

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: PROPOSED AMENDMENT OF RULES 25-22.061 AND 25-4.003, FLORIDA ADMINISTRATIVE CODE AND REPEAL OF RULES 25-4.002, 25-24.505, 25-24.514, 25-24.555 AND 25-24.560, FLORIDA ADMINISTRATIVE CODE

ISSUED: May 13, 2014

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rules 25-4.003 and 25-22.061, Florida Administrative Code, and to repeal Rules 25-4.002, 25-24.505, 25-24.514, 25-24.555 and 25-24.560, Florida Administrative Code, relating to telecommunications companies.

The attached Notices of Development of Rulemaking appeared in the May 13, 2014 edition of the Florida Administrative Register. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Register. Written requests for a rule development workshop must be submitted to Kathryn G.W. Cowdery, c/o Carlotta Stauffer, Director, Office of the Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, by May 27, 2014. A copy of the preliminary draft rules is attached.

The person to be contacted regarding the rule development is Kathryn G.W. Cowdery, at the Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at kcowdery@psc.state.fl.us and (850) 413-6216.

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By DIRECTION of the Florida Public Service Commission this 13th day of May, 2014.



CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:
[25-4.002](#) Application and Scope
[25-4.003](#) Definitions

PURPOSE AND EFFECT: Rule 25-4.002, F.A.C., would be repealed as obsolete and unnecessary. Rule 25-4.003, F.A.C., would be amended in order to delete obsolete language and to add and update certain definitions consistent with statutory changes.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications companies.

RULEMAKING AUTHORITY: [350.127\(2\) FS.](#)

LAW IMPLEMENTED: [364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376 FS.](#)

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn G.W. Cowdery, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-22.061 Stay Pending Judicial Review

PURPOSE AND EFFECT: The rules would be amended in order to delete obsolete language referencing telecommunication companies.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Stay pending judicial review in state court for telecommunications companies.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), 368.05(2) FS.

LAW IMPLEMENTED: 120.68(3), 350.01(5), 364.01(4), 366.04(1), 366.05(1), 366.06(1), 367.011(2), 367.081(2), 367.0814, 367.121(1)(g), 368.05(2) FS.

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Notice of Development of Rulemaking

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RULE NOS.:	RULE TITLES:
25-24.505	Scope
25-24.514	Cancellation of a Certificate
25-24.555	Scope and Waiver
25-24.560	Terms and Definitions

PURPOSE AND EFFECT: The rules would be repealed as obsolete and unnecessary.
Undocketed.

SUBJECT AREA TO BE ADDRESSED: Pay telephone providers and shared tenant service.

RULEMAKING AUTHORITY: [350.127\(2\) FS.](#)

LAW IMPLEMENTED: [350.113](#), [350.115](#), [350.117](#), [350.127\(1\)](#), [364.01](#), [364.016](#), [364.02](#), [364.17](#), [364.18](#), [364.183](#), [364.185](#), [364.32](#), [364.33](#), [364.335](#), [364.337](#), [364.3375](#), [364.3376](#), [364.339 FS.](#)

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

1 **25-4.002 Application and Scope.**

2 ~~(1) These rules are intended to define reasonable service standards that will promote the~~
3 ~~furnishing of adequate and satisfactory local and long distance service to the public, and to~~
4 ~~establish the rights and responsibilities of both the company and the customer. The rules~~
5 ~~contained in Parts I XI of this chapter apply to local exchange companies. The rules contained~~
6 ~~in Part X of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI~~
7 ~~of Chapter 25-24, F.A.C., apply to any pay telephone service. The rules in Part XII of Chapter~~
8 ~~25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of~~
9 ~~Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call~~
10 ~~aggregators. The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all~~
11 ~~Alternative Access Vendor Service Providers. The rules contained in Part XV of Chapter 25-~~
12 ~~24, F.A.C., apply to all competitive local exchange telecommunications companies.~~

13 ~~(2) In addition to the rules contained in this part, any local exchange company that provides~~
14 ~~operator services in a call aggregator context shall also comply with the rules contained in Part~~
15 ~~XIII of Chapter 25-24, F.A.C.~~

16 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375,*
17 *364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99,*
18 *4-3-05, 3-26-09, Repealed_____.*

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1 **25-4.003 Definitions.**

2 For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

3 (1) ~~“Access Line” or “Subscriber Line” or “Subscriber Loop”.~~ The circuit or channel between
4 the demarcation point at the customer’s premises and the serving end or class 5 central office.

