

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: July 14, 2011

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Miller) *om SMC*
 Division of Regulatory Analysis (Salak, Kennedy) *Salak Kennedy*
 Division of Economic Regulation (McNulty) *wom McNulty*

RE: Docket No. 110209-TP – Repeal of rules resulting from changes to Chapter 364, Florida Statutes.

AGENDA: 07/26/11 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Brown

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\110209.RCM.DOC

Case Background

On April 28, 2011, the Legislature enacted CS/CS/HB 1231, creating the Regulatory Reform Act. On May 6, 2011, it was approved by the Governor. It is now Chapter No. 2011-36, Laws of Florida, effective July 1, 2011.

According to the House of Representatives Staff Analysis, dated April 15, 2011, the bill does the following:

- Removes the PSC’s regulatory oversight of basic local telecommunications service and nonbasic service, including service quality and price regulation.
- Removes the PSC’s regulatory oversight of intrastate interexchange services, operator services, and shared tenant services.

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- Removes the PSC's authority to provide certain consumer education materials and to adopt rules concerning certain billing practices.
- Promotes the adoption of broadband services without the need for government subsidies.
- Consolidates existing provisions related to the PSC's oversight of carrier-to-carrier relationships for purposes of ensuring fair and effective competition among telecommunications service providers.
- Replaces the requirement that telecommunications service providers obtain from the PSC a certificate of necessity with a requirement that such providers obtain from the PSC a certificate of authority to provide service and establish the criteria for obtaining such a certificate.
- Removes rate caps on pay telephone services.

According to the bill analysis, the bill's changes "suggest that the transition to a sufficiently competitive market has been achieved." The changes "also appear to reflect the bill's removal of the PSC's remaining regulatory oversight of local exchange service."

Based on these significant changes to Chapter 364, Florida Statutes (F.S.), this recommendation is for the proposed repeal of a number of Commission rules which no longer have implementing authority.

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

Discussion of Issues

Issue 1: Should the Commission propose the repeal of Rules 25-4.0185, 25-4.022, 25-4.023, 25-4.0345, 25-4.036, 25-4.038, 25-4.040, 25-4.041, 25-4.066, 25-4.070, 25-4.071, 25-4.072, 25-4.073, 25-4.074, 25-4.078, 25-4.079, 25-4.081, 25-4.084, 25-4.085, 25-4.088, 25-4.089, 25-4.090, 25-4.091, 25-4.092, 25-4.093, 25-4.094, 25-4.095, 25-4.096, 25-4.097, 25-4.107, 25-4.109, 25-4.110, 25-4.111, 25-4.114, 25-4.115, 25-4.117, 25-4.202, 25-4.210, 25-24.455, 25-24.465, 25-24.470, 25-24.474, 25-24.475, 25-24.480, 25-24.485, 25-24.490, 25-24.516, 25-24.575, 25-24.580, 25-24.600, 25-24.610, 25-24.620, 25-24.630, 25-24.640, 25-24.721, 25-24.740, 25-24.747, 25-24.830, 25-24.840, 25-24.900, 25-24.905, 25-24.910, 25-24.915, 25-24.920, 25-24.925, and 25-24.935, F.A.C.?

Recommendation: Yes, the Commission should propose the repeal of these rules as set forth in Attachment A. (Miller, Salak, Kennedy, McNulty)

Staff Analysis: As stated in the above background, the Legislature made significant changes to Chapter 364, F.S., in the recent legislative session. Consequently, the Commission no longer has statutory authority for a number of its rules in Chapter 25-4 and 25-24, Florida Administrative Code. Thus, staff recommends that the Commission repeal the rules set forth in Attachment A. ¹

A number of these rules are categorized in the FPSC rules as “Records and Reports.” These include:

- Rule 25-4.0185, Periodic Reports
- Rule 25-4.022, Complaints
- Rule 25-4.023, Report of Interruptions

Others are General Management Requirements. These include:

- Rule 25-4.0345, Customer Premises Equipment and Inside Wire
- Rule 25-4.036, Design and Construction of Plant
- Rule 25-4.038, Safety
- Rule 25-4.040, Telephone Directories, Directory Assistance
- Rule 25-4.041, Courtesy

Others are “General Service Provisions,” including:

- Rule 25-4.066, Availability of Service
- Rule 25-4.070, Customer Trouble Reports for Basic Local Telecommunications Service
- Rule 25-4.071, Adequacy of Service
- Rule 25-4.072, Transmission Requirements
- Rule 25-4.073, Answering Time for Basic Local Telecommunications Service
- Rule 25-4.074, Intercept Service
- Rule 25-4.078, Emergency Operation

¹ Staff continues to review the recent statutory changes. Staff anticipates that there may be additional rules in need of repeal or amendment. Any additional rule repeals or amendments will be addressed in a future docket.

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Rule 25-4.079, Hearing/Speech Impaired Persons
Rule 25-4.081, Emergency 911 Access
Rule 25-4.084, Carrier of Last Resort; Multitenant Business and Residential Property
Rule 25-4.085, Service Guarantee Program.

Other rules are categorized under "Telephone Underground Extension," including:

Rule 25-4.088, Applicability
Rule 25-4.089, Definitions;
Rule 25-4.090, Rights of Way and Easements
Rule 25-4.091, Installation of Underground Distribution System Within Subdivision
Rule 25-4.092, Schedule of Charges
Rule 25-4.093, Connection of Existing System
Rule 25-4.094, Advance by Applicant
Rule 25-4.095, Construction Practices
Rule 25-4.096, Records and Reports
Rule 25-4.097, Special Conditions

Rules categorized as customer relations are also affected, including:

Rule 25-4.107, Information to Residential Customers
Rule 25-4.109, Residential Customer Deposits
Rule 25-4.110, Customer billing for Local Exchange Telecommunications Companies
Rule 25-4.111, Customer Complaints and Service Requests
Rule 25-4.114, Refunds
Rule 25-4.115, Directory Assistance
Rule 25-4.117, 800 Toll Free Service

Other rules in Chapter 25-4 for repeal are Rule 25-4.202 on Construction and Rule 25-4.210 on Service Evaluation and Investigations. These rules relate to small local exchange companies.

Rules for repeal in Chapter 25-24, relating to interexchange companies, include:

Rule 25-24.455, Scope and Waiver
Rule 25-24.465, Terms and Definitions
Rule 25-24.470, Registration Required
Rule 25-24.474, Cancellation of a Registration
Rule 25-24.475, Company Operations and Customer Relations
Rule 25-24.480, Records and Reports
Rule 25-24.485, Tariffs
Rule 25-24.490, Toll Free Number Transfers

Rules for repeal in Chapter 25-24 relating to pay telephone service and shared tenant service include:

Rule 25-24.516, Pay Telephone Operator Services
Rule 25-24.575, Shared Tenant Service Operations
Rule 25-24.580, Airport Exemption

Rules for repeal in Chapter 25-24 relating to operator services and call aggregator services include:

Rule 25-24.600, Application and Scope
Rule 25-24.610, Terms and Definitions; Rules Incorporated
Rule 25-24.620, Service Requirements for Companies Providing Operator Services
Rule 25-24.630, Rate and Billing Requirements
Rule 25-24.640, Service Requirements for Call Aggregators

Rules for repeal in Chapter 25-24 relating to alternative access vendors and competitive local exchange companies include:

Rule 25-24.721, Tariffs Not Required
Rule 25-24.740, AAV Servicer Provider Operations; Rules Incorporate
Rule 25-24.747, Notification Requirements;
Rule 25-24.830, Consumer Information;
Rule 25-24.840, Service Standards;

Rules for repeal in Chapter 25-24 relating to prepaid calling services include:

Rule 25-24.900, Scope
Rule 25-24.905, Terms and Definitions
Rule 25-24.910, Registration or Certificate of Public Convenience and Necessity Required
Rule 25-24.915, Tariffs or Price Lists
Rule 25-24.920, Standards for Prepaid Calling Services and Consumer Disclosure
Rule 25-24.925, Refunds
Rule 25-24.935, Discontinuance of Service

Statement of Estimated Regulatory Costs

There is no need for a Statement of Estimated Regulatory Costs (SERC) on these rule repeals because the Commission's statutory authority for these rules has been removed. While the elimination of the applicable statutes may have an impact on many entities, the Legislature has considered that the competitive provision of telecommunications service, including local exchange telecommunications service, is in the public interest and is sufficient to warrant these statutory changes.

Staff recommends that the Commission propose the repeal of Rules 25-4.0185, 25-4.022, 25-4.023, 25-4.0345, 25-4.036, 25-4.038, 25-4.040, 25-4.041, 25-4.066, 25-4.070, 25-4.071, 25-4.072, 25-4.073, 25-4.074, 25-4.078, 25-4.079, 25-4.081, 25-4.084, 25-4.085, 25-4.088, 25-4.089, 25-4.090, 25-4.091, 25-4.092, 25-4.093, 25-4.094, 25-4.095, 25-4.096, 25-4.097, 25-

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4.107, 25-4.109, 25-4.110, 25-4.111, 25-4.114, 25-4.115, 25-4.117, 25-4.202, 25-4.210, 25-24.455, 25-24.465, 25-24.470, 25-24.474, 25-24.475, 25-24.480, 25-24.485, 25-24.490, 25-24.516, 25-24.575, 25-24.580, 25-24.600, 25-24.610, 25-24.620, 25-24.630, 25-24.640, 25-24.721, 25-24.740, 25-24.747, 25-24.830, 25-24.840, 25-24.900, 25-24.905, 25-24.910, 25-24.915, 25-24.920, 25-24.925, and 25-24.935, F.A.C., as set forth in Attachment A.

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Issue 2: Should this docket be closed?

Recommendation: Yes. (Miller)

Staff Analysis: If no requests for hearing or comments are filed, the rules may be filed with the Department of State and the docket may be closed.

1 **CHAPTER 25-4**

2 25-4.0185 Periodic Reports.

3 ~~(1) Each local exchange telecommunications company shall file with the Commission's Division~~
4 ~~of Service, Safety and Consumer Assistance the information required by Commission Form~~
5 ~~PSC/SSC 28 (10/09), which is incorporated into this rule by reference. Form PSC/SSC 28,~~
6 ~~entitled "Engineering Data Requirements," may be obtained from the Commission's Division of~~
7 ~~Service, Safety and Consumer Assistance.~~

8 ~~(2) The information required by schedules 2, 3, 8, 11, and 15 of Form PSC/SSC 28 shall be filed~~
9 ~~on a quarterly basis by the large LECs and semiannually by the small LECs on or before the end~~
10 ~~of the month following the reporting period.~~

11 ~~(3) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to basic local~~
12 ~~telecommunications service only.~~

13 ~~(4) Each local exchange telecommunications company shall begin recording basic local~~
14 ~~telecommunications service data for reporting on schedules 2, 3, 11 and 15 no later than January~~
15 ~~1, 2010.~~

16 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.183(1) FS. History—
17 New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05, 10-21-09, Repealed xx-xx-xx.

18
19 25-4.022 Complaints.

20 ~~Each telephone company shall maintain for at least six (6) months a record of all signed written~~
21 ~~complaints made by its subscribers regarding service or errors in billing. This record shall~~
22 ~~include the name and/or address of the subscriber or complainant, the date received, the nature of~~
23 ~~the complaint, the result of any investigation, the disposition of the complaint or service~~
24 ~~problem, and the date of such disposition.~~

25

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1 Rulemaking Authority 350.127(2), 364.17 FS. Law Implemented 364.051, 364.17, 364.183 FS.
2 History—Revised 12-1-68, Formerly 25-4.22, Amended 1-25-09, Repealed xx-xx-xx.

3
4 25-4.023 Report of Interruptions.

5 ~~The Commission shall be informed of any interruptions to service which are the result of a~~
6 ~~tropical system named by the National Hurricane Center. On a daily basis, the company shall~~
7 ~~provide the location, the number of subscribers affected, and the estimated duration of the~~
8 ~~outage.~~

9 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—
10 Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05, 3-26-09,
11 Repealed xx-xx-xx.

12
13 25-4.0345 Customer Premises Equipment and Inside Wire.

