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100000-07

From: WOODS, VICKIE (Legal) [vf1979@att.com]
Sent: Friday, May 07, 2010 2:51 PM
To: Filings@psc.state.fl.us
Subject: Undocketed: Rulemaking to Amend Rules 25-4 and 25-24; AT&T Florida's Comments
Importance: High
Attachments: Untitled.pdf

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- B. Initiation of Rulemaking to Amend Rules in 25-4 and 25-24, Florida Administrative Code,
 To Address Publication of Service Schedules By Telecommunications Companies

- C. BellSouth Telecommunications, Inc. d/b/a AT&T Florida

 on behalf of Tracy W. Hatch

- D. 25 pages total (includes letter, pleading and Exhibit A)

- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Comments

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DOCUMENT NUMBER-DATE

03877 MAY-7 2010

FPSC-COMMISSION CLERK

5/7/2010



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May 7, 2010

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Initiation of Rulemaking to Amend Rules in 25-4 and 25-24, Florida
Administrative Code, To Address Publication of Service Schedules
By Telecommunications Companies**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's
Comments, which we ask that you file in the captioned undocketed matter.

Sincerely,

Tracy W. Hatch

Enclosures

cc: Jerry D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.
Kathryn Cowdery

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Rulemaking to Amend Rules in) Docket: Undocketed
25-4 and 25-24, Florida Administrative Code, To)
Address Publication of Service Schedules By)
Telecommunications Companies) Filed: May 7, 2010

COMMENTS OF AT&T FLORIDA

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") submits the following comments regarding the Notice of Proposed Rule Development issued March 16, 2010, in the above referenced proceeding.

Pursuant to the Notice the Staff presented a draft of changes to Rules 25-4.034, 25-24.470, 25-24.485, 25-24.560, 25-24.620, 25-24.721, 25-24.820, 25-24.825, 25-24.830, 25-24.835, 25-24.915 and 25-24.920, Florida Administrative Code at a workshop on March 30, 2010. The apparent purpose of the changes to the identified rules is to maintain, increase and standardize detailed tariff filing requirements for all telecommunications companies. The proposed rule revisions are proposed in response to the legislative changes to Section 364.04 and 364.051, Florida Statutes in 2009.

Section 364.04 now provides:

(1) Every telecommunications company shall publish through electronic or physical media schedules showing the rates, tolls, rentals, and charges of that company for service to be performed within the state. A telecommunications company may, as an option, file the published schedules with the commission or publish its schedules through other reasonably publicly accessible means, including on a website. A telecommunications company that does not file its schedules with the commission shall inform its customers where a customer may view the telecommunications company's schedules.

(2) The schedules shall plainly state the places telecommunications service will be rendered and shall also state separately all charges and all privileges or facilities granted or allowed and any rules or regulations or forms of contract which may in anywise change, affect, or determine any of the aggregate of the rates, tolls, rentals, or charges for the service rendered.

The legislative changes to 364.04 are the most recent in a long series of actions by the legislature to transition the telecommunications market in Florida to a fully competitive market place. Indeed, the Commission is directed by the express intent of the legislature to eliminate any rules or regulations which will delay or impair the transition to competition and to eliminate unnecessary regulatory restraint. See Sections 364.1(4)(f) and (g), Florida Statutes.

The proposed rules continue to perpetuate an obsolete regulatory mechanism for which there is no demonstrated need. The proposed rules attempt to engraft numerous detailed prescriptive requirements that go far beyond the explicit requirements set forth in 364.04 or 364.051(5) – the sections that the proposed rules are intended to implement. Section 364.04 is explicit as to the legislature’s requirements for the information that is needed to be provided to customers. This section is self-executing and does not require additional rules to “explain or interpret” the legislature’s language. Moreover, the legislature did not provide any specific rulemaking authority directing the Commission to adopt rules to implement Section 364.04 or 364.051(5). The proposed rules are not consistent with either the directives of the legislature or of the law governing requirement to engage in rulemaking.

Florida law is clear that an agency may only initiate and pursue rulemaking when a sufficient legislative grant of rulemaking authority exists. Section 120.536(1) Florida Statutes, provides:

A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.
(Emphasis Added)

See also, Florida Dept. of Highway Safety and Motor Vehicles v. JM Auto, Inc., 977 So.2d 733 (Fla. 1st DCA 2008) (finding that a "broadly worded" statute generally authorizing the Department to adopt rules to implement statutes regarding motor vehicle licenses was insufficient statutory rulemaking authority to support the Department's proposed rule addressing unauthorized supplemental dealership locations).