5 ~~(2) “Average Busy Season Busy Hour Traffic.” The average traffic volume for the busy~~
6 ~~season busy hours.~~

7 ~~(3) “Billing Party.” Any entity that bills an end user on its own behalf or on behalf of an~~
8 ~~originating party.~~

9 ~~(4) “Busy Hour.” The continuous one hour period of the day during which the greatest volume~~
10 ~~of traffic is handled in the office.~~

11 ~~(5) “Busy Season.” The calendar month or period of the year (preferably 30 days but not to~~
12 ~~exceed 60 days) during which the greatest volume of traffic is handled in the office.~~

13 ~~(2)~~ (6) “Call.” An attempted telephone message.

14 ~~(3)~~ (7) “Central Office.” A location where there is an assembly of equipment that establishes
15 the connections between subscriber access lines, trunks, switched access circuits, private line
16 facilities, and special access facilities with the rest of the telephone network.

17 (4) “Certificate of Authority.” Certificates received by all companies providing
18 telecommunications services after July 1, 2011.

19 (5) “Certificate of Necessity.” Certificate received by all incumbent local exchange
20 companies, shared tenant service providers, alternative access vendors, competitive local
21 exchange companies, and pay telephone service providers to provide telecommunication
22 services prior to July 1, 2011.

23 ~~(8) “Commission.” The Florida Public Service Commission.~~

24 ~~(6)~~ (9) “Company,” “Telecommunications Company,” or “Telephone Company;” ~~or~~
25 ~~“Utility.”~~ These terms may be used interchangeably herein and shall mean

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1 “telecommunications company” as defined in Section 364.02(14), F.S.
2 ~~(10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company~~
3 ~~certificated by the commission to provide local exchange telecommunications services in~~
4 ~~Florida on or after July 1, 1995.~~
5 ~~(11) “Completed call.” A call which has been switched through an established path so that~~
6 ~~two-way conversation or data transmission is possible.~~
7 ~~(7) (12) “Disconnect” or “Disconnection.” The dissociation or release of a circuit. In the case~~
8 ~~of a billable call, the end of the billable time for the call whether intentionally terminated or~~
9 ~~terminated due to a service interruption. Situations in which a company suspends or terminates~~
10 ~~service because of nonpayment of bills, unlawful or improper use of facilities or service, or~~
11 ~~any other reason set forth in approved service schedules or Commission rules.~~
12 ~~(13) “Drop or Service Wire.” The connecting link that extends from the local distribution~~
13 ~~service terminal to the protector or telephone network interface device on the customer’s~~
14 ~~premises.~~
15 ~~(8) (14) “Exchange.” The entire telephone plant and facilities used in providing telephone~~
16 ~~service to subscribers located in an exchange area. An exchange may include more than one~~
17 ~~central office unit. A central office or group of central offices with the subscriber’s stations~~
18 ~~and lines connected, forming a local system which furnishes means of telephonic~~
19 ~~intercommunication without toll charges between subscribers within a specified area, usually a~~
20 ~~single city, town or village.~~
21 ~~(15) “Exchange (Service) Area.” The territory of a local exchange company (LEC) within~~
22 ~~which local telephone service is furnished at the exchange rates applicable within that area.~~
23 ~~(16) “Extended Area Service.” A type of telephone service whereby subscribers of a given~~
24 ~~exchange or area may complete calls to, and receive messages from, one or more other~~
25 ~~exchanges or areas without toll charges, or complete calls to one or more other exchanges or~~
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1 ~~areas without toll message charges.~~

