

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

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**DATE:** January 16, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Rosanne Gervasi, Office of the General Counsel *RG*  
**RE:** Docket No. 120266-TP

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RECEIVED-FPSC  
13 JAN 16 PM 1:50  
COMMISSION  
CLERK

Please file the attached rule certification packets for Rules 25-4.083, 25-4.118, and 25-24.845, F.A.C., in the docket file listed above.

Thank you.

Attachments

DOCUMENT NUMBER-DATE

00337 JAN 16 2

FPSC-COMMISSION CLERK

COMMISSIONERS:  
RONALD A. BRISÉ, CHAIRMAN  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

Public Service Commission

January 16, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2013 JAN 16 AM 11:45

FILED

Re: Rule Certification Packet for Rules 25-4.083 and 25-4.118, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-4.083 and 25-4.118, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

DOCUMENT NUMBER DATE  
00337 JAN 16 2013

00337 JAN 16 2013

FPSC-COMMISSION CLERK

Page 2

Please let me know if you have any questions. The contact name and information for these rules are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, [Rgervasi@psc.state.fl.us](mailto:Rgervasi@psc.state.fl.us)

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosanne Gervasi', written in a cursive style.

Rosanne Gervasi  
Senior Attorney

Enclosures

## Julie Phillips

---

**From:** FL-Rules@dos.state.fl.us  
**Sent:** Wednesday, January 09, 2013 2:01 PM  
**To:** Julie Phillips  
**Cc:** flrules@dos.state.fl.us  
**Subject:** 25-4.118 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-4.118

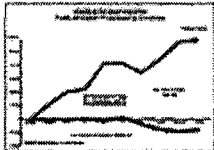
Reference Number: Ref-02209; Reference Name: Title 47, CFR, Part 64, Subp. K, Sects. 64.1100, 1120, and 1130


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The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).

**Julie Phillips**

---

**From:** FL-Rules@dos.state.fl.us  
**Sent:** Wednesday, January 09, 2013 2:03 PM  
**To:** Julie Phillips  
**Cc:** firules@dos.state.fl.us  
**Subject:** 25-4.118 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-4.118

Reference Number: Ref-02210; Reference Name: Title 47, CFR, Part 64, Subp. K, Sect. 64.1190


Click [here](#) to log in.

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The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-4.118 have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

47 C.F.R. 64.1100 (2001), Definitions.

47 C.F.R. 64.1120 (2008), Verification of orders for telecommunications service.

47 C.F.R. 64.1130 (2008), Letter of agency form and content.

47 C.F.R. 64.1190 (2008), Preferred carrier freezes.

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

  
Ann Cole

\_\_\_\_\_  
Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-4.083, F.A.C.

25-4.118, F.A.C.

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk  
Title \_\_\_\_\_  
9  
Number of Pages Certified \_\_\_\_\_



**25-4.083 Preferred Carrier Freeze.**

- ~~(1) A local provider shall make available a PC Freeze upon a subscriber's request.~~
- ~~(2) A PC Freeze shall not be required as a condition for obtaining service.~~
- ~~(3) A PC Freeze shall be implemented or removed at no charge to the subscriber.~~
- ~~(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is hereby incorporated into this rule by reference.~~

*Rulemaking Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History—New 9-9-04,*

*Amended 10-21-09, Repealed XX-XX-XX.*

**25-4.118 Changing of a Subscriber's Telecommunications Service and Preferred Carrier Freeze. Local, Local Toll, or Toll Provider Selection.**

(1) A telecommunications company shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K, Sections 64.1100 Definitions, as amended March 1, 2001, 64.1120 Verification of Orders for Telecommunications Service, as amended March 12, 2008, and 64.1130 Letter of Agency Form and Content, as amended March 12, 2008, which are hereby incorporated into this rule by reference and which are available at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02209>. The provider of a customer shall not be changed without the customer's authorization. The customer or other authorized person may change the residential service. For the purposes of this section, the term "other authorized person" shall mean a person 18 years of age or older within the same household. The person designated as the contact for the local telecommunications company, an officer of the company, or the owner of the company is the person authorized to change business service. A LEC shall accept a provider change request by telephone call or letter directly from its customers; or