The First District Court of Appeal has issued a string of opinions which recognize that the Legislature intended to restrict the scope of agency rulemaking so that rules can only be adopted to implement the subject matter of the statute. See, e.g., Hanger Prosthetics & Orthotics, Inc. v. Dep't of Health, 948 So.2d 980 (Fla. 1st DCA 2007); Hennessey v. Dep't of Bus. & Prof'l Regulation, 818 So.2d 697 (Fla. 1st DCA 2002; Bd. Of Trs. Of the Internal Improvement Trust Fund v. Day Cruise Ass'n Inc., 794 So.2d 696

(Fla. 1st DCA 2001); Sw. Fla. Water Mgmt. Dist. V. Save the Manatee Club, Inc., 773 So.2d 594 (Fla. 1st DCA 2000).

AT&T Florida believes that the proposed rules should not be adopted because the rules do not seek to reduce regulatory restraint or move towards a more competitive marketplace. Further, the legislature has not provided the Commission with a specific grant of authority to adopt any rules to implement either 364.04 or 364.051(5). Indeed, it should be noted that the largest growing segment of the communications market, wireless and cable service providers, are entities that are not subject to the Commission's rules or even its jurisdiction.

Notwithstanding that AT&T Florida does not believe that the proposed rules are appropriate, if the Commission determines that rules should be adopted to implement changes to 364.04 and 364.051(5), the Commission should only adopt rules that are specifically necessary to interpret or explain the specific purpose of the statute. AT&T Florida submits that, to the extent necessary, the changes set forth in Attachment A should be made to the proposed rules.

Respectfully submitted this 7th day of May, 2010.



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810656

Comments - AT&T Florida
Attachment A

1 25-4.034 Service Schedules Tariffs.

2 (1) Pursuant to Section 364.04, F.S., ~~Except to the extent otherwise permitted by~~
3 ~~Section 364.051(5)(a), F.S., each telecommunications company shall publish its Florida-~~
4 ~~specific service schedules maintain on file with the Commission tariffs which shall set forth~~
5 ~~all intrastate rates, tolls, rentals, and charges for customer services. The rates, tolls, rentals~~
6 ~~and charges for contract service arrangements for an individual customer need not be filed~~
7 ~~where the company's schedules provide a description of the circumstances under which such~~
8 ~~arrangements are offered for specified services, fees and surcharges, the classes and grades of~~
9 ~~service available to subscribers, the conditions and circumstances under which service will be~~
10 ~~furnished, and all general rules and regulations governing the relation of customer and~~
11 ~~company. The rates and charges for contract service arrangements for an individual customer~~
12 ~~need not be filed where the company's tariff provides a description of the circumstances under~~
13 ~~which such arrangements are offered for specified tariffed services.~~

14
15 ~~(2) The schedules shall plainly state the places telecommunications service will be~~
16 ~~rendered and shall also state separately all charges and all privileges or facilities granted or~~
17 ~~allowed and any rules or regulations or forms of contract which may in anywise change,~~
18 ~~affect, or determine any of the aggregate of the rates, tolls, rentals, or charges for the service~~
19 ~~rendered.~~

20 ~~(a) Service schedules shall be clearly written in simple words, sentences and~~
21 ~~paragraphs, avoiding unnecessarily long, complicated or obscure phrases or acronyms so that~~
22 ~~the customer is able to understand the services offered.~~

23 ~~(ab) Service schedules shall have a table of contents or index identifying the location~~
24 ~~of the rates, fees and surcharges, terms and conditions for services offered.~~

25 ~~(c) Service schedules shall fully define company-specific technical terms and~~

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Comments - AT&T Florida
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1 abbreviations:

2 ~~—— (d) No public statement of service quality, rates, or service offerings or billings shall~~
3 ~~be misleading or differ from the terms stated in the service schedules.~~

4 ~~—— (be) If a company intends to temporarily bill lower rates or charges than is contained~~
5 ~~in a published service schedule, the company shall publish a single service schedule change~~
6 ~~reflecting the conditions of the temporary service. Such a service schedule provision shall~~
7 ~~include the heading "Promotion," and shall state the name of the promotion, a specific~~
8 ~~description of the scheduled service involved, including all applicable rates, benefits, terms,~~
9 ~~and conditions, and the beginning and ending dates of the promotion.~~

10 ~~—— (f) Service schedules shall define a telecommunications company's service area(s) as~~
11 ~~identified in its certificate of public convenience and necessity.~~

12 ~~—— (g) Each telecommunications company shall make its retail service schedules~~
13 ~~available for public inspection upon request.~~

14 ~~—— (h) Notification of proposed changes to an existing nonbasic service schedule must be~~
15 ~~received by the Division of Regulatory Analysis before 5:00 p.m. on a normal Commission~~
16 ~~work day in order for the Commission to be noticed on that day and the changes to become~~
17 ~~effective on the following day.~~

18 ~~—— (ei) Services schedules shall be current. Changes to the rates, tolls, rentals and~~
19 ~~charges surcharges, fees, or the terms and conditions of the offered services, or the addition of~~
20 ~~new services shall be published before taking effect.~~