2 ~~(17) "Foreign Exchange Service." A classification of LEC exchange service furnished under~~
3 ~~tariff provisions whereby a subscriber may be provided telephone service from an exchange~~
4 ~~other than the one from which he would normally be served.~~

5 ~~(18) "Information Service." Telephone calls made to 900 or 976 type services, but does not~~
6 ~~include Internet services.~~

7 ~~(19) "Intercept Service." A service arrangement provided by the telecommunications company~~
8 ~~whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone~~
9 ~~number are intercepted by operator, recorder, or audio response computer and the calling party~~
10 ~~informed that the called telephone number is not in service, has been disconnected,~~
11 ~~discontinued, or changed to another number, or that calls are received by another telephone.~~

12 ~~This service is also provided in certain central offices and switching centers to inform the~~
13 ~~calling party of conditions such as system blockages, inability of the system to complete a call~~
14 ~~as dialed, no such office code, and all circuits busy.~~

15 ~~(20) "Inter-office Call." A telephone call originating in one central office but terminating in~~
16 ~~another central office, both of which are in the same designated exchange area.~~

17 ~~(21) "Interstate Toll Message." Those toll messages that do not originate and terminate within~~
18 ~~the same state.~~

19 ~~(22) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or between~~
20 ~~an end office and toll office, over which toll calls are passed.~~

21 ~~(23) "Intra-office Call." A telephone call originating and terminating within the same central~~
22 ~~office.~~

23 ~~(24) Intrastate Interexchange Company (IXC)." Any entity that provides intrastate~~
24 ~~interexchange telecommunications services.~~

25 ~~(25) "Intrastate Toll Message." Those toll messages which originate and terminate within the~~
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existing law.

1 ~~same state.~~

2 ~~(26) “Invalid Number.” A number comprised of an unassigned area code number or a non-~~
3 ~~working central office code (NXX).~~

4 ~~(27) “Large LEC.” A LEC certificated by the Commission prior to July 1, 1995, that had in~~
5 ~~excess of 100,000 access lines in service on July 1, 1995.~~

6 ~~(28) “Local Access and Transport Area (LATA)” or “Market Area.” A geographical area,~~
7 ~~which is loosely based on standard metropolitan statistical areas (SMSAs), within which a~~
8 ~~LEC may transport telecommunication signals.~~

9 ~~(29) “Local Exchange Telecommunications Company (LEC).” Any telecommunications~~
10 ~~company, certificated by the Commission prior to July 1, 1995, to provide local exchange~~
11 ~~telecommunications service.~~

12 ~~(9)(30) “Local Provider (LP).” Any telecommunications company providing local~~
13 ~~telecommunications service, excluding pay telephone providers and call aggregators.~~

14 ~~(10)(31) “Local Service Area”, or “Local Calling Area.” The area within which~~
15 ~~telecommunications telephone service is furnished subscribers under a specific schedule of~~
16 ~~rates and without toll charges. A LEC’s local service area may include one or more exchange~~
17 ~~areas or portions of exchange areas.~~

18 ~~(32) “Local Toll Provider (LTP).” Any entity providing intraLATA or intramarket area long~~
19 ~~distance telecommunications service.~~

20 ~~(33) “Main Station.” The principal telephone associated with each service to which a~~
21 ~~telephone number is assigned and which is connected to the central office equipment by a~~
22 ~~circuit or channel.~~

23 ~~(11)(34) “Message.” A completed telephone call.~~

24 ~~(12) “Number Portability.” Consumer’s ability to change providers within the same local~~
25 ~~service area and still keep the same phone number.~~

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1 ~~(35) “Mileage Charge.” A tariff charge for circuits and channels connecting other services that~~
2 ~~are auxiliary to local exchange service such as off premises extensions, foreign exchange and~~
3 ~~foreign central office services, private line services, and tie lines.~~