14 (1) ~~Definitions: For purposes of this chapter, the definition to the following terms apply:~~

15 (a) ~~“Customer Premises Equipment (CPE).” Includes terminal equipment intended for use on the~~
16 ~~customer’s premises such as pay telephones, telephone sets, teletypewriters, data terminal~~
17 ~~equipment, mobile telephone terminal equipment, private branch exchange equipment, key~~
18 ~~system equipment, dialers and other supplemental equipment. CPE does not include “911” public~~
19 ~~safety answering point equipment (ALI, ANI, ACD equipment) or telecommunications devices~~
20 ~~required by hearing or speech impaired subscribers.~~

21 (b) ~~“Demarcation Point.” The point of physical interconnection (connecting block, terminal strip,~~
22 ~~jack, protector, optical network interface, or remote isolation device) between the telephone~~
23 ~~network and the customer’s premises wiring. Unless otherwise ordered by the Commission for~~
24 ~~good cause shown, the location of this point is:~~

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- 1 ~~1. Single Line/Single Customer Building—Either at the point of physical entry to the building or~~
2 ~~a junction point as close as practicable to the point of entry.~~
- 3 ~~2. Single Line/Multi Customer Building—Within the customer’s premises at a point easily~~
4 ~~accessed by the customer.~~
- 5 ~~3. Multi Line Systems/Single or Multi Customer Building—At a point within the same room and~~
6 ~~within 25 feet of the FCC registered terminal equipment or cross connect field.~~
- 7 ~~4. Temporary Accommodations Subscriber Premises with Inadequate Grounding (e.g., some~~
8 ~~mobile homes, trailers, houseboats, construction modules)—On a permanent stake, pole, or~~
9 ~~structure with a suitable safety ground.~~
- 10 ~~(c) “Complex Equipment Wire” The premises wiring owned by the local exchange company~~
11 ~~which may be used as station wiring and to connect off-premises extensions and is beyond the~~
12 ~~normal demarcation points.~~
- 13 ~~(d) “Inside Wire” All wire or cable other than complex equipment wire located on the customer’s~~
14 ~~side of the demarcation point.~~
- 15 ~~(e) “Customer Premises” The discrete real property owned, leased, or controlled by a customer~~
16 ~~for the customer’s own business or residential purposes.~~
- 17 ~~(2) The provision and maintenance of CPE and inside wire, but not complex equipment wire, is~~
18 ~~deregulated for intrastate purposes.~~
- 19 ~~(3) Network facilities up to and including the demarcation point are part of the telephone~~
20 ~~network, provided and maintained by the telecommunications company under tariff.~~
- 21 ~~(4) CPE Network Responsibility. No CPE may harm the network by introducing signals that~~
22 ~~interfere or affect other subscribers or network operations.~~
- 23 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—New
24 12-13-82, Amended 9-30-85, Formerly 25-4.345, Amended 4-16-90, 3-10-96, 2-1-99, Repealed
25 xx-xx-xx.

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25-4.036 Design and Construction of Plant.

~~(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NFPA 70-2005), which is incorporated herein by reference, pertaining to the construction of telecommunications facilities.~~

~~(2) Compliance with these codes and accepted good practice is necessary to insure as far as reasonably possible continuity of service, uniformity in the quality of service furnished and the safety of persons and property.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15 FS. History— Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, 12-29-05, 9-5-07, Repealed xx-xx-xx.

25-4.038 Safety.

~~Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31 of the National Electric Code (NEC), incorporated herein by reference.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—New 12-1-86, Formerly 25-4.38, Amended 4-3-05, Repealed xx-xx-xx.

25-4.040 Telephone Directories; Directory Assistance.

~~(1) Each local exchange telecommunications company shall normally publish updated telephone directories once every 12 months and shall publish updated directories at least once every 15~~

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1 ~~months. The directories shall normally alphabetically list the name, address, and telephone~~
2 ~~number of all subscribers located in the exchange(s) contained in the directory except the~~
3 ~~telephone numbers for public telephones or a name, address, number/address unlisted or~~
4 ~~unpublished at the subscriber's request. Also listed alphabetically shall be a listing designated~~
5 ~~"Poison Information Center" and the local telephone number, where the exchange served by the~~
6 ~~directory has local calling to a Poison Information Center. If no local telephone number exists,~~
7 ~~then the toll free telephone number of a Poison Information Center shall be listed. A description~~
8 ~~of the local (toll free) calling scope shall be prominently displayed at the beginning of each~~
9 ~~alphabetical section in a directory. At no additional charge and upon the request of any~~
10 ~~residential subscriber, the exchange company shall list an additional first name or initial under~~
11 ~~the same address, telephone number and surname of the subscriber. The exchange company shall~~
12 ~~place the first names or initials in the order requested by the subscriber.~~

13 ~~(2) Each subscriber served by a directory shall be furnished one copy of that directory for each~~
14 ~~access line. Subject to availability, additional directories shall be provided by the local exchange~~
15 ~~telecommunications company, which may charge a reasonable fee therefor. Each exchange~~
16 ~~company shall file with the Commission a tariff setting forth the fee, if any, and the conditions~~
17 ~~under which it will apply. Copies of each directory shall be furnished to the Bureau of Service~~
18 ~~Quality. When expanded calling scopes are involved, as with Extended Area Service, each~~
19 ~~subscriber shall be provided with directory listings for all published telephone numbers within~~
20 ~~the local service area.~~

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

24 ~~(b) The following information shall be listed on the inside of the front cover of the directory: 1.~~
25 ~~"911" instructions shall be at the top of the inside front cover and shall be outlined in order to be~~

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1 ~~separate from other information on the inside front cover. "911" shall be the only listed~~
2 ~~emergency number; all other numbers on the inside front cover shall be listed as~~
3 ~~"nonemergency" or "other important numbers."~~

4 ~~2. The information required by Section 395.1027, F.S.~~

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

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

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

15 ~~THE FLORIDA PUBLIC SERVICE COMMISSION~~

16 ~~Division of Service, Safety and Consumer Assistance~~

17 ~~2540 Shumard Oak Boulevard~~

18 ~~Tallahassee, Florida 32399-8153~~

19 ~~Phone Toll Free (TDD & Voice) 1 (800) 342-3552~~

20 ~~Facsimile Toll Free 1 (800) 511-0809~~

21 ~~Internet E-mail address for filing complaints:~~

22 ~~CONTACT@PSC.STATE.FL.US~~

23 ~~Internet Address for retrieving information:~~

24 ~~http://www.psc.state.fl.us/~~

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- 1 ~~(4) The following information shall appear in the front pages of the directory, preceding~~
2 ~~subscriber listings, along with an index where there are four or more pages of such information:~~
- 3 ~~(a) Directions for the use of local exchange and long distance telephone services and calls to~~
4 ~~repair and directory assistance services.~~
- 5 ~~(b) Application and amount of directory assistance charges contained in company tariffs.~~
- 6 ~~(c) Application and amount of charges for line busy verification, emergency interrupt and~~
7 ~~maintenance/repair services.~~
- 8 ~~(d) The location of telephone company public business offices located in the area(s) contained in~~
9 ~~the directory.~~
- 10 ~~(e) Identification of customer payment locations and an explanation of discontinuance of service~~
11 ~~procedures for local service. Identification of customer payment locations may be accomplished~~
12 ~~by listing a website and toll free number.~~
- 13 ~~(f) Policy on customer owned equipment and inside wiring shall include, but not be limited to the~~
14 ~~following information, separately stated:~~
- 15 ~~1. A layman's description of inside wiring.~~
- 16 ~~2. A layman's description of demarcation point.~~
- 17 ~~3. A layman's description of the customer's responsibility for all wiring on the customer's side~~
18 ~~of the demarcation point.~~
- 19 ~~4. A generic description of the various types of vendors which sell repair equipment.~~
- 20 ~~5. A generic list of the types of service vendors providing maintenance or repair of inside wire,~~
21 ~~or customer premises equipment.~~
- 22 ~~6. Instructions on how to determine whether the customer or the telephone company is~~
23 ~~responsible for needed repairs.~~
- 24 ~~7. Instructions for determining when a phone jack is defective.~~
- 25 ~~8. Instructions for determining when a telephone is defective.~~

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1 ~~(g) Policy on the recording of telephone conversations.~~

2 ~~(h) Policy on harassing calls and sales solicitations generated by illegal automatic dialing~~
3 ~~equipment.~~

4 ~~(i) Policy on various violations of law arising from the illegal use of telephone equipment and~~
5 ~~service.~~

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

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

17 ~~(6) In the event of an error in the listed number of any subscriber, each local exchange~~
18 ~~telecommunications company shall intercept all calls to the listed number for the period of time~~
19 ~~required to comply with Rule 25-4.074, F.A.C., provided the listed number is not in service. In~~
20 ~~the event of an error or omission in the name listing of a customer, the customer's correct name~~
21 ~~and telephone number shall be listed in the directory assistance and intercept records and the~~
22 ~~correct number furnished the calling party upon request or interception.~~

23 ~~(7) When a subscriber will establish a residence or business shortly after the close of subscriber~~
24 ~~listing records but preceding publication, the local exchange telecommunications company shall,~~
25 ~~upon request, establish and list service at the requested new address and immediately place the~~

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1 ~~service on suspension. Service connection and other appropriate local service charges shall be~~
2 ~~due and payable, independent of whether service is later restored.~~

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

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

8 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02(2), 364.025,
9 364.0251, 364.03, 364.385, 365.171, 395.1027 FS. History— New 12-1-68, Amended 3-31-76, 1-
10 4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-16-94, 11-20-08,
11 Repealed xx-xx-xx.

12
13 25-4.041 Courtesy.

14 ~~Each company shall adequately supervise and train its employees to be courteous, considerate~~
15 ~~and efficient at all times in their contact and dealings with its subscribers and the public in~~
16 ~~general, and shall make checks from time to time to insure that courteous service actually is~~
17 ~~being rendered.~~

18 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03 FS. History—New 12-1-68,
19 Formerly 25-4.41. Repealed xx-xx-xx

20
21 25-4.066 Availability of Basic Local Telecommunications Service.

22 ~~(1) Each telecommunications company shall provide central office equipment and outside plant~~
23 ~~facilities designed and engineered in accordance with realistic anticipated customer demands for~~
24 ~~basic local telecommunications service within its certificated area in accordance with its~~
25 ~~schedules.~~

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1 ~~(2) Where central office and outside plant facilities are readily available, at least 90 percent of all~~
2 ~~requests for basic local telecommunications service shall be installed within an interval of three~~
3 ~~working days after receipt of application when all schedule requirements relating thereto have~~
4 ~~been complied with, except those instances where a later installation date is requested by the~~
5 ~~applicant.~~

6 ~~(3) If the applicant requests an installation date beyond three working days, the requested date~~
7 ~~shall be counted as day three for measurement purposes.~~

8 ~~(4) Failure of the customer to afford the company representative entry to the premises during the~~
9 ~~appointment period shall exempt the order for measurement purposes.~~

10 ~~(5) Each company shall report basic local telecommunications installation performance pursuant~~
11 ~~to Rule 25-4.0185, F.A.C., Periodic Reports.~~

12 Rulemaking Authority 350.127(2) FS. Law Implemented 364.025, 364.15, 364.183, 364.185 FS.
13 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-
14 05, 10-21-09, Repealed xx-xx-xx.

15
16 25-4.070 Customer Trouble Reports for Basic Local Telecommunications Service.

17 ~~(1) Each telecommunications company shall make all reasonable efforts to minimize the extent~~
18 ~~and duration of trouble conditions that disrupt or affect basic local telecommunications service.~~
19 ~~Trouble reports will be classified as to their severity on a service interruption (synonymous with~~
20 ~~out of service or OOS) or service affecting (synonymous with non out of service or non OOS)~~
21 ~~basis. Service interruption reports shall not be downgraded to a service affecting report;~~
22 ~~however, a service affecting report shall be upgraded to a service interruption if changing trouble~~
23 ~~conditions so indicate.~~

24 ~~(a) Companies shall make every reasonable attempt to restore service on the same day that the~~
25 ~~interruption is reported to the serving repair center.~~

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1 ~~(b) In the event a subscriber's service is interrupted other than by a negligent or willful act of the~~
2 ~~subscriber and it remains out of service in excess of 24 hours after being reported to the~~
3 ~~company, an appropriate adjustment or refund shall be made to the subscriber automatically,~~
4 ~~pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time will be~~
5 ~~computed on a continuous basis, Sundays and holidays included. Also, if the company finds that~~
6 ~~it is the customer's responsibility to correct the trouble, it must notify or attempt to notify the~~
7 ~~customer within 24 hours after the trouble was reported.~~

8 ~~(2) Sundays and Holidays:~~

9 ~~(a) Except for emergency service providers, such as the military, medical, police, and fire,~~
10 ~~companies are not required to provide normal repair service on Sundays. Where any repair action~~
11 ~~involves a Sunday or holiday, that period shall be excepted when computing service standards,~~
12 ~~but not refunds for service interruptions.~~

13 ~~(b) Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in~~
14 ~~paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient~~
15 ~~repair forces shall be scheduled so that repairs can be made if requested by a subscriber.~~

16 ~~(3) Service Standards:~~

17 ~~(a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure at least~~
18 ~~90 percent shall be cleared within 24 hours of the report.~~

19 ~~(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to ensure at~~
20 ~~least 90 percent of such reports are cleared within 72 hours of the report.~~

21 ~~(4) If the customer requests that the service be restored on a particular day beyond the service~~
22 ~~standards in subsection (3) above, the trouble report shall be counted as having met the service~~
23 ~~standards if the requested date is met.~~

24
25
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(5) Priority shall be given to service interruptions that affect public health and safety that are~~
2 ~~reported to and verified by the company and such service interruptions shall be corrected as~~
3 ~~promptly as possible on an emergency basis.~~

4 ~~(6) The service standards of this rule shall not apply to subsequent customer reports or~~
5 ~~emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is~~
6 ~~out of service.~~

7 ~~(7) Each company shall report pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the~~
8 ~~performance of the company with respect to customer trouble reports.~~

9 ~~(8) This rule shall apply to basic local telecommunications service only.~~

10 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.15, 364.183, 364.386
11 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96,
12 4-3-05, 10-21-09, Repealed xx-xx-xx.