21 ~~—— (32) All published service schedules, whether filed with the Commission or published~~
22 ~~through other reasonably publicly accessible means, including on a website, shall contain, at a~~
23 ~~minimum:~~

24 ~~—— (a) The name(s) used to market the service;~~

25 ~~—— (b) A description of the service;~~

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1 ~~(c) The current rate(s), tolls, rentals or charges for the service, including all surcharges~~
2 ~~and fees;~~

3 ~~(d) The service specific terms and conditions, and~~

4 ~~(e) The availability and effective date(s) for the service(s) and rate(s);~~

5 ~~(3) Changes to service schedules shall be retained to permit a historical review of all~~
6 ~~changes to the schedules for a period of six years and shall be made available to the~~
7 ~~Commission upon request.~~

8 ~~(4) Complete information concerning a company's service offerings, rates and~~
9 ~~charges, conditions of service, terms and conditions, service area, and subscribership~~
10 ~~information identified by exchange shall be made available to Commission staff upon request.~~

11 ~~(245) Each telecommunications company shall inform the Commission and its~~
12 ~~customers, in writing, where its published service schedules may be viewed. The Commission~~
13 ~~shall be notified at the address in 25-4.034(6), or electronically following the procedures set~~
14 ~~forth at <http://www.psc.state.fl.us/utilities/telecomm/>. For existing customers, customer~~
15 ~~notification shall be in the form of a prominent notice on the customer bill or other reasonable~~
16 ~~method and shall be made once annually. New customers shall be informed upon application~~
17 ~~and thereafter once annually in writing.~~

18 ~~(3562) If a telecommunications company chooses to publish its schedules by filing~~
19 ~~them with the Commission, it shall file two copies of all new service schedules and proposed~~
20 ~~changes to existing service schedules with the Director of the Division of Regulatory~~
21 ~~Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,~~
22 ~~Florida 32399-0850, or it shall file electronically pursuant to the requirements set forth at~~
23 ~~<http://www.psc.state.fl.us/utilities/telecomm/>. A filing must be received by the Division of~~
24 ~~Regulatory Analysis before 5:00 p.m. on a normal Commission work day in order to be~~
25 ~~considered filed on that day. Filing shall mean received by the office of the Division of~~

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Attachment A**

1 ~~Regulatory Analysis during normal business hours. Any tariff received by the Division of~~
2 ~~Regulatory Analysis after 5:00 p.m. shall be considered filed on the next regular business day.~~
3 ~~All proposed changes to an existing tariff that are submitted by hard copy shall be directed to~~
4 ~~the Director of the Division of Regulatory Analysis, Florida Public Service Commission, 2540~~
5 ~~Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two~~
6 ~~(2) copies of each revised tariff sheet. A letter of transmittal shall accompany each tariff~~
7 ~~filing, which lists the included sheets, by sheet number and revision level as specified in~~
8 ~~paragraphs (6)(e) (e), and gives a brief description of all changes. If acknowledgment of~~
9 ~~receipt a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a~~
10 ~~request that the duplicate be returned and a postage paid envelope shall be provided for that~~
11 ~~purpose.~~

12 ~~(3) Each company shall file, as an integral part of its tariff, maps defining the exchange~~
13 ~~service areas. These maps shall delineate the boundaries in sufficient detail that they may be~~
14 ~~located in the field and shall embrace all territory included in the certificate of convenience~~
15 ~~and necessity.~~

16 ~~(4) Each telecommunications company shall make available for public inspection upon~~
17 ~~request, either a printed copy or an electronic copy of its retail schedules tariffs.~~

18 ~~(5) Companies shall charge only the rates and credits contained in their tariff. If a~~
19 ~~company intends desires to deviate temporarily from its normal tariffed rates and credits, the~~
20 ~~company shall publish file a single tariff change reflecting the conditions of the temporary~~
21 ~~tariff change. Such schedule tariff provision shall include the heading "Promotion," and shall~~
22 ~~state the name of the promotion, a specific description of the tariffed service(s) involved,~~
23 ~~including all applicable rates, terms, and conditions, and the beginning and ending dates of the~~
24 ~~promotion.~~

25 ~~(676) Service schedules filed with the Commission Tariffs shall comply with the~~

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1 following conventions:

2 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must
3 be clear and legible. Service schedules ~~Tariffs submitted in hard copy form~~ shall be in loose
4 leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

5 (b) Each sheet shall bear the name of the company, as certificated with the
6 Commission, ~~the name and title of the issuing officer,~~ and the effective date of the sheet.

7 (c) Every sheet ~~in the tariff~~ shall be numbered.