(2)(a) A telecommunications company shall not be deemed to have committed an unauthorized carrier change infraction if the company, including its agents and contractors, did the following: A LEC shall accept a change request from a certified LP or IXC acting on behalf of the customer. A certificated LP or IXC shall submit a change request only if it has first certified to the LEC that at least one of the following actions has occurred:

(a) The provider has a letter of agency (LOA), as described in subsection (3), from the customer requesting the change;

1. Followed the procedures required under subsection (1) in good faith, with respect to the person requesting the change; and

2. Complied with the credit procedures of subsection (3).

(b) In cases where a company fails to meet the requirements of (2)(a), the Commission will determine whether penalties or other remedies are appropriate for an unauthorized carrier change infraction. In so doing, the

Commission will consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions will include whether the company, including its agents and contractors: The provider has received a customer-initiated call, and beginning six months after the effective date of this rule has obtained the following:

1. Followed the procedures required under subsection (1) with respect to the person requesting the change in good faith; The information set forth in subparagraphs (3)(a)1. through 5.; and

2. Complied with the credit procedures of subsection (3); Verification data including at least one of the following:

a. The customer's date of birth;

b. The last four digits of the customer's social security number; or

c. The customer's mother's maiden name.

3. Took prompt action in response to the unauthorized change;

4. Reported to the Commission any unusual circumstances that might have adversely affected customers such as system errors or inappropriate marketing practices that resulted in unauthorized changes and the remedial action taken;

5. Reported any unauthorized carrier changes concurrently affecting a large number of customers; and

6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.

(c) A firm that is independent and unaffiliated with the provider claiming the subscriber has verified the customer's requested change by obtaining the following:

1. The customer's consent to record the requested change or the customer has been notified that the call will be recorded; and

2. Beginning six months after the effective date of this rule an audio recording of the information stated in subparagraphs (3)(a)1. through 5.; or

(d)1. The provider has received a customer's change request, and has responded by mailing an

informational package that shall include the following:

a. A notice that the information is being sent to confirm that a customer's request to change the customer's telecommunications provider was obtained;

b. A description of any terms, conditions, or charges that will be incurred;

c. The name, address, and telephone number of both the customer and the soliciting company;

d. A postcard which the customer can use to confirm a change request;

e. A clear statement that the customer's local, local toll, or toll provider will be changed to the soliciting company only if the customer signs and returns the postcard confirming the change; and

f. A notice that the customer may contact by writing the Commission's Division of Service, Safety and Consumer Assistance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free (TDD & Voice) 1 (800) 342-3552, for consumer complaints.

2. The soliciting company shall submit the change request to the LP only if it has first received the postcard that must be signed by the customer.

(3)(a) Charges for unauthorized carrier changes billed on behalf of the unauthorized carrier for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. Upon notice from the customer of an unauthorized carrier change, the telecommunications company shall change the customer back, or to another company of the customer's choice. The LOA submitted to the company requesting a provider change shall include the following information (Each shall be separately stated):

1. Customer's billing name, address, and each telephone number to be changed;

2. Statement clearly identifying the certificated name of the provider and the service to which the customer wishes to subscribe, whether or not it uses the facilities of another company;

3. Statement that the person requesting the change is authorized to request the change;

4. Statement that the customer's change request will apply only to the number on the request and there must

~~only be one presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number;~~

~~5. Statement that the LEC may charge a fee for each provider change;~~

~~6. Customer's signature and a statement that the customer's signature or endorsement on the document will result in a change of the customer's provider.~~

~~(b) The soliciting company's provider change fee statement, as described in subparagraph (a)5. above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly above the signature line.~~

~~(c) The soliciting company's provider change statement, as described in subparagraph (a)6. above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly below the signature line.~~

