written comments.

12 **MR. BATES:** Okay. Any other comments  
13 regarding the legislative format? I know that only the  
14 ILECs are required to file one presently. So we are  
15 certainly open to suggestions, comments on how to go  
16 forward from that if we don't use a legislative format.

17 Are there any other questions on, on 5 or 6 or  
18 should we move ahead? Are there any questions on the  
19 actual filing conventions for physically made tariff  
20 filings or service schedules? Excuse me.

21 **MS. KHAZRAEE:** This is Sandy Khazraee again.  
22 Just one question for my edification. Even though we're  
23 change this rule to say schedules, you would not in any  
24 way be requiring us to change our tariffs to take the  
25 word tariff out and replace it with schedules; right?

1           **MR. BATES:** No. I would foresee that the  
2 company would make changes such as that on a prospective  
3 basis. You know, if you make, if you actually file a  
4 service schedule with us, you can include that change  
5 within the schedule filing you make. It's -- we, we  
6 don't expect a wholesale change, text change for  
7 anyone's service schedules.

8           **MR. GREER:** And this is Stan Greer with AT&T.  
9 As we've discussed, Jeff, we don't plan on calling them  
10 schedules. I mean, I think they're guidebooks in all  
11 our other states or something like that. I don't know  
12 if that's going to create a problem or not. If it does,  
13 then we'll clearly need to address it, I guess.

14           **MR. BATES:** Well, if you include that, that  
15 within your comments and your suggestions, we will  
16 certainly take that under consideration. That's an  
17 issue we've been discussing here in-house, so it's  
18 certainly on our radar.

19           **MR. GREER:** Okay.

20           **MS. KING:** Anything else on 034? It ends on  
21 Page 13, Line 4.

22           **MR. BATES:** If we have no further questions on  
23 25-4.034, we will move along to the IXC, CLEC, AAV  
24 rules.

25           25-24.470, registration required, this

1 language is just basically cleaning up the rule to  
2 remove the tariff language. And currently rules require  
3 that a company who's filing a registration with us also  
4 file their tariff at the same time. This rule corrects  
5 that requirement.

6 **MR. GREER:** This is Stan with AT&T, and this  
7 is probably more of a question that I should already  
8 have an answer to.

9 IXCs are very limited as far as what, what  
10 they're required to do here at the Commission. I don't  
11 recall tariffs being one of them. Is it?

12 **MR. HATCH:** It is.

13 **MR. GREER:** It is? Okay.

14 **MR. HATCH:** Yeah.

15 **MR. GREER:** I told you I should have known the  
16 answer.

17 **MR. BATES:** You worked on enough of them.

18 **MR. GREER:** No. I've just picked up in our  
19 exchange -- no, they wouldn't let me work on tariffs  
20 back then. It's ironic that I get to do them now. But,  
21 no, I didn't, I hadn't been messing with IXCs since at  
22 least until '07.

23 **MR. HATCH:** Unfortunately it's one of the very  
24 few things left on the list for IXCs.

25 **MR. BATES:** That is correct.

1           Are there any other questions related to the  
2 IXC registration?

3           **MS. KING:** And I think a lot of the changes we  
4 make in 034, you know, will flow through or comments we  
5 receive in 034 would be applicable because we're just  
6 generally referring back to 034.

7           **MR. BATES:** Okay. Moving forward to  
8 Rule 24- or 25-24.485, tariffs, we have of course  
9 changed the word tariffs to service schedules. We have  
10 modified this language in keeping with the previous rule  
11 on registration and the requirements for filing tariffs  
12 under that rule. Are there any questions?

13           **MS. KING:** And, Stan, to answer your question  
14 earlier with regard to some of the language as far as  
15 that clearly expressed in simple words, that was in the  
16 IXC rule. That's probably why you couldn't find it.  
17 It's on Page 15C.

18           **MR. GREER:** Oh, okay. Okay. I didn't think I  
19 had ever seen it before. But okay.

20           **MR. BATES:** If there are no questions on  
21 25-24.485 --

22           **MR. FEIL:** This is Matt with Akerman. The  
23 only questions I had were toward the end where it  
24 references rulemaking authority for the IXC rules  
25 starting on Line 6 of Page 18. Some of the references I

1 didn't understand relative to IXCs in particular. For  
2 example, 051 -- and, well, more specifically the  
3 reference to .3381, which I thought IXCs were exempt  
4 from, so I'm not sure why that's there. I under --

5 **MS. KING:** We'll take, we'll take a look at  
6 that.

7 **MR. FEIL:** Okay. Thank you.

8 **MR. BATES:** Okay. If there are no further  
9 questions on 25-24.485, we can move on to 25-24.560,  
10 terms and definitions. This rule is a, or this rule  
11 revision is just a housekeeping measure to remove the  
12 word tariffs.

13 Rule 25-24.620, service requirements for  
14 companies providing operator services, again, this  
15 rule -- let me see if I can -- changes the word tariffs  
16 to service schedules and makes minor text changes in the  
17 rulemaking area.

18 Moving on to Rule 25-24.721, tariffs not  
19 required, we've changed tariffs to service schedules  
20 throughout that rule. We've done the same thing for  
21 Rule 25-24.820, revocation of a certificate.