13
14 25-4.071 Adequacy of Service.

15 ~~(1) Telephone calls to valid numbers shall encounter a ring back tone, line busy signal, or non-~~
16 ~~working number intercept facility after completion of dialing.~~

17 ~~(2) A line busy signal (60 impulse per minute tone) shall not be used for any signaling purpose~~
18 ~~except to denote that a subscriber's line, other valid terminal, centrex or PBX trunks, or~~
19 ~~equipment where the quantity is controlled by the customer is in use.~~

20 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17,
21 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly
22 25-4.71, Amended 6-24-90, 3-10-96, 3-26-09, Repealed xx-xx-xx.

23
24 25-4.072 Transmission Requirements.

25
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment,~~
2 ~~and facilities to provide modern, adequate, sufficient, and efficient transmission of~~
3 ~~communications between customers in their service areas. Transmission parameters shall~~
4 ~~conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted~~
5 ~~1984) incorporated herein by reference.~~

6 ~~(2) Accurate dependable milliwatt supplies shall be made a part of each central office.~~
7 ~~Additionally, for those central offices having an installed line capacity of 1,000 lines or more, the~~
8 ~~buffered access on a minimum three line rotary group basis shall be a part of the milliwatt~~
9 ~~supply.~~

10 ~~(3) Each central office shall be equipped with a minimum of one termination which shall trip~~
11 ~~ringing and terminate the line on a balanced basis so that end-to-end noise measurements may be~~
12 ~~made.~~

13 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS.
14 History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96, 4-3-05,
15 Repealed xx-xx-xx.

16
17 25-4.073 Answering Time for Basic Local Telecommunications Service.

18 ~~(1) Each telephone company shall provide equipment designed and engineered on the basis of~~
19 ~~realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel~~
20 ~~so as to meet the following service standards under normal operating conditions:~~

21 ~~(a) At least 90 percent of all calls directed to business and repair offices for basic local~~
22 ~~telecommunications service shall be answered within 90 seconds after the last digit is dialed~~
23 ~~when no menu driven system is utilized.~~

24 ~~(b) When a company utilizes a menu driven, automated, interactive answering system (referred~~
25 ~~to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls~~

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1 ~~offered shall be answered within 30 seconds after the last digit is dialed. The initial recorded~~
2 ~~message presented by the system to the customer shall include the option of transferring to a live~~
3 ~~attendant within the first 60 seconds of the message.~~

4 ~~(e) For subscribers who select the option of transferring to a live assistant, the call shall be~~
5 ~~transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by~~
6 ~~the live attendant prepared to give immediate assistance within 90 seconds of being transferred to~~
7 ~~the attendant.~~

8 ~~(d) The terms "answered" as used in paragraphs (a) and (e) above, shall be construed to mean~~
9 ~~more than an acknowledgment that the customer is waiting on the line. It shall mean that the~~
10 ~~service representative is ready to render assistance.~~

11 ~~(2) All telecommunications companies are expected to answer their main published telephone~~
12 ~~number on a 24 hour a day basis. Such answering may be handled by a special operator at the toll~~
13 ~~center or directory assistance facility when the company offices are closed. Where after hours~~
14 ~~calls are not handled as described above, at least the first published business office number will~~
15 ~~be equipped with a telephone answering device which will notify callers after the normal~~
16 ~~working hours of the hours of operation for that business office. Where recording devices are~~
17 ~~used, the message shall include the telephone number assigned to handle urgent or emergency~~
18 ~~calls when the business office is closed.~~

19 ~~(3) Each company shall report pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the~~
20 ~~performance of the company with respect to answer time.~~

21 ~~(4) This rule shall apply to basic local telecommunications service only.~~

22 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.386, 365.171 FS.

23 History—New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05, 10-21-
24 09, Repealed xx-xx-xx.

25
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1 25-4.074 Intercept Service.

2 ~~(1) Numbers that are changed coincident with the issuance of a new directory are not subject to~~
3 ~~the requirements of this rule.~~

4 ~~(2) Intercept service shall be provided for non-working, non-assigned, and changed numbers~~
5 ~~until assigned, re-assigned, or no longer listed in the directory.~~

6 ~~(3) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed~~
7 ~~on intercept.~~

8 ~~(4) Intercept service shall be provided for calls to invalid numbers.~~

9 ~~(5) Intercept service or alternative routing to a default number shall be provided for the universal~~
10 ~~emergency telephone number "911" in central offices where the number is inoperable. The~~
11 ~~intercept service may be automated with a message indicating the "911" emergency number is~~
12 ~~inoperable in that area and to consult the directory for the appropriate emergency number or if a~~
13 ~~directory is not available to dial operator for assistance.~~

14 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History—
15 New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96, 3-26-09, Repealed xx-
16 xx-xx.

17

18 25-4.078 Emergency Operation.

19 ~~(1) Each telephone utility shall make reasonable provisions to meet emergencies resulting from~~
20 ~~failure of lighting or power service, sudden and prolonged increases in traffic, storms, etc., and~~
21 ~~shall instruct employees as to procedures to be followed in the event of emergency in order to~~
22 ~~prevent or mitigate interruption or impairment of telephone service.~~

23 ~~(2) It is essential that all central offices have adequate provision for emergency power. All new~~
24 ~~central offices, central office replacements and/or major additions placed on order after the~~
25 ~~effective date of these rules shall be designed to meet the following objectives:~~

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1 ~~(a) Central offices with installed emergency power generating equipment will have a minimum~~
2 ~~of three (3) hours central office battery capacity at busy season busy hour load.~~

3 ~~(b) Central offices without installed emergency power generating equipment shall have a~~
4 ~~minimum central office battery capacity of five (5) hours busy season load. Facilities will be~~
5 ~~available so that a portable generator can be readily connected. Portable generators will be~~
6 ~~provided, as a minimum, on the basis of one (1) per three (3) unequipped offices and garaged so~~
7 ~~that a unit may be delivered to an affected office on short notice and with minimum travel time.~~

8 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.025, 364.03 FS.

9 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.78, Repealed xx-xx-xx.

10
11 25-4.079 Hearing/Speech Impaired Persons.

12 ~~(1) The telephone directory published by each local exchange telephone company (LEC) shall:~~

13 ~~(a) List, with other emergency numbers at the beginning of the directory, Telecommunications~~
14 ~~Devices for the Deaf (TDD) numbers for emergency services, which shall be denoted by the~~
15 ~~universal symbol for the hearing/speech impaired, i.e., a picture of an ear with a slash across it;~~

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

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

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

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

24 ~~(3) Each LEC shall compile informational literature about the services it makes available to~~
25 ~~hearing/speech impaired persons and shall maintain this literature for public inspection in the~~

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1 company's business office. Each company shall send this literature at no charge to anyone
2 requesting it and shall include this literature or a summary of it, once a year, in the company's
3 informational mailings.

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

6 (5) Each LEC shall inform persons inquiring about specialized customer premises equipment for
7 hearing/speech impaired persons of Florida Telecommunications Relay, Inc., which provides
8 such equipment at no cost.

9 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02, 364.025, 364.03,
10 364.04 FS. History--New 4-5-88, Amended 6-3-90, 5-8-05, 11-20-08, Repealed xx-xx-xx.

11
12 25-4.081 Emergency 911 Access.

13 (1) Access to emergency 911 services shall be provided by the local exchange company to basic
14 local exchange company subscribers.

15 (2) By July 1, 1997, access to 911 services shall be maintained for the duration of any temporary
16 disconnection for non-payment of a subscriber's local residential service, except that small local
17 exchange companies as defined by Section 364.052(1), F.S., shall have until July 1, 1998, to
18 comply.

19 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02, 364.025, 364.03(3),
20 365.171, 364.385 FS. History--New 1-5-97. Repealed xx-xx-xx.

21
22 25-4.084 Carrier-of-Last-Resort; Multitenant Business and Residential Property.

23 (1) A petition for waiver of the carrier-of-last-resort obligation to a multitenant business or
24 residential property pursuant to Section 364.025(6)(d), F.S., shall be filed with the Office of
25 Commission Clerk and shall be delivered by hand delivery on the same day, or by overnight mail

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1 ~~on the day following filing, upon the relevant owners or developers together with a copy of~~
2 ~~Section 364.025(6), F.S., and this rule.~~

3 ~~(2) A petition for waiver of the carrier of last resort obligation shall be limited to a single~~
4 ~~development.~~

5 ~~(3) The petition must include the following:~~

6 ~~(a) The name, address, telephone number, electronic mail address, and any facsimile number of~~
7 ~~the petitioner;~~

8 ~~(b) The name, address, telephone number, electronic mail address, and any facsimile number of~~
9 ~~the attorney or qualified representative of the petitioner if any;~~

10 ~~(c) The address or other specific description of the property for which the waiver is requested;~~

11 ~~(d) The specific facts and circumstances that demonstrate good cause for the waiver as required~~
12 ~~by Section 364.025(6)(d), F.S.;~~

13 ~~(e) A statement that interested persons have 14 calendar days from the date the petition is~~
14 ~~received to file a response to the petition with the Commission, unless the fourteenth day falls on~~
15 ~~a Saturday, Sunday, or holiday, in which case the response must be filed no later than the next~~
16 ~~working day; and~~

17 ~~(f) A statement certifying that delivery of the petition has been made on the relevant owners or~~
18 ~~developers and the method of delivery.~~

19 ~~(4) A response to a petition must include the following:~~

20 ~~(a) The name, address, telephone number, electronic mail address, and any facsimile number of~~
21 ~~the respondent;~~

22 ~~(b) The name, address, telephone number, electronic mail address, and any facsimile number of~~
23 ~~the attorney or qualified representative of the respondent if any upon whom service of pleadings~~
24 ~~and other papers shall be made; and~~

25 ~~(c) Whether the respondent disputes the facts and circumstances alleged in the petition.~~

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1 Rulemaking Authority 350.127(2) FS. Law Implemented 364.025 FS. History–New 2-20-07,

2 Repealed xx-xx-xx.

3
4 25-4.085 Service Guarantee Program.

5 ~~A company may petition the Commission for approval of a Service Guarantee Program, which~~
6 ~~would relieve the company from the rule requirement of each service standard addressed in the~~
7 ~~approved Service Guarantee Program. When evaluating a Service Guarantee Program for~~
8 ~~approval, the Commission will consider the Program's benefits to the customers and whether the~~
9 ~~Program is in the public interest. The Commission shall have the right to enforce the provisions~~
10 ~~of the Service Guarantee Plan.~~

11 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035,
12 364.386 FS. History–New 6-14-05, Repealed xx-xx-xx.

13
14 25-4.088 Applicability.

15 ~~(1) Extensions of telephone distribution lines applied for after the effective date of these rules,~~
16 ~~and necessary to furnish permanent telephone service to all structures within a new residential~~
17 ~~subdivision, or to new multiple occupancy buildings, shall be made underground; except that the~~
18 ~~utility may not be required to provide an underground distribution system in those instances~~
19 ~~where the applicant has elected to install an overhead electric distribution system.~~

20 ~~(2) Such extensions of service shall be made by the utility in accordance with the provisions in~~
21 ~~these rules.~~

22 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History–New 4-10-
23 71, Formerly 25-4.88, Repealed xx-xx-xx.