~~(4) A telecommunications company shall make available a preferred carrier freeze upon a subscriber's request and shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K, Section 64.1190, Preferred Carrier Freeze, as amended March 12, 2008, which is hereby incorporated into this rule by reference and is available at:~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02210>. The LOA shall not be combined with inducements of any kind on the same document. The document as a whole must not be misleading or deceptive. For purposes of this rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the document or oral statements, it would not be readily apparent to the person signing the document or providing oral authorization that the purpose of the signature or the oral authorization was to authorize a provider change, or it would be unclear to the customer who the new provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's LP might charge a fee to switch service providers. If any part of the LOA is written in a language other than English, then it must contain all relevant information in each language. Notwithstanding the above, the LOA may be combined with checks that contain only the required LOA language as prescribed in subsection (3) of this section and the~~

~~information necessary to make the check a negotiable instrument. The LOA check shall not contain any promotional language or material. The LOA check shall contain in easily readable, bold-face type on the front of the check, a notice that the consumer is authorizing a primary carrier change by signing the check. The LOA language shall be placed near the signature line on the back of the check.~~

~~(5) A preferred carrier freeze shall not be required as a condition for obtaining service. A prospective provider must have received the signed LOA before initiating the change.~~

~~(6) A preferred carrier freeze shall be implemented or removed at no charge to the subscriber. Information obtained under paragraphs (2)(a) through (d) shall be maintained by the provider for a period of one year.~~

~~(7) A telecommunications company shall provide notification to subscribers with the customer's first bill, by letter or by electronic communication, and annually thereafter, that a preferred carrier freeze is available at no charge. Existing customers shall be notified annually that a preferred carrier freeze is available at no charge. Any of the foregoing notifications may be provided by a standard sized message on a customer's bill. Customer requests for other services, such as travel card service, do not constitute a provider change.~~

~~(8) Charges for unauthorized provider changes and all 1+ charges billed on behalf of the unauthorized provider for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. After the first 30 days up to 12 months, all 1+ charges over the rates of the preferred company will be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. Upon notice from the customer of an unauthorized provider change, the LEC shall change the customer back, or to another company of the customer's choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays, in which case the change shall be made by the end of the next business day. The provisions of this subsection apply whether or not the change is deemed to be an authorized carrier change infraction under subsection (13).~~

~~(9) The company shall provide the following disclosures when soliciting a change in service from a~~

customer:

- (a) Identification of the company;
- (b) That the purpose of the visit or call is to solicit a change of the provider of the customer;
- (c) That the provider shall not be changed unless the customer authorizes the change;
- (d) Upon a customer's request, the following information will be provided verbally or in writing:
  - 1. Any nonrecurring charge;
  - 2. Any monthly service charge or minimum usage charge;
  - 3. Company deposit practices;
  - 4. Any charge applicable to call attempts not answered;
  - 5. A statement of when charging for a call begins and ends; and
  - 6. A statement of billing adjustment practices for wrong numbers or incorrect bills.
- (10) During telemarketing and verification, no misleading or deceptive references shall be made while

soliciting for subscribers.

(11) A provider must provide the customer a copy of the authorization it relies upon in submitting the change request within 15 calendar days of request.

(12) Each provider shall maintain a toll free number for accepting complaints regarding unauthorized provider changes, which may be separate from its other customer service numbers, and must be answered 24 hours a day, seven days a week. If the number is a separate toll free number, beginning six months after the effective date of this rule new customers must be notified of the number in the information package provided to new customers or on their first bill. The number shall provide a live operator or shall record end user complaints made to the customer service number to answer incoming calls. A combination of live operators and recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. If the customer is not reached, the company shall send a letter to the customer's billing address informing the customer as to the best time the customer

~~should call or provide an address to which correspondence should be sent to the company. Beginning six months after the effective date of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to a live attendant or recording device prepared to give immediate assistance within 60 seconds after the last digit of the telephone number listed as the customer service number for unauthorized provider change complaints was dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer time shall be measured from the point at which the customer selects a menu option to be connected to a live attendant. Station busies will not be counted as completed calls. The term "answer" as used in this subsection means more than an acknowledgment that the customer is waiting on the line. It shall mean the provider is ready to render assistance or accept the information necessary to process the call.~~

~~(13)(a) A company shall not be deemed to have committed an unauthorized carrier change infraction if the company, including its agents and contractors, did the following:~~