8 (d) Each initially received ~~approved~~ sheet ~~in the tariff~~ shall be marked "Original Sheet"
9 in the upper right-hand corner of the sheet. ~~As an example: Original Sheet No. 4, or Original~~
10 ~~Sheet No. 5.2.~~

11 (e) Revised sheets ~~in the tariff~~ shall be marked with the number of the revision in the
12 upper right-hand corner and the number of the sheet it replaces. As an example:

13 First Revised Sheet No. 4

14 Cancels Original Sheet No. 4

15 (f) ~~The tariffs shall contain at a minimum the following:~~

16 ~~1. Table of Contents and Index. All tariffs shall have a table of contents identifying the~~
17 ~~page location of each section in the tariff. Each section shall also be individually indexed by~~
18 ~~subject.~~

19 ~~2. Symbols Used in Service Schedule Tariff Filings. Symbols used in any proposed~~
20 ~~change to the existing service schedule tariff shall appear on the right hand side of each sheet~~
21 ~~on the same line(s) in which any change has been made. If three or more consecutive lines are~~
22 ~~affected, one symbol shall be placed on the first and last lines with a vertical line connecting~~
23 ~~the two symbols. Two or more symbols shall be placed next to each other on any line with~~
24 ~~multiple types of changes. The symbol page shall identify and explain all symbols used in the~~
25 ~~service schedule tariff.~~

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**Comments - AT&T Florida
Attachment A**

1 ~~3. Technical Terms and Abbreviations. This section shall contain all technical and~~
2 ~~special terms and abbreviations used in the tariff.~~
3 ~~(g7) With each filing, the company shall provide a coded copy of each service~~
4 ~~schedule tariff sheet filed showing changes to the existing tariff sheet. Changes shall be~~
5 ~~indicated by inserting and underlining new words; words to be deleted shall be lined through~~
6 ~~with hyphens.~~
7 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051(5), 364.183,
8 364.163 FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88,
9 4-16-90, 3-10-96, 1-25-09.

10 **25-24.470 Registration Required.**

11 (1) No person shall provide intrastate interexchange telephone service without first
12 publishing its Florida-specific service schedules as required by Sec. 364.04, F.S., and filing an
13 initial tariff containing the rates, terms, and conditions of service and providing the company's
14 current contact information with the Office of Commission Clerk using Form PSC/RAD 31
15 (xx/xx), entitled "IXC Registration Form" which is hereby incorporated into these rules. A
16 copy of the form may be obtained from the Commission's website at
17 www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of
18 Regulatory Analysis.

19 (2) Publication of the company's service schedules An original and two (2) copies of
20 the company's initial tariff shall be filed. The tariff filing shall conform to the requirements of
21 Rule 25-4.034(1)(a) (e), (g) (i) and (2) (7)(a) (f). If a company chooses the option of
22 publishing its initial service schedules by filing them with the Commission, it shall file two
23 copies by attaching them to the IXC Registration Form PSC/RAD 31. 25-24.485, F.A.C.

24 ~~(3) The company's contact information shall be provided using Form PSC/RAD 31~~
25 ~~(08/05), entitled "IXC Registration Form" which is hereby incorporated into these rules. A~~

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Attachment A**

1 ~~copy of the form may be obtained from the Commission's website at~~
2 ~~www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of~~
3 ~~Regulatory Compliance.~~

4 (34) Each IXC shall file and update, within 10 days after any change, the following
5 contact information with the Office of Commission Clerk:

6 (a) Official company name, including any fictitious names, as filed with the
7 Department of State, Division of Corporations; and

8 (b) Mailing address, including street name and address and post office box, city, state,
9 and zip code.

10 (c) Name, address, telephone number, and e-mail address and FAX number, where
11 applicable, of the individual who is to serve as primary liaison with the Commission in regard
12 to ongoing operations of the company within the state.

13 Rulemaking Authority 350.127(2) FS. Law Implemented 364.02, 364.04 FS. History—New 2-
14 23-87, Amended 8-25-05, 5-29-08.

15 **25-24.485 Service Schedules Tariffs.**

16 ~~(1) All initial tariffs filed as part of the registration process in Rule 25-24.470, F.A.C.,~~
17 ~~shall be filed with the Office of Commission Clerk, using the following guidelines, before~~
18 ~~becoming effective.~~

19 (a) Each IXC shall publish its Florida-specific service schedules pursuant to Rule 25-
20 4.034(1)(a) (e), (g) (i), and (2) (7)(a) (f), which shall set forth maintain on file with the
21 Commission tariffs which set forth all of the rates and charges for customer services, the
22 different services available to subscribers and the conditions and circumstances under which
23 service will be furnished.