24
25 25-4.089 Definitions.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~The following words and terms, when used in these rules, shall have the meaning indicated:~~

2 (1) ~~“Applicant.” Any person, partnership, association, corporation, or governmental agency~~
3 ~~controlling or responsible for the development of a new subdivision and applying for the~~
4 ~~construction of an underground telephone distribution system in such subdivision.~~

5 (2) ~~“Building.” Any structure, within a subdivision, designed for residential occupancy and~~
6 ~~containing less than five (5) individual dwelling units.~~

7 (3) ~~“Commission.” The Florida Public Service Commission.~~

8 (4) ~~“Distribution System.” Telephone service facilities consisting of cable(s), terminals, splice~~
9 ~~enclosures, protective devices, loading coils and other accessories and appurtenances necessary~~
10 ~~for the furnishing of communication services.~~

11 (5) ~~“Multiple occupancy building.” A structure erected and framed of component structural parts~~
12 ~~and designed to contain five (5) or more individual dwelling units.~~

13 (6) ~~“Subdivision.” The tract of land which is divided into five (5) or more building lots or upon~~
14 ~~which five (5) or more separate dwelling units are to be located or the land on which is to be~~
15 ~~constructed new multiple occupancy buildings.~~

16 (7) ~~“Utility.” A telephone company as defined in Chapter 364, F.S.~~

17 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
18 71, Formerly 25-4.89. Repealed xx-xx-xx.

19
20 25-4.090 Rights of Way and Easements.

21 (1) ~~Within the applicant’s subdivision the utility shall construct, own, operate and maintain~~
22 ~~underground distribution lines only along easements, public streets, roads, and highways which~~
23 ~~the utility has the legal right to occupy, and on public lands and private property across which~~
24 ~~rights of way and easements satisfactory to the utility may be obtained without cost or~~
25 ~~condemnation by the utility.~~

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1 ~~(2) The Company shall have no responsibility under this Part VI unless rights of way and~~
2 ~~easements suitable to the utility are furnished by the applicant in reasonable time to meet service~~
3 ~~requirements and at no cost, cleared of trees, tree stumps, paving and other obstructions, staked~~
4 ~~to show property lines and final grade, and must be graded to within six (6) inches of final grade~~
5 ~~by the applicant all at no charge to the utility. Such clearing and grading must be maintained by~~
6 ~~the applicant during construction by the utility.~~

7 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
8 71, Amended 3-31-76, Formerly 25-4.90. Repealed xx-xx-xx.

9
10 25-4.091 Installation of Underground Distribution System Within Subdivision.

11 ~~(1) Upon receipt of a proper application the utility shall install an underground telephone~~
12 ~~distribution system with sufficient and suitable materials which, in its judgment, will assure that~~
13 ~~the applicant will receive reasonably safe and adequate telephone service for the reasonably~~
14 ~~foreseeable future.~~

15 ~~(2) All distribution cable and service entrance facilities shall be underground. Accessory~~
16 ~~equipment may be pedestal mounted when dictated by physical conditions or economic~~
17 ~~considerations.~~

18 ~~(3) Service entrance facilities normally will be at the point of the building nearest the point at~~
19 ~~which the underground system enters the property to be served. If such service entrance point on~~
20 ~~any building is more than seventy five (75) feet, measured at right angles, from the serving~~
21 ~~property line, then the applicant may be required to pay for the length in excess of seventy five~~
22 ~~(75) feet in accordance with the extension rules of the utility on file with the Commission.~~

23 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
24 71, Formerly 25-4.91. Repealed xx-xx-xx.

25
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1 25-4.092 Schedule of Charges.

2 ~~The utility shall install the underground telephone distribution system at no charge to the~~
3 ~~applicant; except that, the applicant may be required by the utility to furnish suitable conduit for~~
4 ~~the placement of service entrance facilities to multiple occupancy buildings, which shall be~~
5 ~~required in all such installations.~~

6 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.15 FS. History—
7 New 4-10-71, Formerly 25-4.92. Repealed xx-xx-xx.

8
9 25-4.093 Connection of Existing System.

10 ~~The connection from the existing telephone distribution system to the underground system~~
11 ~~installed within the applicant's subdivision shall be made in accordance with the regular~~
12 ~~extension rules of the utility on file with the Commission, subject to reference to the~~
13 ~~Commission, under Rule 25-4.097, F.A.C., if this should appear to be impracticable.~~

14 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
15 71, Formerly 25-4.93. Repealed xx-xx-xx.

16
17 25-4.094 Advance by Applicant.

18 ~~(1) The utility may require a reasonable deposit from the applicant before construction is~~
19 ~~commenced, in order to guarantee performance, such requirement to be in accordance with~~
20 ~~approved tariffs relating to extension of facilities. The deposit shall be returned to the applicant~~
21 ~~on a pro rata basis at either quarterly or annual intervals on the basis of installations of service to~~
22 ~~new subscribers. If returned quarterly, no interest need be paid; but if refunded annually, the~~
23 ~~refundable portion of the deposit shall bear interest at a rate equivalent to the then current prime~~
24 ~~interest rate.~~

25
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1 ~~(2) Any amount due the utility under Rule 25-4.093, F.A.C., may be withheld when the deposit is~~
2 ~~being returned to the applicant.~~

3 ~~(3) Any portion of the deposit remaining unrefunded five (5) years from the date the utility is~~
4 ~~first ready to render service from the extension will be retained by the utility as liquidated~~
5 ~~damages and credited to an appropriate account.~~

6 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
7 71, Formerly 25-4.94. Repealed xx-xx-xx.

8
9 25-4.095 Construction Practices.

10 ~~(1) Each applicant shall cooperate with the utility in an effort to keep the cost of construction and~~
11 ~~installation of the underground telephone distribution system as low as possible.~~

12 ~~(2) To the extent practicable, joint use of trenches by all utilities shall be undertaken where~~
13 ~~economies can be realized without impairment to safety or service, care being taken to conform~~
14 ~~to any applicable Code and utility specification.~~

15 ~~(3) To the extent practicable, where existing aerial facilities are being retired and removed from~~
16 ~~service, replacement will be made with underground construction whenever economically~~
17 ~~feasible.~~

18 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
19 71, Formerly 25-4.95. Repealed xx-xx-xx.

20
21 25-4.096 Records and Reports.

22 ~~(1) To insure the development and availability of appropriate data necessary to a determination~~
23 ~~of the relative cost of underground distribution systems as compared with overhead systems,~~
24 ~~each utility will undertake to establish and maintain separate records or sub-accounts for~~
25 ~~underground distribution construction, operating and maintenance costs.~~

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1 ~~(2) Records shall also be maintained of experienced results obtained in the use of joint trenching,~~
2 ~~in such manner and detail as will afford an opportunity to evaluate the economies available using~~
3 ~~this practice.~~

4 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15, 364.183 FS. History—
5 New 4-10-71, Formerly 25-4.96. Repealed xx-xx-xx.

6
7 25-4.097 Special Conditions.

8 ~~When the application of these rules appears impracticable or unjust to either party, or~~
9 ~~discriminatory to other customers, the utility or applicant shall refer the matter to the~~
10 ~~Commission for special ruling or for the approval of special conditions which may be mutually~~
11 ~~agreed upon, prior to commencing construction.~~

12 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—New 4-10-
13 71, Formerly 25-4.97. Repealed xx-xx-xx.

14
15 25-4.107 Information to Residential Customers; Installment Plan.

16 ~~(1) At the time of initial contact, each company shall inform all persons applying for residential~~
17 ~~service of the availability of the company's installment plan for the payment of service~~
18 ~~connection charges. Each company shall permit residential customers to pay service connection~~
19 ~~charges in equal monthly installments over a period of at least 3 months. A company may charge~~
20 ~~a monthly service fee of \$1.00 to applicants who elect to pay the service connection charge in~~
21 ~~installments.~~

22 ~~(2) Upon customer request, the person shall also be given an 800 number to call to receive~~
23 ~~information on the "No Sales Solicitation" list offered through the Department of Agriculture~~
24 ~~and Consumer Services, Division of Consumer Services.~~

25
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1 ~~(3) In any discussion of enhanced or optional services, each service shall be identified~~
2 ~~specifically, and the price of each service shall be given.~~

3 ~~(4) This rule shall apply to residential service only.~~

4 Rulemaking Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03,
5 364.04, 364.051, 364.15, 350.127 FS. History—New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-
6 91, 10-30-91, 3-26-09, Repealed xx-xx-xx.

7
8 25-4.109 Residential Customer Deposits.

9 ~~(1) Deposit required; establishment of credit. Each local exchange company's (LEC) tariff shall~~
10 ~~contain their specific criteria for determining the amount of initial deposit. Each LEC may~~
11 ~~require an applicant for service to satisfactorily establish credit, but such establishment of credit~~
12 ~~shall not relieve the customer from complying with the company's rules for prompt payment of~~
13 ~~bills. Credit will be deemed so established if:~~

14 ~~(a) The applicant for service has been a customer of any LEC within the last two years and~~
15 ~~during the last twelve (12) consecutive months of service did not have more than one occasion in~~
16 ~~which a bill was paid after becoming delinquent and has never had service disconnected for non-~~
17 ~~payment.~~

18 ~~(b) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the~~
19 ~~service requested. A satisfactory guarantor shall, at the minimum, be a customer of the company~~
20 ~~with a satisfactory payment record. A guarantor's liability shall be terminated when a residential~~
21 ~~customer whose payment of bills is secured by the guarantor meets the requirements of~~
22 ~~subsection (4) of this rule. Guarantors providing security for payment of residential customers'~~
23 ~~bills shall only be liable for bills contracted at the service address contained in the contract of~~
24 ~~guaranty.~~

25 ~~(c) The applicant pays a cash deposit.~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(d) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety~~
2 ~~bond.~~

3 ~~(2) Amount of deposit. The amount of the initial required deposit shall not exceed an amount~~
4 ~~equal to the charges for one month's local exchange service plus two months estimated toll~~
5 ~~service provided by or billed by the LEC. If, after ninety (90) days service, the actual deposit is~~
6 ~~found to be greater than an amount equal to one month's local service plus two months actual~~
7 ~~average toll service provided by or billed by the LEC, the company shall, upon demand of the~~
8 ~~subscriber to the Company, promptly refund the difference. These deposit rules apply to local~~
9 ~~exchange service and toll service provided by or billed by the LEC only and do not apply to~~
10 ~~special arrangement agreements covering termination equipment installations for which the~~
11 ~~telephone company may require a reasonable deposit.~~

12 ~~(3) New or additional deposits. A company may require upon reasonable written notice of not~~
13 ~~less than 15 days, a new deposit, where previously waived or returned, or an additional deposit,~~
14 ~~in order to secure payment of current bills. Provided, however, that the total amount of required~~
15 ~~deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC~~
16 ~~plus one month's local service charge, for the 90-day period immediately prior to the date of~~
17 ~~notice. In the event the customer has had service less than 90 days, then the company shall base~~
18 ~~its new or additional deposit upon the actual average monthly billing available.~~

19 ~~(4) Refund of deposit. After a customer has established a satisfactory payment record and has~~
20 ~~had continuous service for a period of 23 months, the company shall refund the residential~~
21 ~~customer's deposits, providing the customer has not, in the preceding 12 months:~~

22 ~~(a) Made more than one late payment of a bill (after the expiration of 15 days from the date of~~
23 ~~mailing or delivery by the company);~~

24 ~~(b) Paid with a check refused by a bank;~~

25 ~~(c) Been disconnected for nonpayment, or at any time; and~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

- 1 ~~(d) Used service in a fraudulent or unauthorized manner.~~
- 2 ~~(5) Interest on deposit.~~
- 3 ~~(a) Each telephone company which requires deposits to be made by its customers shall pay a~~
4 ~~minimum interest on such deposits of 6 percent per annum.~~
- 5 ~~(b) The deposit interest shall be simple interest in all cases and settlement shall be made~~
6 ~~annually, either in cash or by credit on the current bill. This does not prohibit any company~~
7 ~~paying a higher rate of interest than required by this rule. No customer depositor shall be entitled~~
8 ~~to receive interest on their deposit until and unless a customer relationship and the deposit have~~
9 ~~been in existence for a continuous period of six months. Then he or she shall be entitled to~~
10 ~~receive interest from the day of the commencement of the customer relationship and the~~
11 ~~placement of deposit. Nothing in this rule shall prohibit a company from refunding at any time a~~
12 ~~deposit with an accrued interest.~~
- 13 ~~(6) Record of deposits. Each company having on hand deposits from customers or hereafter~~
14 ~~receiving deposits from them shall keep records to show:~~
- 15 ~~(a) The name of each customer making the deposit;~~
- 16 ~~(b) The premises occupied by the customer when the deposit was made;~~
- 17 ~~(c) The date and amount of deposit; and~~
- 18 ~~(d) Each transaction concerning the deposit such as interest payment, interest credited or similar~~
19 ~~transactions.~~
- 20 ~~(7) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each customer~~
21 ~~and means provided so that the customer may claim the deposit if the certificate is lost. The~~
22 ~~deposit receipt shall contain notice that after ninety (90) days service, the subscriber is entitled to~~
23 ~~refunds of any deposit over and above an amount equal to one month's local service plus two~~
24 ~~months' average toll service provided by or billed by the LEC.~~
- 25

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1 ~~(8) Refund of deposit when service is discontinued. Upon termination of service, the deposit and~~
2 ~~accrued interest may be credited against the final account of the LEC and the balance, if any,~~
3 ~~shall be returned promptly to the customer but in no event later than forty five (45) days after~~
4 ~~service is discontinued.~~

5 ~~(9) This rule shall apply to residential service only.~~

6 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—
7 New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-
8 89, 4-25-94, 3-26-09, Repealed xx-xx-xx.