- ~~1. Followed the procedures required under subsection (2) with respect to the person requesting the change;~~
- ~~2. Followed these procedures in good faith; and~~
- ~~3. Complied with the credit procedures of subsection (8).~~

~~(b) In determining whether fines or other remedies are appropriate for an unauthorized carrier change infraction, the Commission shall consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions include but are not limited to whether the company, including its agents and contractors:~~

- ~~1. Followed the procedures required under subsection (2) with respect to the person requesting the change in good faith;~~
- ~~2. Complied with the credit procedures of subsection (8);~~
- ~~3. Took prompt action in response to the unauthorized change;~~
- ~~4. Reported to the Commission any unusual circumstances that might have adversely affected customers such as system errors or inappropriate marketing practices that resulted in unauthorized changes and the remedial~~



action taken;

~~5. Reported any unauthorized provider changes concurrently affecting a large number of customers; or~~

~~6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.~~

*Rulemaking Authority 350.127(2), 364.01, 364.16(5) FS. Law Implemented 364.01, 364.16(5), ~~364.19~~, 364.285,*

*364.603 FS. History—New 3-4-92, Amended 5-31-95, 12-28-98, 5-8-05, XX-XX-XX.*

#### SUMMARY OF THE RULE

Rule 25-4.083, F.A.C., currently requires providers of local telecommunications service (local providers) to make a preferred carrier freeze available at no charge upon a subscriber's request, prohibits local providers from requiring a preferred carrier freeze as a condition for obtaining service, and requires local providers to meet the requirements of Title 47, Code of Federal Regulations, Part 64, Section 64.1190, revised as of October 1, 2007. Rule 25-4.083 is repealed and its provisions are included in the amendment to Rule 25-4.118, F.A.C., in which the reference to the federal rule is updated. In order to implement recent changes made to Chapter 364, FS, Rule 25-4.118, F.A.C., is amended to remove the requirements concerning carrier change requests from certified local providers or interexchange carriers, and concerning the maintenance of a toll-free number for accepting complaints regarding unauthorized provider changes.

#### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-4.083, F.A.C., is repealed and Rule 25-4.118, F.A.C., is amended to incorporate the substance of Rule 25-4.083 and to otherwise comply with recent changes to section 364.16(5), FS, concerning the unauthorized changing of a subscriber's telecommunications service.

#### SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:  
RONALD A. BRISÉ, CHAIRMAN  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

# Public Service Commission

January 16, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rule 25-24.845, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-24.845, F.A.C. consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2013 JAN 16 AM 11:48  
FILED

Page 2

Please let me know if you have any questions. The contact name and information for this rule are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, [Rgervasi@psc.state.fl.us](mailto:Rgervasi@psc.state.fl.us)

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosanne Gervasi', with a stylized flourish at the end.

Rosanne Gervasi  
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rule is hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-24.845, F.A.C.

Under the provision of Section 120.54(3)(e)6., F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
ANN COLE

Commission Clerk \_\_\_\_\_  
Title

Number of Pages Certified \_\_\_\_\_

**25-24.845 Customer Relations.**

~~The following rules apply to CLECs. In the following rules, the acronym "LEC" should be omitted or interpreted as "CLEC".~~

~~Section Title Portions Applicable~~

~~25-4.082 Number Portability All~~

~~25-4.083 Preferred Carrier Freeze All~~

~~25-4.110 Customer Billing Subsections (11), (12), (14), (15), (16), (17),~~

~~(18), and (20)~~

~~24-4.118 Local, Local Toll, or Toll Provider Selection All~~

~~Rulemaking Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.16, 364.337(2), 364.602,~~

~~364.603, 364.604 FS. History—New 12-28-98, Amended 7-5-00, 11-16-03, 9-9-04, Repealed XX-XX-XX.~~

#### SUMMARY OF THE RULE

Rule 25-24.845, F.A.C., currently applies to competitive local exchange telecommunications companies. The rule is obsolete by its terms and will be repealed.

#### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-24.845, F.A.C., is repealed as obsolete due to statutory changes to Chapter 364, FS, made by the Regulatory Reform Act of 2011.

#### SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.