24 (b) The tariff will be Florida-specific all intrastate rates, tolls, rentals and charges for
25 customer services, fees and surcharges, the classes and grades of service available to

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1 subscribers, the conditions and circumstances under which service will be furnished, and all
2 general rules and regulations governing the relation of customer and company, and all
3 ~~intrastate rates, charges, and service descriptions shall be for intrastate usage, unless interstate~~
4 ~~rates are necessary to compute the intrastate portion of a customer's monthly bill; then, the~~
5 ~~interstate rates, charges, and service descriptions shall also be quoted in the tariff to the extent~~
6 ~~necessary to compute the intrastate portion of a customer's bill.~~

7 ~~(e) The tariff must be clearly expressed in simple words, sentences and paragraphs. It~~
8 ~~must avoid unnecessarily long, complicated or obscure phrases or acronyms so that the~~
9 ~~customer will understand that for which he is contracting.~~

10 ~~—— (d) No public statement of service quality, rates, or service offerings or billings should~~
11 ~~be misleading or differ from those stated in the tariff.~~

12 ~~—— (e) All proposed changes to an existing tariff shall be directed to the Director of the~~
13 ~~Division of Regulatory Analysis, Florida Public Service Commission, 2540 Shumard Oak~~
14 ~~Boulevard, Tallahassee, FL 32399-0850. A filing must be received by the Division of~~
15 ~~Regulatory Analysis before 5:00 p.m. of a normal Commission workday in order for it to be~~
16 ~~"filed" on that day.~~

17 ~~—— (f) All tariff changes shall be submitted to the Division of Regulatory Analysis in~~
18 ~~triplicate in the form prescribed herein. If acknowledgement of the filing at the time of receipt~~
19 ~~is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be~~
20 ~~returned.~~

21 ~~—— (g) Companies shall charge only the rates contained in their tariff. If a company desires~~
22 ~~to charge rates or charges at a lower level than is contained in an existing tariff and wishes to~~
23 ~~charge those lower rates only temporarily file a single tariff change reflecting the conditions of~~
24 ~~the temporary tariff change. Such tariff provision shall include the heading "Promotion," and~~
25 ~~shall state the name of the promotion, a specific description of the tariffed service involved,~~

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1 including all applicable rates, terms, and conditions, and the beginning and ending dates of the
2 reduction.

3 ~~(h) The requirements of the following subsections shall apply on a prospective basis~~
4 ~~from the effective date of this rule. Existing tariffs on the effective date of this rule need not be~~
5 ~~amended to comply with the following except upon Commission staff request.~~

6 ~~(2) The initial tariff will become effective on the date of the company's registration~~
7 ~~pursuant to Rule 25-24.470, F.A.C. Changes to an existing tariff will become effective on the~~
8 ~~day following the day it is filed with the Division of Regulatory Analysis unless the company~~
9 ~~requests a later effective date.~~

10 ~~(3) Tariffs shall comply with the following format requirements:~~

11 ~~—— (a) All tariffs shall be submitted in loose leaf form on 8 1/2" x 11" sheets, typewritten~~
12 ~~on a good grade of white paper of durable quality, using one side of the paper only. All copies~~
13 ~~must be clear and legible. Sufficient margin shall be allowed on each sheet for a left hand~~
14 ~~binding edge so that when the tariff book is open all printed matter will be in view.~~

15 ~~—— (b) Every sheet in the tariff shall be numbered.~~

16 ~~—— (c) Each sheet shall bear the name of the company, as registered with the Commission,~~
17 ~~in the upper left hand corner of the sheet.~~

18 ~~—— (d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the~~
19 ~~upper right hand corner of the sheet. As an example: Original Sheet No. 1, or Original Sheet~~
20 ~~No. 5.2.~~

21 ~~—— (e) Revised sheets in the tariff shall be marked with the number of the revision in the~~
22 ~~upper right hand corner and the number of the sheet(s) it replaces. As an example:~~

23 ~~First Revised Sheet No. 1~~

24 ~~Cancels Original Sheet No. 1~~

25 ~~or~~

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**Comments - AT&T Florida
Attachment A**

1 ~~Fourth Revised Sheet No. 5.2~~

2 ~~Cancels Third Revised Sheet No. 5.2~~

3 ~~(f) The name and title of the issuing officer shall be placed at the bottom of each sheet.~~

4 ~~To the right of the issuing officer's name there shall appear "Effective: 8-25-05."~~

5 ~~(g) The tariffs shall contain the following:~~

6 ~~1. Title Page. The title page shall contain a brief description of the tariff and the~~
7 ~~services offered therein.~~

8 ~~2. Table of Contents or Index. All tariffs shall have a table of contents identifying the~~
9 ~~page location of each section in the tariff. In tariffs of 30 sheets or more, each subsection shall~~
10 ~~also be individually indexed by subject.~~