9
10 25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

11 ~~(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals~~
12 ~~that includes a monthly billing interval.~~

13 ~~(2) If each recurring charge due and payable is not itemized, each bill shall contain the following~~
14 ~~statement: "Further written itemization of local billing available upon request." In addition, the~~
15 ~~billing party will provide a plain language explanation to any customer who contacts the billing~~
16 ~~party.~~

17 ~~(3) Each LEC shall provide an itemized bill for local service:~~

18 ~~(a) With the first bill rendered after local exchange service to a customer is initiated or changed;~~
19 ~~and~~

20 ~~(b) To every customer at least once each twelve months.~~

21 ~~(4) The annual itemized bill shall be accompanied by a bill insert or bill message which explains~~
22 ~~the itemization and advises the customer to verify the items and charges on the itemized bill. An~~
23 ~~itemized bill shall include, but not be limited to the following information, separately stated:~~

24 ~~(a) Number and types of access lines;~~

25 ~~(b) Charges for access to the system, by type of line;~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

- 1 ~~(e) Charges for each custom calling features or package;~~
2 ~~(d) Unlisted number charges;~~
3 ~~(e) Local directory assistance charges;~~
4 ~~(f) Other tariff charges; and~~
5 ~~(g) Other nontariffed, regulated charges contained in the bill.~~
6 ~~(5) All bills rendered by a local exchange company shall clearly state the following items:~~
7 ~~(a) Any discount or penalty. The originating party is responsible for informing the billing party~~
8 ~~of all such penalties or discounts to appear on the bill, in a form usable by the billing party;~~
9 ~~(b) Past due balance;~~
10 ~~(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic~~
11 ~~local service, including a statement of the consequences of nonpayment;~~
12 ~~(d) Long distance monthly or minimum charges, if included in the bill;~~
13 ~~(e) Long distance usage charges, if included in the bill;~~
14 ~~(f) Usage based local charges, if included in the bill;~~
15 ~~(g) Telecommunications Access System Surcharge, per subsection 25-4.160(3), F.A.C.;~~
16 ~~(h) "911" fee per Section 365.171(13), F.S.; and~~
17 ~~(i) Delinquent date.~~
18 ~~(6) Each company shall make appropriate adjustments or refunds where the subscriber's service~~
19 ~~is interrupted by other than the subscriber's negligent or willful act, and remains out of order in~~
20 ~~excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the~~
21 ~~subscriber shall be the pro rata part of the month's charge for the period of days and that portion~~
22 ~~of the service and facilities rendered useless or inoperative; except that the refund shall not be~~
23 ~~applicable for the time that the company stands ready to repair the service and the subscriber~~
24 ~~does not provide access to the company for such restoration work. The refund may be~~
25 ~~accomplished by a credit on a subsequent bill for telephone service.~~

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1 ~~(7) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of~~
2 ~~mailing or delivery by the company.~~

3 ~~(8) Each telephone company shall include a bill insert or bill message advising each subscriber~~
4 ~~of the directory closing date and the subscriber's opportunity to correct any error or make~~
5 ~~changes as the subscriber deems necessary in advance of the closing date. It shall also state that~~
6 ~~at no additional charge and upon the request of any residential subscriber, the exchange company~~
7 ~~shall list an additional first name or initial under the same address, telephone number, and~~
8 ~~surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days~~
9 ~~preceding the directory closing date.~~

10 ~~(9) Annually, each telephone company shall include a bill insert or bill message advising each~~
11 ~~residential subscriber of the option to have the subscriber's name placed on the "No Sales~~
12 ~~Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division~~
13 ~~of Consumer Services, and the 800 number to contact to receive more information.~~

14 ~~(10) Where any undercharge in billing of a customer is the result of a company mistake, the~~
15 ~~company may not backbill in excess of 12 months.~~

16 ~~(11) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying~~
17 ~~any unpaid regulated charges. The remaining portion of the payment, if any, shall be applied to~~
18 ~~nonregulated charges.~~

19 ~~(12) The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end~~
20 ~~user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge.~~
21 ~~A second adjustment will be made if necessary to reflect calls billed in the following month~~
22 ~~which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed,~~
23 ~~the end user/customer shall be notified of the availability of free blocking of Pay Per Call service~~
24 ~~(900 and 976).~~

25
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1 ~~(13) Companies that bill for local service must provide notification with the customer's first bill~~
2 ~~or via letter, and annually thereafter that a PC Freeze is available at no charge. Existing~~
3 ~~customers must be notified annually that a PC Freeze is available at no charge. Notification shall~~
4 ~~conform to the requirements of Rule 25-4.083, F.A.C.~~

5 ~~(14) If a customer notifies a billing party that they did not order an item appearing on their bill or~~
6 ~~that they were not provided a service appearing on their bill, the billing party shall promptly~~
7 ~~provide the customer a credit for the item and remove the item from the customer's bill, with the~~
8 ~~exception of the following:~~

9 ~~(a) Charges that originate from:~~

10 ~~1. Billing party or its affiliates;~~

11 ~~2. A governmental agency;~~

12 ~~3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and~~

13 ~~(b) Charges associated with the following types of calls:~~

14 ~~1. Collect calls;~~

15 ~~2. Third party calls;~~

16 ~~3. Customer dialed calls for; and~~

17 ~~4. Calls using a 10-10-xxx calling pattern.~~

18 ~~(15)(a) Upon request from any customer, a billing party must restrict charges in its bills to only:~~

19 ~~1. Those charges that originate from the following:~~

20 ~~a. Billing party or its affiliates;~~

21 ~~b. A governmental agency;~~

22 ~~c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and~~

23 ~~2. Those charges associated with the following types of calls:~~

24 ~~a. Collect calls;~~

25 ~~b. Third party calls;~~

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1 ~~e. Customer dialed calls; and~~

2 ~~d. Calls using a 10-10-xxx calling pattern.~~

3 ~~(b) Customers must be notified of this right by billing parties annually and at each time a~~
4 ~~customer notifies a billing party that the customer's bill contained charges for products or~~
5 ~~services that the customer did not order or that were not provided to the customer.~~

6 ~~(e) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S.,~~
7 ~~are exempted from this subsection.~~

8 ~~(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider~~
9 ~~shall meet the requirements as prescribed by the Federal Communications Commission in Title~~
10 ~~47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth in Billing~~
11 ~~Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into~~
12 ~~this rule by reference.~~

13 Rulemaking Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.04, 364.052,
14 364.3382, 364.602, 364.603, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-
15 17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-
16 96, 12-28-98, 7-5-00, 11-16-03, 10-21-09, Repealed xx-xx-xx.

17
18 25-4.111 Customer Complaints and Service Requests.

19 ~~(1) Each telephone utility shall make a full and prompt investigation of all complaints and~~
20 ~~service requests made by its customers, either directly to it or through the Commission and~~
21 ~~respond to the initiating party within fifteen (15) days. The term "complaint" as used in this rule~~
22 ~~shall be construed to mean any oral or written report from a subscriber or user of telephone~~
23 ~~service relating to a physical defect, difficulty or dissatisfaction with the operation of telephone~~
24 ~~facilities, errors in billing or the quality of service rendered.~~

25
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1 ~~(2) Arrangements shall be made by each telephone company to receive customer trouble reports~~
2 ~~twenty-four (24) hours daily and to clear trouble of an emergency nature at all hours, consistent~~
3 ~~with the bona fide needs of the customer and personal safety of utility personnel.~~

4 ~~(3) If the use of service by any subscriber interferes unreasonably with the necessary service of~~
5 ~~other customers, such subscribers may be required to take service in sufficient quantity or of a~~
6 ~~different class or grade.~~

7 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.051, 364.07, 364.19 FS.

8 History—Revised 12-1-68, Amended 3-31-76, Repealed xx-xx-xx.

9
10 25-4.114 Refunds.

11 ~~(1) Applicability. With the exception of deposit refunds, all refunds ordered by the Commission~~
12 ~~shall be made in accordance with the provisions of this Rule, unless otherwise ordered by the~~
13 ~~Commission.~~

14 ~~(2) Timing of Refunds. Refunds must be made within ninety (90) days of the Commission's~~
15 ~~order unless a different time frame is prescribed by the Commission. Unless a stay has been~~
16 ~~requested in writing and granted by the Commission, a motion for reconsideration of an order~~
17 ~~requiring a refund will not delay the timing of the refund. In the event that a stay is granted~~
18 ~~pending reconsideration, the timing of the refund shall commence from the date of the order~~
19 ~~disposing of any motion for reconsideration. This Rule does not authorize any motion for~~
20 ~~reconsideration not otherwise authorized by Chapter 25-22, F.A.C.~~

21 ~~(3) Basis of Refund. Where the refund is the result of a specific rate change, including interim~~
22 ~~rate increases, and the refund can be computed on a per customer basis, that will be the basis of~~
23 ~~the refund. However, where the refund is not related to specific rate changes, such as a refund for~~
24 ~~overearnings, the refund shall be made to customers of record as of a date specified by the~~
25 ~~Commission. In such case, refunds shall be made on the basis of access lines. Per customer~~

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1 ~~refund refers to a refund to every customer receiving service during the refund period. Customer~~
2 ~~of record refund refers to a refund to every customer receiving service as of a date specified by~~
3 ~~the Commission.~~

4 ~~(4) Interest.~~

5 ~~(a) In the case of refunds which the Commission orders to be made with interest, the average~~
6 ~~monthly interest rate until the refund is posted to the customers account shall be based on the~~
7 ~~thirty (30) day commercial paper rate for high grade, unsecured notes sold through dealers by~~
8 ~~major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.~~

9 ~~(b) This average monthly interest rate shall be calculated for each month of the refund period:~~

10 ~~1. By adding the published interest rate in effect for the last business day of the month prior to~~
11 ~~each month of the refund period and the published rate in effect for the last business day of each~~
12 ~~month of the refund period divided by twenty four (24) to obtain the average monthly interest~~
13 ~~rate;~~

14 ~~2. The average monthly interest rate for the month prior to distribution shall be the same as the~~
15 ~~last calculated average monthly interest rate.~~

16 ~~(c) The average monthly interest rate shall be applied to the sum of the previous month's ending~~
17 ~~balance (including monthly interest accruals) and the current month's ending balance divided by~~
18 ~~two (2) to accomplish a compounding effect.~~

19 ~~(d) Interest Multiplier. When the refund is computed for each customer, an interest multiplier~~
20 ~~may be applied against the amount of each customer's refund in lieu of a monthly calculation of~~
21 ~~the interest for each customer. The interest multiplier shall be calculated by dividing the total~~
22 ~~amount refundable to all customers, including interest, by the total amount of the refund,~~
23 ~~excluding interest. For the purpose of calculating the interest multiplier, the utility may, upon~~
24 ~~approval by the Commission, estimate the monthly refundable amount.~~

25
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1 ~~(e) Commission staff shall provide applicable interest rate figures and assistance in calculations~~
2 ~~under this Rule upon request of the affected utility.~~

3 ~~(5) Method of Refund Distribution. For those customers still on the system, a credit shall be~~
4 ~~made on the bill. In the event the refund is for a greater amount than the bill, the remainder of the~~
5 ~~credit shall be carried forward until the refund is completed. If the customer so requests, a check~~
6 ~~for any negative balance must be sent to the customer within ten (10) days of the request.~~