4 ~~(36) New Construction.” New construction is the installation of facilities to serve unserved~~
5 ~~areas; new construction is not the rearrangement or repair of defective facilities to serve an~~
6 ~~existing area. Adding to or the rearrangement of existing facilities is not considered “new~~
7 ~~construction” unless an engineer work order is issued.~~

8 ~~(37) “Normal Working Days.” The normal working days for installation and construction shall~~
9 ~~be all days except Saturdays, Sundays, and holidays. The normal working days for repair~~
10 ~~service shall be all days except Sundays and holidays. Holidays shall be the days which are~~
11 ~~observed by each individual telephone company.~~

12 ~~(38) “Optional Calling Plan.” An optional service furnished under tariff provisions which~~
13 ~~recognizes the need of some subscribers for extended area calling without imposing the cost~~
14 ~~on the entire body of subscribers.~~

15 ~~(39) “Originating Party.” Any person, firm, corporation, or other entity, including a~~
16 ~~telecommunications company or a billing clearinghouse, that provides any~~
17 ~~telecommunications service or information service to a customer or bills a customer through a~~
18 ~~billing party, except the term “originating party” does not include any entity specifically~~
19 ~~exempted from the definition of “telecommunications company” as provided in Section~~
20 ~~364.02(14)(a) through (f), F.S.~~

21 ~~(40) “Out of Service.” The inability, as reported by the customer, to complete either incoming~~
22 ~~or outgoing calls over the subscriber’s line. “Out of Service” shall not include:~~

23 ~~(a) Service difficulties such as slow dial tone, circuits busy, or other network or switching~~
24 ~~capacity shortages;~~

25 ~~(b) Interruptions caused by a negligent or willful act of the subscriber; and~~

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1 ~~(e) Situations in which a company suspends or terminates service because of nonpayment of~~
2 ~~bills, unlawful or improper use of facilities or service, or any other reason set forth in~~
3 ~~approved tariffs or Commission rules.~~

4 ~~(41) “Outside Plant.” The telephone equipment and facilities installed on, along, or under~~
5 ~~streets, alleys, highways, or on private rights of way between the central office and~~
6 ~~subscribers’ locations or between central offices of the same or different exchanges.~~

7 ~~(42) “Pay Telephone Service Company.” Any telecommunications company that provides pay~~
8 ~~telephone service as defined in Section 364.3375, F.S.~~

9 (13)~~(43)~~ “PC-Freeze.” (Preferred Carrier Freeze) A service offered that restricts the
10 customer’s carrier selection until further notice from the customer.

11 ~~(44) “Price regulated local exchange telecommunications company.” Any local exchange~~
12 ~~telecommunications company certificated by the Commission prior to July 1, 1995 that has~~
13 ~~elected to become subject to price regulation pursuant to Section 364.051, F.S.~~

14 (14)~~(45)~~ “Provider.” Any entity providing telecommunication service, excluding pay
15 telephone providers and call aggregators (i.e., local, local toll, and toll providers).

16 ~~(46) “Rate of return regulated local exchange telecommunications company.” Any local~~
17 ~~exchange telecommunications company certificated by the Commission prior to July 1, 1995~~
18 ~~that has not elected to become subject to price regulation pursuant to Section 364.051, F.S.~~

19 ~~(47) “Service Objective.” A quality of service which is desirable to be achieved under normal~~
20 ~~conditions.~~

21 ~~(48) “Service Standard.” A level of service that a telecommunications company, under normal~~
22 ~~conditions, is expected to meet in its certificated territory as representative of adequate~~
23 ~~services.~~

24 ~~(49) “Small LEC.” A LEC certificated by the Commission prior to July 1, 1995, which had~~
25 ~~fewer than 100,000 access lines in service on July 1, 1995.~~

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1 ~~(15)(50)~~ “Station.” A telephone instrument consisting of a transmitter, receiver, and associated
2 apparatus so connected as to permit sending or receiving telephone messages.