11 ~~3. Symbols Used in Tariff Filings. Symbols used in any proposed change to the~~
12 ~~existing tariff shall appear in the right hand margin of each sheet on the same line(s) in which~~
13 ~~any change has been made. If three or more consecutive lines are affected, one symbol shall~~
14 ~~be placed on the first and last line(s) with a vertical line connecting the two symbols. Two or~~
15 ~~more symbols may be placed next to each other on the affected line. The symbol page shall~~
16 ~~identify all symbols used in the tariff.~~

17 ~~4. Technical Terms and Abbreviations. This section shall contain all technical and~~
18 ~~special terms and abbreviations used in the tariff.~~

19 ~~5. Rules and Regulations. This section shall include all rules, regulations, practices,~~
20 ~~exceptions and conditions which are general and apply to all or many of the services offered.~~
21 ~~If a general regulation does not apply to a particular service, that fact should be clearly stated.~~

22 ~~6. Description of Services Offered. This section shall describe all services available to~~
23 ~~end users in Florida.~~

24 ~~7. Rates. All rates and charges for all services, and other data necessary to compute the~~
25 ~~customers' bills for intrastate service shall be placed in this section.~~

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**Comments - AT&T Florida
Attachment A**

- 1 ~~(4) Information to Accompany Tariff Filings.~~
- 2 ~~(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet~~
- 3 ~~number and revision level) being transmitted and gives a brief description of all changes.~~
- 4 ~~(b) Along with each tariff filing the company shall include three (3) copies of the tariff~~
- 5 ~~pages which contain proposed changes as they will appear in the approved tariff.~~
- 6 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.08, 364.183,
- 7 364.3381 FS. History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96, 8-25-05.
- 8 **25-24.560 Terms and Definitions.**
- 9 For purposes of ~~this~~ Part XII, Shared Tenant Services, Rules 25-24.555 through 25-24.585,
- 10 F.A.C., the definitions for the following terms apply:
- 11 (1) “Alternative Access Vendor” (AAV) means any telecommunications company, as
- 12 defined in Section 364.337(6)(a), Florida Statutes.
- 13 (2) “Agent” means one authorized to act on behalf of another.
- 14 (3) “Competitive local exchange telecommunications company” (CLEC) means any
- 15 company as defined in Section 364.02(51), Florida Statutes.
- 16 (4) “Company” means a shared tenant service company.
- 17 (5) “Interexchange Company” (IXC) means any telecommunications company, as
- 18 defined in Section 364.02(146), Florida Statutes, which provides telecommunication service
- 19 between exchange areas as those areas are described in the approved tariffs of individual local
- 20 exchange companies.
- 21 (6) “Local Exchange Telecommunications Company” (LEC) means any
- 22 telecommunications company, as defined in Section 364.02(86), Florida Statutes.
- 23 (7) “Local Service Area” or “Local Calling Area” means the area within which
- 24 telecommunications service is furnished to subscribers under a specific schedule of exchange
- 25 rates and within which calls may be completed without toll charges. A local service area may

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1 include one or more exchange areas or portions of exchange areas.

2 (8) "Pay telephone service company" means any telecommunications company, as
3 defined in Section 364.02(146), Florida Statutes, other than a Local Exchange Company,
4 which provides pay telephone service as defined in Section 364.335(3), Florida Statutes.

5 (9) "Private Branch Exchange" (PBX) means a system in which trunk lines connect a
6 telephone company central office to a switching system which directs incoming calls to the
7 appropriate user.

8 (10) "Shared tenant service" (STS) as defined in Section 364.339(1), Florida Statutes,
9 means the provision of service which duplicates or competes with local service provided by an
10 existing local exchange telecommunications company and is furnished through a common
11 switching or billing arrangement to tenants by an entity other than an existing local exchange
12 telecommunications company.

13 (11) "Tenant" means any person entitled to occupy a premises under a rental or lease
14 agreement.

15 (12) "Unaffiliated Entities" means those corporations, partnerships, proprietorships, or
16 other groups that control less than 50 percent of the stock of the entity which claims to be
17 affiliated.

18 Rulemaking-Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335,
19 364.337(6), 364.339 FS. History--New 1-28-91, Amended 7-29-97.

20 **25-24.620 Service Requirements for Companies Providing Operator Services.**

21 (1) Every company providing operator services shall clearly state the name of the
22 company upon answer and again after accepting billing information before the call is
23 connected.