7 ~~For customers entitled to a refund but no longer on the system, the company shall mail a refund~~
8 ~~check to the last known billing address except that no refund for less than \$1.00 will be made to~~
9 ~~these customers.~~

10 ~~(6) Security for Money Collected Subject to Refund. In the case of money being collected~~
11 ~~subject to refund, the money shall be secured by a bond unless the Commission specifically~~
12 ~~authorizes some other type of security such as placing the money in escrow, approving a~~
13 ~~corporate undertaking, or providing a letter of credit. The Commission may require the company~~
14 ~~to provide a report by the 10th of each month indicating the monthly and total amount of money~~
15 ~~subject to refund as of the end of the preceding month. The report shall also indicate the status of~~
16 ~~whatever security is being used to guarantee repayment of the money.~~

17 ~~(7) Refund Reports. During the processing of the refund, monthly reports on the status of the~~
18 ~~refund shall be made by the 10th of the following month. In addition, a preliminary report shall~~
19 ~~be made within thirty (30) days after the date the refund is completed and again 90 days~~
20 ~~thereafter. A final report shall be made after all administrative aspects of the refund are~~
21 ~~completed. The above reports shall specify the following:~~

22 ~~(a) The amount of money to be refunded and how that amount was computed;~~

23 ~~(b) The amount of money actually refunded;~~

24 ~~(c) The amount of any unclaimed refunds; and~~

25 ~~(d) The status of any unclaimed amounts.~~

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1 ~~(8) With the last report under subsection (7) of this rule, the company shall suggest a method for~~
2 ~~disposing of any unclaimed amounts. The Commission shall then order a method of disposing of~~
3 ~~the unclaimed funds.~~

4 Rulemaking Authority 350.127(2) FS. Law Implemented 364.05(4), 364.055(2), 364.07, 364.08,
5 364.19 FS. History—New 8-18-83, Repealed xx-xx-xx.

6
7 25-4.115 Directory Assistance.

8 ~~There shall be no charge for directory assistance calls from lines or trunks serving individuals~~
9 ~~with disabilities. As used in this rule, “disability” means, with respect to an individual—A~~
10 ~~physical or mental impairment that prohibits a customer from using the telephone directory.~~

11 Rulemaking Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07,
12 364.08 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05, 1-25-09,
13 Repealed xx-xx-xx.

14
15 25-4.117 Toll Free Service.

16 ~~Telephone companies are prohibited from billing to or collecting from the originating caller any~~
17 ~~charges for intrastate calls to toll free numbers (e.g., 800, 866, 877, and 888).~~

18 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History—
19 New 3-5-90, Amended 1-25-09, Repealed xx-xx-xx.

20
21 25-4.202 Construction.

22 ~~(1) The intent of this Part is to minimize the regulation of small LECs with respect to audits,~~
23 ~~investigations, service standards, cost studies, periodic reports, evaluations, and discovery.~~

24 ~~Where the rules contained in this Part conflict with other provisions in Chapter 25, F.A.C., the~~
25 ~~conflicting rules shall be construed so that the less burdensome requirement will apply.~~

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1 ~~(2) When determining whether regulatory requirements should be imposed on small local~~
2 ~~exchange companies, the Commission and its staff shall weigh the requirement's benefits against~~
3 ~~the cost of compliance by considering factors such as the amount of data and resources available,~~
4 ~~the relative amount of precision needed, and whether the use of outside consultants is necessary.~~
5 Rulemaking Authority 350.127(2) FS. Law Implemented 364.052 FS. History—New 3-10-96,
6 Amended 1-31-00, Repealed xx-xx-xx.

7
8 25-4.210 Service Evaluations and Investigations.

9 ~~(1) Commission staff shall not conduct a service evaluation of a small local exchange company~~
10 ~~more frequently than every four years unless there is a compelling reason to do so. Reasons~~
11 ~~sufficiently compelling to justify service evaluations on a more frequent basis include, but are~~
12 ~~not limited to, poor results on the most recent service evaluation, a material number of customer~~
13 ~~complaints received by the Commission against a small local exchange company, service quality~~
14 ~~deficiencies indicated by the service quality reports filed by the small local exchange company~~
15 ~~with the Commission, reports of significant rule violations affecting service by a small local~~
16 ~~exchange company, or a complaint from a county or city regarding violation of one of the~~
17 ~~Commission's service standards.~~

18 ~~(2) During the course of undocketed generic investigations involving issues of general~~
19 ~~applicability to all or a part of the telecommunications industry, the following shall apply:~~

20 ~~(a) Commission staff shall coordinate data requests to small local exchange companies and~~
21 ~~weigh the benefit that would be gained from the information against the cost of compliance to~~
22 ~~determine whether the information is needed.~~

23 ~~(b) Upon receipt of a Commission staff data request, a small local exchange company may~~
24 ~~request to decline to respond if the small local exchange company does not have responsive data~~
25 ~~that will materially contribute to the resolution of the issue under review, or where responding to~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~the data request would be unduly costly or otherwise burdensome. In such event, the small local~~
2 ~~exchange company shall notify the staff within a reasonable time after receipt of the request and~~
3 ~~shall state the basis for requesting to not respond. Any dispute arising from a small local~~
4 ~~exchange company's notification under this subsection shall be resolved by the Director of the~~
5 ~~division issuing the data request or the Director's designee.~~
6 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.052, 364.15, 364.18 FS.
7 History--New 3-10-96. Repealed xx-xx-xx.

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1 **CHAPTER 25-24**

2 25-24.455 Scope and Waiver.

3 ~~(1) This Part applies only to Intrastate Interexchange Companies (IXCs). As provided by Rules~~
4 ~~25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapter 25-4, 25-9 or 25-14, F.A.C.,~~
5 ~~shall apply to IXCs, except as provided by this Part.~~

6 ~~(2) An IXC may petition for a waiver of any provision of this Part. The waiver shall be granted~~
7 ~~in whole, granted in Part or denied based on the following:~~

8 ~~(a) The factors enumerated in Section 364.337(4), Florida Statutes;~~

9 ~~(b) The extent to which competitive forces may serve the same function as, or obviate the~~
10 ~~necessity for, the provision sought to be waived;~~

11 ~~(c) Alternative regulatory requirements for the company which may serve the purposes of this~~
12 ~~part; and~~

13 ~~(d) Whether the waiver is in the public interest.~~

14 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02 FS. History—New 2-23-
15 87, Amended 8-25-05, Repealed xx-xx-xx.

16
17 25-24.465 Terms and Definitions.

18 ~~(1) For purposes of this Part, the term “Company” means an IXC.~~

19 ~~(2) Rule 25-4.003, F.A.C., Definitions, applies to IXCs.~~

20 Rulemaking Authority 350.127(2) FS. Law Implemented 364.02 FS. History—New 2-23-87,
21 Amended 3-13-96, 8-25-05, Repealed xx-xx-xx.

22
23 25-24.470 Registration Required.

24
25
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(1) No person shall provide intrastate interexchange telephone service without first filing an~~
2 ~~initial tariff containing the rates, terms, and conditions of service and providing the company's~~
3 ~~current contact information with the Office of Commission Clerk.~~

4 ~~(2) An original and two (2) copies of the company's initial tariff shall be filed. The tariff filing~~
5 ~~shall conform to the requirements of Rule 25-24.485, F.A.C.~~

6 ~~(3) The company's contact information shall be provided using Form PSC/RAD 31 (08/05),~~
7 ~~entitled "IXC Registration Form" which is hereby incorporated into these rules. A copy of the~~
8 ~~form may be obtained from the Commission's website at~~
9 ~~www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of~~
10 ~~Regulatory Analysis.~~

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

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

15 ~~(b) Mailing address, including street name and address and post office box, city, state, and zip~~
16 ~~code.~~

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

20 Rulemaking Authority 350.127(2) FS. Law Implemented 364.02, 364.04 FS. History—New 2-23-
21 87, Amended 8-25-05, 5-29-08, Repealed xx-xx-xx.

22
23 25-24.474 Cancellation of a Registration.

24 ~~(1) The following are grounds for cancellation of a company's registration:~~

25 ~~(a) Violation of the terms and conditions under which the authority was originally granted;~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~(b) Violation of Commission rule or order; or~~

2 ~~(c) Violation of Florida Statutes.~~

3 ~~(2) If a registered company desires to cancel its registration, it shall request cancellation from the~~
4 ~~Commission in writing and shall provide the following with its request:~~

5 ~~(a) Current and any past due Regulatory Assessment Fees, and the associated penalty and~~
6 ~~interest; and~~

7 ~~(b) A statement on treatment of customer deposits and final bills.~~

8 ~~(3) Cancellation of the IXC registration shall be granted subject to the holder providing the~~
9 ~~information required by subsection (2).~~

10 Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.02, 364.285
11 FS. History—New 2-23-87, Amended 3-13-96, 8-25-05, Repealed xx-xx-xx.

12
13 25-24.475 Company Operations and Customer Relations.

14 ~~(1) For intrastate toll calls received from the relay service, each IXC shall offer discounts as~~
15 ~~required by subsection 25-4.160(1), F.A.C.~~

16 ~~(2) Each IXC shall comply with the requirements of Rule 25-4.110, F.A.C.; Customer Billing,~~
17 ~~subsections (11), (12), (14), (15), (18), and (20).~~

18 ~~(3) Each IXC shall comply with the requirements of Rule 25-4.118, F.A.C.; Local, Local Toll, or~~
19 ~~Toll Provider Selection. For the purpose of this subsection, the words “certificate” or~~
20 ~~“certificated” in Rule 25-4.118, F.A.C., shall be substituted for the word “register” or~~
21 ~~“registered.”~~

22 ~~(4) When operator services are provided by an IXC for calls placed from pay telephones or~~
23 ~~confinement facilities, Part XIII of Chapter 25-24, F.A.C., shall apply for such calls.~~

24 ~~(5) Each IXC shall respond to Commission inquiries within 15 days.~~

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1 ~~(6) Each IXC shall comply with the requirements of Rule 25-4.083, F.A.C., Preferred Carrier~~
2 ~~Freeze, except subsections (11) and (12).~~
3 Rulemaking Authority 350.127(2) FS. Law Implemented 364.02, 364.04, 364.603, 364.604,
4 427.704 FS. History—New 2-23-87, Amended 6-24-90, 9-16-92, 2-3-93, 3-13-96, 2-1-99, 8-25-
5 05, Repealed xx-xx-xx.

6
7 25-24.480 Records and Reports.

8 ~~(1) Each IXC shall remit Regulatory Assessment Fees in accordance with Rule 25-4.0161,~~
9 ~~F.A.C.~~

10 ~~(2) Each IXC shall furnish to the Commission at such times and in such form as the Commission~~
11 ~~may require, the results of any required tests and summaries of any required records. The IXC~~
12 ~~shall also furnish the Commission with any information concerning the IXC's facilities or~~
13 ~~operations which the Commission may reasonably request and require. All such data, unless~~
14 ~~otherwise specified, shall be consistent with and reconcilable with the IXC's regulatory~~
15 ~~assessment fee report to the Commission.~~

16 ~~(3) Where an IXC is operated with another enterprise, records must be separated in such manner~~
17 ~~that the results of the IXC operations may be determined at any time.~~

18 ~~(4) Upon notification to the IXC, members may, at reasonable times, make personal visits to the~~
19 ~~company offices or other places of business within or without the State and may inspect any~~
20 ~~accounts, books, records, and papers of the IXC which may be necessary in the discharge of~~
21 ~~Commission duties. Commission staff members will present Commission identification cards as~~
22 ~~the written authority to inspect records. During such visits the IXC shall provide the staff~~
23 ~~member(s) with adequate and comfortable working and filing space, consistent with the~~
24 ~~prevailing conditions and climate, and comparable with the accommodations provided the IXC's~~
25 ~~outside auditors.~~

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1 Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.117, 364.02, 364.336 FS.
2 History—New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-22-
3 92, 12-27-94, 3-13-96, 10-1-96, 8-25-05, Repealed xx-xx-xx.

4
5 25-24.485 Tariffs.