22 **MR. FEIL:** This is Matt with Akerman  
23 Senterfitt. And what caught my attention, and, true,  
24 it's in the existing rule, on Line 10, Page 21,  
25 violation of a service schedule standard could result in

1 the revocation of a certificate. I don't know whether  
2 or not it's the same relative to IXC registrations, I  
3 don't know if it's the same relative to ILEC  
4 certificates, but that's something that caught my  
5 attention. And, again, I recognize it's in the existing  
6 rule and you're merely changing the wording, but it  
7 strikes me as being, aside from being a bit severe, I  
8 would test it for consistency with what would apply as  
9 to IXC registrations or ILEC certificates.

10 **MR. BATES:** Thank you. Any other questions or  
11 concerns?

12 Okay. Moving on to Rule 25-24.825, price list  
13 has been changed to service schedule. We've made some  
14 text changes within this rule to add the word  
15 telecommunications in the opening sentence of the rule,  
16 and we've clarified that companies subject to these  
17 rules shall publish its Florida-specific service  
18 schedules.

19 **MS. KING:** I think the biggest change to that  
20 rule is requiring CLECs to have the same requirements as  
21 ILECs. Years ago we only required CLECs to file a price  
22 list when they offered basic local as defined. And  
23 after talking with our legal staff, they believe that  
24 364.04 doesn't exempt anyone from having requirements.

25 **MR. HATCH:** To that extent that's always been

1 true. But the basis for the rule for the CLECs was  
2 based on the ability -- and I think it's 337 -- to  
3 exempt the CLECs from any requirement of the chapter,  
4 and that was done at the point those rules were adopted.

5 **MS. KING:** Right.

6 **MR. HATCH:** So that doesn't mean that you now  
7 have to drag them back in. It's kind of ironic that  
8 you're sort of moving backward in the CLEC world instead  
9 of moving where we would like to -- instead of making  
10 them like us, we should be making us like them.

11 **MS. KING:** Right. I know in that original  
12 rulemaking there were comments about, you know, this is  
13 new, new and we want to be less burdensome on the CLECs.  
14 But, you know, we'll have to -- you know, we're going to  
15 let our attorneys deal with that one if they -- you  
16 know, and talk about that as a policy matter.

17 But just we'd like -- you know, if somebody  
18 wants to make a comment on that, we'd appreciate getting  
19 those comments because that is a significant change.

20 **MR. HATCH:** Everybody points the really good  
21 questions to the lawyers.

22 **MS. KHAZRAEE:** Yeah. And on that I did have  
23 an issue too on Page 22, (d), levels of service quality  
24 which the company holds itself out to provide for each  
25 service, which I think before said basic. I mean, I

1 think that applied only to if they, if they were  
2 offering what was defined as basic service. And it  
3 seemed like the statute says the Commission has  
4 continuing regulatory oversight over the provision of  
5 basic local exchange service provided by a CLEC for  
6 purposes of establishing reasonable service quality  
7 criteria, which is 364.337(5). So I guess we'll address  
8 that in our written comments.

9 **MS. KING:** Thank you for pointing that out  
10 too.

11 **MR. BATES:** Just for -- nothing was changed in  
12 that aspect. But if you believe it no longer applies,  
13 that information certainly is --

14 **MS. KHAZRAEE:** And to be honest, I've never  
15 really scrutinized this section of the rules before, so.

16 I think why I thought it changed was up just  
17 above it on Line 2 on that page you struck through basic  
18 local. I think that's what, what seemed to me to change  
19 there.

20 **MR. BATES:** Okay. Are there any other  
21 questions related to the service schedules for CLECs?

22 Okay. If not, I'd like to move on to Rule  
23 25-24.830, consumer information. And here again this is  
24 simply a text change to change the word price list to  
25 service schedule.



1           In Rule 25-24.835, rules incorporated, we have  
2 included the information related to service schedules  
3 from the ILEC rules so that they are consistent  
4 throughout the industry as far as how they're treated  
5 here at the Commission related to filing of schedules,  
6 whether electronically, publicly published or filed in  
7 hard copy form. The two exceptions within this deal  
8 specifically with legislative format and the exchanges  
9 where the company operates.

10           The remaining rules, and that would be  
11 25-24.915 and 25-24.920, those changes are to change  
12 tariffs or price lists to service schedules. If there  
13 are any other questions or concerns.

14           **MS. COWDERY:** We are anticipating that the  
15 transcript for this workshop should be done in about ten  
16 days or so, so that would be about Friday, April 9th.  
17 And we were looking at suggesting about three weeks  
18 after that for written comments, which would be  
19 April 30th. Does anybody have a problem meeting that  
20 deadline or that date?

21           Okay. Are there any other questions or  
22 matters that anyone wants to address? There being none,  
23 the workshop is closed. And thank you very much for  
24 your participation.

25           (Workshop adjourned at 10:26 a.m.)

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STATE OF FLORIDA        )  
                                  :  
COUNTY OF LEON        )

CERTIFICATE OF REPORTER

I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 7<sup>th</sup> day of April, 2010.

Linda Boles  
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