24 (2) In its service schedules, tariffs for and contracts with billing and collection agents
25 and other companies providing operator services, every company providing operator services

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1 shall require the other party to:

2 (a) Allow end-users to access, at no charge, all locally available interexchange
3 companies via all locally available methods of access, such as 10XXX, 10XXXX, 101XXXX,
4 950, and toll-free access codes, such as 800, 877, and 888; except that Feature Group A
5 (seven-digit local number) access lines are exempt from this requirement;

6 (b) Allow end users to access the universal telephone number "911", where operable,
7 at no charge to the end-user, and where not operable, to allow end-users to access the operator
8 of the provider of local exchange telecommunications services at no charge;

9 (c) Route all end user dialed 0+ local and all 0- calls to the provider of local exchange
10 telecommunications services unless the end user dials the appropriate access code for his
11 carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXXX, or 10XXX; and

12 (d) Route all end user dialed 1+ and 0+ toll calls to the preselected carrier unless the
13 end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888,
14 or 10XXXX, 101XXX, or 10XXX; and

15 (e) Route all end user dialed 0- calls to the operator of the provider of local exchange
16 telecommunications services at no charge to the end user when no additional digits are dialed
17 after five seconds.

18 (3) Each operator services provider shall provide an opportunity for each caller to be
19 identified by name to the called party before any collect calls may be completed.

20 Rulemaking Specific Authority 350.127(2) FS. Law Implemented ~~364.04364.01~~, 364.3376
21 FS. History—New 9-6-93, Amended 1-16-96, 9-10-97, 2-1-99.

22 **25-24.721 Service Schedules Tariffs Not Required.**

23 Alternative Access Vendors are not required to file Service Schedules Tariffs.

24 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337 FS. History—New
25 1-8-95.

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1 **25-24.820 Revocation of a Certificate.**

2 (1) The Commission may on its own motion, after notice and opportunity for hearing,
3 revoke a company's certificate for any of the following reasons:

4 (a) Violation of a term or condition under which the authority was originally granted;

5 (b) Violation of Commission rule or order;

6 (c) Violation of Florida Statute; or

7 (d) Violation of a service schedule ~~price list~~ standard.

8 (2) If a certificated company desires to cancel its certificate, it shall request
9 cancellation from the Commission in writing and shall provide the following with its request.
10 Cancellation of a certificate shall be ordered subject to the holder providing the required
11 information.

12 (a) A statement of intent and date certain to pay regulatory assessment fee.

13 (b) A statement of why the certificate is proposed to be cancelled.

14 (c) A statement as to how customer deposits and final bills will be handled.

15 (d) Proof of individual customer notice regarding discontinuance of service.

16 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.345 FS. History—New
17 12-27-95.

18 **25-24.825 Service Schedules ~~Price List~~.**

19 (1) Prior to providing service, each telecommunications company subject to these rules
20 shall publish its Florida-specific service schedules ~~file and maintain with the Commission a~~
21 ~~current price list~~ which shall clearly sets forth the following information for the provision of
22 ~~residential dial tone, single line business dial tone, and dial tone with any combination of the~~
23 ~~services included as part of basic local telecommunications services, as defined in Section~~
24 ~~364.02(2), F.S.: If residential dial tone, single line business dial tone, or dial tone with any~~
25 ~~combination of the services included as part of basic local telecommunications service is~~

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1 ~~offered on a package basis, the following information must be provided for each package:~~

2 (a) Current prices,

3 (b) Customer connection charges,

4 (c) Billing and payment arrangements, and

5 (d) conditions and circumstances under which service will be furnished, and

6 (e) all general rules and regulations governing the relation of customer and

7 company. Levels of service quality which the company holds itself out to provide for each

8 service.

9 (2) ~~At the company's option, price list information in subsection (1) above and other~~
10 ~~information concerning the terms and conditions of service may be filed for services other~~
11 ~~than basic local telecommunication services.~~

12 (3) ~~A price list revision must be physically received by the Commission's Division of~~
13 ~~Regulatory Analysis at least one day prior to its effective date.~~

14 (4) ~~Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an~~
15 ~~ongoing page identification system which will allow for the identification of inserted and~~
16 ~~removed pages. The color of paper on which price lists are filed must be amenable to being~~
17 ~~clearly photocopied on standard photocopy equipment.~~

18 (5) ~~Complete information concerning a company's service offerings, rates and charges,~~
19 ~~conditions of service, service quality, terms and conditions, service area, and subscribership~~
20 ~~information identified by local exchange company exchange must be made available to~~
21 ~~Commission staff upon request.~~

22 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—
23 New 12-27-95, Amended 4-8-98.

24 **25-24.830 Consumer Information.**

25 (1) The quality of service information in paragraph (1)(d) of Rule 25-24.825, F.A.C.,

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1 shall be provided, verbally or in writing, upon request to any person inquiring about the
2 company's basic local exchange telecommunications service. In addition, the above
3 information shall be provided in writing before or in the basic local exchange
4 telecommunications customer's first bill for service. The above information shall be expressed
5 in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure
6 phrases or acronyms must be avoided.