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

9 ~~(a) Each IXC shall maintain on file with the Commission tariffs which set forth all of the rates~~
10 ~~and charges for customer services, the different services available to subscribers and the~~
11 ~~conditions and circumstances under which service will be furnished.~~

12 ~~(b) The tariff will be Florida specific and all rates, charges, and service descriptions shall be for~~
13 ~~intrastate usage, unless interstate rates are necessary to compute the intrastate portion of a~~
14 ~~customer's monthly bill; then, the interstate rates, charges, and service descriptions shall also be~~
15 ~~quoted in the tariff to the extent necessary to compute the intrastate portion of a customer's bill.~~

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

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

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

25
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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

4 ~~(g) Companies shall charge only the rates contained in their tariff. If a company desires to charge~~
5 ~~rates or charges at a lower level than is contained in an existing tariff and wishes to charge those~~
6 ~~lower rates only temporarily file a single tariff change reflecting the conditions of the temporary~~
7 ~~tariff change. Such tariff provision shall include the heading "Promotion," and shall state the~~
8 ~~name of the promotion, a specific description of the tariffed service involved, including all~~
9 ~~applicable rates, terms, and conditions, and the beginning and ending dates of the reduction.~~

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

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

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

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

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

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

25
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1 ~~(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-~~
2 ~~hand corner of the sheet. As an example: Original Sheet No. 1, or Original Sheet No. 5.2.~~

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

5 ~~First Revised Sheet No. 1~~

6 ~~Cancels Original Sheet No. 1~~

7 ~~or~~

8 ~~Fourth Revised Sheet No. 5.2~~

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

10 ~~(f) The name and title of the issuing officer shall be placed at the bottom of each sheet. To the~~
11 ~~right of the issuing officer's name there shall appear "Effective: 8-25-05."~~

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

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

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

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

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

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

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

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

8 ~~(4) Information to Accompany Tariff Filings.~~

9 ~~(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet number~~
10 ~~and revision level) being transmitted and gives a brief description of all changes.~~

11 ~~(b) Along with each tariff filing the company shall include three (3) copies of the tariff pages~~
12 ~~which contain proposed changes as they will appear in the approved tariff.~~

13 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04 FS. History—New 2-23-87,
14 Amended 11-19-89, 11-21-95, 3-13-96, 8-25-05, Repealed xx-xx-xx.

15
16 25-24.490 Toll Free Number Transfers.

17 ~~(1) The serving IXC shall facilitate the transfer of the subscriber's toll free telephone number~~
18 ~~(e.g., 800, 877, 888) upon request from the acquiring company.~~

19 ~~(2) The serving IXC shall not disconnect a subscriber's working toll free number (e.g., a~~
20 ~~telephone number that is fully functional to the customer) after receiving a service transfer~~
21 ~~request from another IXC.~~

22 ~~(3) A working toll free number shall be transferred regardless of whether a balance is owed.~~

23 Rulemaking Authority 350.127(2), 364.604(5) FS. Law Implemented 364.603, 364.604 FS.

24 History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03,
25 9-9-04, 8-25-05, Repealed xx-xx-xx.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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25-24.516 Pay Telephone Operator Services.

~~A pay telephone provider shall not obtain services from an interexchange carrier or an operator service provider unless such carrier or provider has registered with or has obtained a certificate of public convenience and necessity from the Commission.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4), (5), 364.3376 FS.
History—New 9-5-95, Amended 2-1-99, 9-7-04, 12-15-09, Repealed xx-xx-xx.

25-24.575 Shared Tenant Service Operations.

~~(1) All shared tenant service providers shall allow the carrier of last resort of local exchange telecommunication services direct access to tenants who desire local service from the carrier of last resort of local exchange telecommunication services instead of the shared tenant service provider.~~

~~(2) Each shared tenant service provider shall allow access to a provider of local exchange telecommunication services “zero” operators for emergencies and for line verification purposes.~~

~~(3)(a) Each shared tenant service provider shall provide direct access to 911 service where available at a level at least equivalent to the service provided by the incumbent local exchange company.~~

~~(b) By July 1, 1997, access to 911 services shall be maintained for the duration of any temporary disconnection for non-payment of a residential subscriber’s local service.~~

~~(4) Each shared tenant service provider shall provide access via 800, 888, 10XXX, or 950, where available, to all locally available interexchange companies.~~

~~(5) Shared tenant service providers shall be subject to the following conditions when operating in a rate base, rate of return local exchange company’s service area, as provided in Section 364.052(2), F.S.~~

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1 ~~(a) Where two (2) or more buildings are served by the same private branch exchange (PBX), the~~
2 ~~trunks serving each building shall be separately partitioned.~~

3 ~~(b) Shared tenant service customers in one building shall not access or use the trunks partitioned~~
4 ~~for another building.~~

5 ~~(c) Shared tenant service shall be limited to a total of 250 inward, outward, and combinational~~
6 ~~trunks per private branch exchange (PBX).~~

7 ~~(d) Shared tenant service providers shall not be allowed to:~~

8 ~~1. Establish dedicated facilities (provide lines) direct to an interexchange company's point of~~
9 ~~presence (POP).~~

10 ~~2. Construct facilities for interconnecting other shared tenant service locations.~~

11 ~~3. Allow intercommunication between unaffiliated entities.~~

12 ~~(6) The carrier of last resort of local exchange telecommunication services must be able to gain~~
13 ~~access to all facilities up to the demarcation point of the tenant's premises, and retain~~
14 ~~responsibility for provision and maintenance of the network up to that point.~~

15 ~~(7) The carrier of last resort of local exchange telecommunication services shall use the STS~~
16 ~~provider's or the STS building owner's cable, if made available, to gain access to the tenant. The~~
17 ~~carrier of last resort of local exchange telecommunication services shall be required to provide~~
18 ~~reasonable compensation. Such compensation shall not exceed the amount it would have cost the~~
19 ~~carrier of last resort of local exchange telecommunication services to serve the tenant through~~
20 ~~installation of its own cable. This cost must be calculated on a pro-rata basis.~~

21 ~~(8) In those circumstances where the STS provider and landlord of a building are not the same,~~
22 ~~the STS provider shall obtain and guarantee the permission of the building owner to allow direct~~
23 ~~access by the carrier of last resort of local exchange telecommunication services to any tenant~~
24 ~~upon the tenant's request.~~

25
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.339,
2 364.345 FS. History–New 1-28-91, Amended 7-29-97, Repealed xx-xx-xx.

3
4 25-24.580 Airport Exemption.

5 ~~Airports shall be exempt from the other STS rules due to the necessity to ensure the safe and~~
6 ~~efficient transportation of passengers and freight through the airport facility. The airport shall~~
7 ~~obtain a certificate as a shared tenant service provider before it provides shared local services to~~
8 ~~facilities such as hotels, shopping malls and industrial parks. However, if the airport partitions its~~
9 ~~trunks, it shall be exempt from the other STS rules for service provided only to the airport~~
10 ~~facility.~~

11 Rulemaking Authority 350.127(2) FS. Law Implemented 364.337, 364.339, 364.345 FS.
12 History–New 1-28-91, Amended 3-11-92, Repealed xx-xx-xx.

13
14 25-24.600 Application and Scope.

15 ~~(1) The term “company” for the purpose of this Part also includes IXCs.~~

16 ~~(2) This Part applies to:~~

17 ~~(a) Every company that provides operator services as defined in Section 364.02, Florida Statutes,~~

18 ~~(b) Every company that bills and collects in its own name for operator services provided by other~~
19 ~~entities, and~~

20 ~~(c) Call aggregators as defined in this Part.~~

21 Rulemaking Authority 350.127(2), 364.3376(8) FS. Law Implemented 364.01, 364.3376 FS.
22 History–New 9-6-93, Amended 9-10-97, 2-1-99, 8-25-05, Repealed xx-xx-xx.

23
24 25-24.610 Terms and Definitions; Rules Incorporated.

25 ~~(1) For purposes of this Part, the following definitions apply:~~

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1 ~~(a) "Call aggregator" is any person or entity that provides telecommunications service to the~~
2 ~~transient public. Subject to the definition above, "call aggregator" includes but is not limited to~~
3 ~~the following:~~

4 ~~1. Hotel as defined in Section 509.242(1)(a), Florida Statutes;~~

5 ~~2. Motel as defined in Section 509.242(1)(b), Florida Statutes;~~

6 ~~3. Resort condominium as defined in Section 509.242(1)(c), Florida Statutes;~~

7 ~~4. Transient apartment as defined in Section 509.242(1)(e), Florida Statutes;~~

8 ~~5. Rooming house as defined in Section 509.242(1)(f), Florida Statutes;~~

9 ~~6. Resort dwelling as defined in Section 509.242(1)(g), Florida Statutes;~~

10 ~~7. Schools dormitories;~~

11 ~~8. Nursing home licensed under Section 400.062, Florida Statutes;~~

12 ~~9. Assisted living facility licensed under Section 400.407, Florida Statutes;~~

13 ~~10. Hospital licensed under Section 395.003, Florida Statutes;~~

14 ~~11. Timeshare plan as defined in Section 721.05(37), Florida Statutes;~~

15 ~~12. Continuing care facility certificated under Section 651.023, Florida Statutes, and~~

16 ~~13. Homes, communities, or facilities funded or insured by the United States Department of~~
17 ~~Housing and Urban Development (HUD) under 12 U.S.C. § 1701q that sets forth the National~~
18 ~~Housing Act program designed to aid the elderly.~~

19 ~~(b) "Conversation time" is the time during which two-way communication is possible between~~
20 ~~the calling and called party.~~

21 ~~(c) "End user" means a person who initiates or is billed for a telephone call.~~

22 ~~(d) "Person to person" is a service whereby the person originating the call specifies to the~~
23 ~~operator service provider's operator a particular person to be reached.~~

24 ~~(e) "Surcharge" means an amount billed to an end user by a call aggregator that is in excess of~~
25 ~~the rate information that may be obtained pursuant to Section 364.3376(5), Florida Statutes.~~

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1 ~~“Surecharge” includes any charge billed by a call aggregator that is associated with a call billed~~
2 ~~by another entity.~~

3 (2) ~~In addition to the above, the following rules are incorporated herein by reference:~~

4 _____
5 _____ Portions

6 Section Title Applicable

7 25-4.003 Definitions All

8 25-4.019 Records and Reports in General All

9 25-4.020 Location and Preservation of Records (2)

10 Rulemaking Authority 350.127(2), 364.3376(8) FS. Law Implemented 364.01, 364.016,
11 364.3376 FS. History--New 9-6-93, Amended 9-10-97, 2-1-99, 8-25-05, Repealed xx-xx-xx.

12
13 25-24.620 Service Requirements for Companies Providing Operator Services.

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

16 (2) ~~In its tariffs for and contracts with billing and collection agents and other companies~~
17 ~~providing operator services, every company providing operator services shall require the other~~
18 ~~party to:~~

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

23 (b) ~~Allow end-users to access the universal telephone number “911”, where operable, at no~~
24 ~~charge to the end-user, and where not operable, to allow end-users to access the operator of the~~
25 ~~provider of local exchange telecommunications services at no charge;~~

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

4 ~~(d) Route all end user dialed 1+ and 0+ toll calls to the preselected carrier unless the end user~~
5 ~~dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888, or~~
6 ~~10XXXX, 101XXX, or 10XXX; and~~

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

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

12 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-
13 6-93, Amended 1-16-96, 9-10-97, 2-1-99, Repealed xx-xx-xx.

14
15 25-24.630 Rate and Billing Requirements.

16 ~~(1) Services charged and billed to any end user by an operator services provider for an intrastate~~
17 ~~0+ or 0- call made from a pay telephone or in a call aggregator context shall not exceed the rates~~
18 ~~in the company's published schedules.~~

19 ~~(2) An operator services provider shall have current rate information readily available and~~
20 ~~provide this information orally to end users upon request prior to connection.~~

21 ~~(3) An operator services provider shall require that its certificated or registered name appear on~~
22 ~~any telecommunications company's bill for regulated charges.~~

23 ~~(4) An operator services provider shall require all calls to be individually identified on each bill~~
24 ~~from a telecommunications company on an end user's bill, including the date and start time of~~
25

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1 ~~the call, call duration, origin and destination (by city or exchange name and telephone number),~~
2 ~~and type of call.~~

3 ~~(5) An operator services provider shall provide a toll free number for customer inquiries on the~~
4 ~~bill and maintain procedures adequate to allow the company to promptly receive and respond to~~
5 ~~such inquiries.~~

6 ~~(6) An operator services provider shall charge only for conversation time as rounded according~~
7 ~~to company published schedules.~~

8 ~~(7) An operator services provider shall not:~~

9 ~~(a) Bill or charge for uncompleted calls in areas where answer supervision is available or~~
10 ~~knowingly bill or charge for uncompleted calls in areas where answer supervision is not~~
11 ~~available.~~

12 ~~(b) Bill for any collect call that has not been affirmatively accepted by a person receiving the call~~
13 ~~regardless of whether the call was processed by a live or automated operator.~~

14 ~~(c) Bill for calls in increments greater than one minute except for pay telephone coin calls that~~
15 ~~may be in increments no greater than three minutes.~~

16 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-
17 6-93, Amended 2-1-99, 9-7-04, 12-15-09, Repealed xx-xx-xx.

18
19 25-24.640 Service Requirements for Call Aggregators.

20 ~~(1) Every call aggregator shall:~~

21 ~~(a) Allow end users to access, at a charge that is no greater than the amount the call aggregator~~
22 ~~charges for calls placed using the presubscribed provider of operator services, all locally~~
23 ~~available interexchange companies via all locally available methods of access, including~~
24 ~~10XXX, 950 XXXX, and toll free access codes such as 800 and 888;~~

25
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

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

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

7 ~~(d) Route all end user dialed toll calls to the preselected carrier unless the end user dials the~~
8 ~~appropriate access code for his carrier of choice, such as 950, 800, 888, or 10XXX; and~~

9 ~~(e) Route all end user dialed 0- calls to the operator of the provider of local exchange~~
10 ~~telecommunications services when no additional digits are dialed after five seconds; and~~

11 ~~(f) Place a written notice in plain view, in the immediate vicinity of each telephone served by the~~
12 ~~call aggregator, which meets the requirements of Section 364.3376(5), Florida Statutes, and~~
13 ~~clearly states at least the following information:~~

14 ~~1. Name of the company providing operator services as it appears on the registration list or~~
15 ~~certificate issued by the Commission;~~

16 ~~2. Instructions on how to reach the operator of the provider of local exchange~~
17 ~~telecommunications services;~~

18 ~~3. Instructions on how to reach emergency services;~~

19 ~~4. Instructions on how to place local and long distance calls;~~

20 ~~5. A toll-free number for refunds;~~

21 ~~6. The amount of any surcharge for local calls, long distance calls, directory assistance, or any~~
22 ~~other surcharges to be billed and collected by the call aggregator;~~

23 ~~7. If a surcharge applies whether or not the call is completed;~~

24 ~~8. If rate information for a local or long distance call is posted, the rate information shall be~~
25 ~~clearly separated and identified from the surcharge;~~

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1 ~~9. The toll-free telephone number of the Florida Public Service Commission.~~

2 ~~(2) For the purpose of this Part, a resort comprised of one or more call aggregators under a~~
3 ~~consolidated management group shall be considered a single call aggregator.~~

4 ~~(3) Each call aggregator shall reply to inquiries propounded by the Commission's staff~~
5 ~~concerning service or other complaints received by the Commission within 30 calendar days~~
6 ~~from the date of the Commission inquiry.~~

7 Rulemaking Authority 350.127(2), 364.3376(5), (8) FS. Law Implemented 364.01, 364.3376 FS.
8 History—New 9-10-97, Amended 8-25-05, Repealed xx-xx-xx.

9
10 25-24.721 Tariffs Not Required.

11 ~~Alternative Access Vendors are not required to file Tariffs.~~

12 Rulemaking Authority 350.127(2) FS. Law Implemented 364.337 FS. History—New 1-8-95.
13 Repealed xx-xx-xx.

14
15 25-24.740 AAV Service Provider Operations; Rules Incorporated.

16 ~~(1) The following rules are incorporated herein by reference and apply to Alternative Access~~
17 ~~Vendor service companies:~~

18 Section Title

19 ~~25-4.022 — Complaint — Trouble Reports, Etc.~~

20 ~~25-4.036 — Design and Construction of Plant~~

21 ~~25-4.038 — Safety~~

22 ~~25-4.041 — Courtesy~~

23 ~~(2) An AAV service provider may act as an agent of its customer in obtaining service from the~~
24 ~~local exchange company, provided the local exchange company bills the customer directly for~~
25 ~~the service rendered.~~

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1 ~~(3) An AAV service provider shall not resell local exchange company private line or foreign~~
2 ~~exchange (FX) service.~~

3 ~~(4) Each AAV service provider shall require each customer to provide in writing, at least once~~
4 ~~every 12 months, the intrastate percentage of the customer's traffic carried over the AAV's~~
5 ~~facilities.~~

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

7 Repealed xx-xx-xx.

8
9 25-24.747 Notification Requirements.

10 ~~Each AAV service provider shall provide the following to each customer before providing~~
11 ~~service:~~

12 ~~(1) Amount of nonrecurring charge;~~

13 ~~(2) Amount of recurring charge;~~

14 ~~(3) Terms of agreement;~~

15 ~~(4) Penalties for violating service arrangements;~~

16 ~~(5) Description of service being provided;~~

17 ~~(6) Quality of service to be provided; and~~

18 ~~(7) Applicable charges for termination of service.~~

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

20 Repealed xx-xx-xx

21
22 25-24.830 Consumer Information.

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

24 ~~provided, verbally or in writing, upon request to any person inquiring about the company's basic~~

25 ~~local exchange telecommunications service. In addition, the above information shall be provided~~

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1 ~~in writing before or in the basic local exchange telecommunications customer's first bill for~~
2 ~~service. The above information shall be expressed in simple words, sentences, and paragraphs.~~

3 ~~Unnecessarily long, complicated, or obscure phrases or acronyms must be avoided.~~

4 ~~(2) If a CLEC elects not to provide any third party billing or collect call services to its customers,~~
5 ~~the CLEC shall so state in its price list and notify customers of such prior to a customer agreeing~~
6 ~~to obtain local service from the CLEC. In addition, the above information shall be provided in~~
7 ~~writing before or in the basic local exchange telecommunications customer's first bill for service.~~

8 ~~The above information shall be expressed in simple words, sentences, and paragraphs.~~

9 ~~Unnecessarily long, complicated, or obscure phrases or acronyms must be avoided.~~

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

12
13 25-24.840 Service Standards.

14 ~~(1) Each provider of competitive local exchange telecommunications service shall make access~~
15 ~~to 911 emergency services available to each of its basic telecommunications service customers at~~
16 ~~a level at least equivalent to the service provided by the incumbent local exchange company.~~

17 ~~(2) Access to 911 services shall be maintained for the duration of any temporary disconnection~~
18 ~~for non-payment of a residential subscriber's local service.~~

19 ~~(3) Within 6 months of the effective date of this section, each Competitive Local Exchange~~
20 ~~Company shall:~~

21 ~~(a) Provide billing name and address information of the end user at a reasonable cost and in a~~
22 ~~timely manner to any telecommunications company that requests the information unless the~~
23 ~~CLEC has an active billing and collection agreement.~~

24 ~~(b) Update account ownership information and appropriate toll restriction information directly~~
25 ~~into LIDB or contract with the appropriate local exchange company for daily updates.~~

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1 ~~(4) When operator services are provided by a competitive local exchange company, the~~
2 ~~competitive local exchange company shall provide access to emergency service, busy line~~
3 ~~verification, and emergency interrupt service to the subscriber on at least the same level as that~~
4 ~~provided by the incumbent local exchange company.~~

5 Rulemaking Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.337, 364.3376,
6 364.345 FS. History—New 5-6-97, Amended 4-7-03, 8-25-05, Repealed xx-xx-xx.

7
8 25-24.900 Scope.

9 ~~(1) This Part applies to companies that provide prepaid calling services (PPCS) to the public~~
10 ~~using its own or resold telecommunications networks.~~

11 ~~(2) Prepaid calling services provided without compensation are exempt from Part XVI.~~

12 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.19, 364.337 FS.
13 History—New 3-26-98, Amended 8-25-05, Repealed xx-xx-xx.

14
15 25-24.905 Terms and Definitions.

16 For purposes of this Part, the definitions to the following terms apply:

17 ~~(1) “Company” means any entity providing prepaid calling services to the public using its own or~~
18 ~~resold telecommunications network.~~

19 ~~(2) “Conversation time” is the time when two-way telecommunications is possible.~~

20 ~~(3) “Prepaid Calling Services (PPCS)” means any prepaid telecommunications service that~~
21 ~~allows end users to originate calls through an access number and authorization code, whether~~
22 ~~manually or electronically dialed.~~

23 ~~(4) “Prepaid Calling Card” or “Card” means any object containing an access number and~~
24 ~~authorization code that enables an end user to use PPCS.~~

25
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1 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03, 364.051,
2 364.335, 364.337 FS. History—New 3-26-98, Amended 8-25-05, Repealed xx-xx-xx.

3
4 25-24.910 Registration or Certificate of Public Convenience and Necessity Required.
5 ~~A company shall not provide PPCS without first obtaining a certificate of public convenience~~
6 ~~and necessity as a local exchange company, competitive local exchange company, or registering~~
7 ~~as an interexchange company pursuant to Rule 25-24.470, F.A.C. The name used as the provider~~
8 ~~of PPCS printed on the prepaid calling card shall appear identical to the name in which the~~
9 ~~certificate is issued or registration is made. A “doing business as” name may be used in lieu of~~
10 ~~the certificated or registered name if it is registered as a fictitious name with the Florida Division~~
11 ~~of Corporations, and reflected on the certificate or registration with the Commission before the~~
12 ~~name is used on the card.~~

13 Rulemaking Authority 350.127(2) FS. Law Implemented 364.02, 364.33, 364.335, 364.337 FS.
14 History—New 3-26-98, Amended 8-25-05, Repealed xx-xx-xx.

15
16 25-24.915 Tariffs or Price Lists.

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

18 ~~(2) Each company shall file a tariff or price list for PPCS.~~

19 ~~(3) Each company shall include in its tariff or price list the following information:~~

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

21 ~~(b) Any applicable surcharges or other fees assessed in addition to the billing increment that~~
22 ~~reduces the value of the card.~~

23 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.057, 364.08,
24 364.09, 364.10, 364.19, 364.27, 364.337 FS. History—New 3-26-98, Amended 8-25-05, Repealed
25 xx-xx-xx.

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

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

~~(a) The Florida certificated or registered name, or "doing business as" name as provided for by~~

~~Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;~~

~~(b) Toll-free customer service number;~~

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

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

~~(2) Each company shall provide the following information legibly printed either on the card,~~

~~packaging, or display visibly in a prominent area at the point of sale of the PPCS in such a~~

~~manner that the consumer may make an informed decision prior to purchase:~~

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

~~(b) Any applicable surcharges or other fees assessed in addition to the billing increment that~~

~~reduces the value of the card; and~~

~~(c) Expiration policy, if applicable.~~

~~The company must insure by contract with its retailers or distributors that the information is~~

~~provided to the consumer.~~

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

~~(a) Certificate or registration number;~~

~~(b) Rates and surcharges;~~

~~(c) Balance of use in account; and~~

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

~~(4) Each company shall provide a live operator to answer incoming calls 24 hours a day, 7 days a~~

~~week or shall electronically voice record end-user complaints. A combination of live operators or~~

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1 ~~recorders may be used. If a recorder is used, the company shall attempt to contact each~~
2 ~~complainant no later than the next business day following the date of the recording.~~

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

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

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

13 ~~(8) If PPCS are sold without a card or printed material, tariffed charges and surecharges shall be~~
14 ~~disclosed at the point of sale.~~

15 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03, 364.04, 364.19
16 FS. History—New 3-26-98, Amended 8-25-05, Repealed xx-xx-xx.

17
18 25-24.925 Refunds.

19 ~~(1) Each company shall have a refund policy that meets the following minimum requirements:~~

20 ~~(a) For PPCS that are rendered unusable for reasons beyond the consumer's control, and have not~~
21 ~~exceeded the expiration period, each company shall provide a refund equal to the value~~
22 ~~remaining in the account.~~

23 ~~(b) Refunds may be cash or replacement service, at the company's option, but must be made to~~
24 ~~the end user within 60 days of notification by the end user.~~

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1 ~~(2) Each company may, but shall not be required to, provide a refund when a card has been lost~~
2 ~~or stolen.~~

3 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.19 FS. History—New 3-26-
4 98. Repealed xx-xx-xx.

5
6 25-24.935 Discontinuance of Service.

7 ~~A company shall be responsible for ensuring, either through its contracts with its network~~
8 ~~provider, distributors, or marketing agents, or other means, that end user purchased cards remain~~
9 ~~usable in accord with subsection 25-24.920(7), F.A.C.~~

10 Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.19 FS. History—New 3-26-
11 98. Repealed xx-xx-xx.

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