7 (2) If a CLEC elects not to provide any third-party billing or collect call services to its
8 customers, the CLEC shall so state in its service schedule ~~price-list~~ and shall notify customers
9 of such prior to a customer agreeing to obtain local service from the CLEC. In addition, the
10 above information shall be provided in writing before or in the basic local exchange
11 telecommunications customer's first bill for service. The above information shall be expressed
12 in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure
13 phrases or acronyms must be avoided.

14 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337(5) FS., Ch. 95-403,
15 § 32, L.O.F. History—New 12-27-95, Amended 4-7-03.

16 **25-24.835 Rules Incorporated.**

17 (1) The following rules are incorporated herein by *reference* and apply to competitive local
18 exchange companies.

19	<u>Section</u>	<u>Title</u>	<u>Portions</u>
20			<u>Applicable</u>
21	25-4.0161	Regulatory Assessment Fees	All
22	25-4.020	Location and Preservation of Records	(2) (3)
23	25-4.043	Response to Commission Staff Inquiries	All
24	<u>25-4.034</u>	<u>Service Schedules Tariffs</u>	<u>All(1)(a) — (e).</u>

25

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1		(g) (i) and (2)
2		(7)(a) (f)
3	25-4.036	Design and Construction of Plant All
4	25-4.038	Safety All
5	<u>25-4.043</u>	<u>Response to Commission Staff Inquiries</u> All
6	25-4.160	Operation of Telecommunications Relay All
7		Service

8
9 (2) Each company shall file updated information for the following items with the Office of
10 Commission Clerk within 10 days after any changes to the following:

11 (a) The address of the certificate holder's main corporate and Florida offices (if any) including
12 street name and address and post office box, city, state and zip code; or

13 (b) Telephone number, name, and address of the individual who is to serve as primary liaison
14 with the Commission in regard to the ongoing Florida operations of the certificated company.

15 Rulemaking Specific Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented
16 364.016, 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-
17 99, 8-25-05.

18 **25-24.915 Service Schedules Tariffs or Price Lists.**

19 (1) This section applies to all companies as defined in subsection 25-24.905(1), F.A.C.

20 (2) Each company shall file a service schedule tariff or price list for PPCS.

21 (3) Each company shall include in its service schedule tariff or price list the following
22 information:

23 (a) Maximum amount a person will be charged per billing increment for PPCS, and

24 (b) Any applicable surcharges or other fees assessed in addition to the billing

25 increment that reduces the value of the card.

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1 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.057,
2 364.08, 364.09, 364.10, 364.19, 364.27, 364.337 FS. History—New 3-26-98, Amended 8-25-
3 05.

4 **25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.**

5 (1) The following information shall be legibly printed on the card:

6 (a) The Florida certificated or registered name, or “doing business as” name as
7 provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;

8 (b) Toll-free customer service number;

9 (c) Toll-free network access number; and

10 (d) Authorization code, if required to access service.

11 (2) Each company shall provide the following information legibly printed either on the
12 card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such
13 a manner that the consumer may make an informed decision prior to purchase:

14 (a) Maximum charge per billing increment for PPCS;

15 (b) Any applicable surcharges or other fees assessed in addition to the billing
16 increment that reduces the value of the card; and

17 (c) Expiration policy, if applicable.

18 The company must insure by contract with its retailers or distributors that the information is
19 provided to the consumer.

20 (3) Each company shall provide through its customer service number the following
21 information:

22 (a) Certificate or registration number;

23 (b) Rates and surcharges;

24 (c) Balance of use in account; and

25 (d) Expiration date or period, if any.

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1 (4) Each company shall provide a live operator to answer incoming calls 24 hours a
2 day, 7 days a week or shall electronically voice record end user complaints. A combination of
3 live operators or recorders may be used. If a recorder is used, the company shall attempt to
4 contact each complainant no later than the next business day following the date of the
5 recording.

6 (5) The rates displayed in accord with subsection (2) above shall be no more than those
7 reflected in the service schedule ~~tariff or price list~~ for PPCS.

8 (6) A company shall not reduce the value of a card by more than the charges printed on
9 the card, packaging, or visible display at the point of sale. The service may, however, be
10 recharged by the consumer at a rate higher than the rate at initial purchase or last recharge.
11 The higher rate and surcharges shall be no more than the rates and surcharges in the service
12 schedule ~~tariff or price list~~ and the consumer shall be informed of the higher charges at the
13 time of recharge.

14 (7) Cards without a specific expiration period printed on the card, and with a balance
15 of service remaining, shall be considered active for a minimum of one year from the date of
16 first use, or if recharged, from the date of the last recharge.

17 (8) If PPCS are sold without a card or printed material, ~~tariffed~~ charges and surcharges
18 as shown on the service schedule shall be disclosed at the point of sale.

19 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03,
20 364.04, 364.19 FS. History—New 3-26-98, Amended 8-25-05.

21

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23 25-4.034 etc. tariff rules.doc

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