3 ~~(16)(51)~~ “Subscriber” or “Customer.” These terms may be used interchangeably herein and
4 shall mean any person, firm, partnership, corporation, municipality, cooperative organization,
5 or governmental agency supplied with communication service by a telecommunications
6 company.

7 ~~(52)~~ “Subscriber Line.” or “Subscriber Loop.” See “Access Line.”

8 ~~(53)~~ “Switching Center.” Location at which telephone traffic, either local or toll, is switched
9 or connected from one circuit or line to another. A local switching center may be comprised of
10 several central office units.

11 ~~(54)~~ “Toll Connecting Trunk.” A trunk that connects a local central office with its toll
12 operating office.

13 ~~(55)~~ “Toll Message.” A completed telephone call between stations in different exchanges for
14 which message toll charges are applicable.

15 ~~(56)~~ “Toll Provider (TP).” Any entity providing interLATA long distance telecommunications
16 service.

17 ~~(57)~~ “Traffic Study.” The process of recording usage measurements which can be translated
18 into required quantities of equipment.

19 ~~(58)~~ “Trouble Report.” Any oral or written report from a subscriber or user of telephone
20 service to the telephone company indicating improper function or defective conditions with
21 respect to the operation of telephone facilities over which the telephone company has control.

22 ~~(59)~~ “Trunk.” A communication channel between central office units or entities, or private
23 branch exchanges.

24 ~~(60)~~ “Valid Number.” A number for a specific telephone terminal in an assigned area code and
25 working central office which is equipped to ring and connect a calling party to such terminal

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1 ~~number.~~
2 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.16, 364.32,*
3 *364.335, ~~364.337~~, 364.3375, ~~364.3376~~, ~~364.602~~, ~~364.603~~, ~~364.604~~ FS. History—Revised 12-1-*
4 *68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-*
5 *28-98, 7-5-00, 4-3-05, Repromulgated 5-8-05, Amended 11-20-08,_____.*

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1 **25-22.061 Stay Pending Judicial Review.**

2 (1) When the order being appealed involves the refund of moneys to customers or a decrease
3 in rates charged to customers, the Commission shall, upon motion filed by the utility or
4 company affected, grant a stay pending judicial proceedings. The stay shall be conditioned
5 upon the posting of good and sufficient bond the posting of a corporate undertaking, or such
6 other conditions as the Commission finds appropriate to secure the revenues collected by the
7 utility subject to refund.

8 (2) Except as provided in subsection (1), a party seeking to stay a final or nonfinal order of the
9 Commission pending judicial review may file a motion with the Commission, which has
10 authority to grant, modify, or deny such relief. A stay pending review granted pursuant to this
11 subsection may be conditioned upon the posting of a good and sufficient bond or corporate
12 undertaking, other conditions relevant to the order being stayed, or both. In determining
13 whether to grant a stay, the Commission may, among other things, consider:

- 14 (a) Whether the petitioner has demonstrated a likelihood of success on the merits on appeal;
15 (b) Whether the petitioner has demonstrated a likelihood of sustaining irreparable harm if the
16 stay is not granted; and
17 (c) Whether the delay in implementing the order will likely cause substantial harm or be
18 contrary to the public interest if the stay is granted.

19 (3) When a stay is conditioned upon the posting of a bond, corporate undertaking, or other
20 appropriate form of surety, the Commission shall at the time it grants the stay set the rate of
21 interest to be paid by the utility or company pursuant to ~~subsection 25-4.114(4), F.A.C., for~~
22 ~~telecommunication companies~~, subsection 25-6.109(4), F.A.C., for electric public utilities,
23 subsection 25-7.091(4), F.A.C., for gas public utilities, and subsection 25-30.360(4), F.A.C.,
24 for water and wastewater utilities in the event that the Court's decision requires a refund to
25 customers.

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1 (4) Motions filed pursuant to this rule shall be heard by those Commissioners who were on the
2 deciding panel for the order being appealed.

3 *Rulemaking Authority 350.127(2), 366.05(1), 368.05(2) FS. Law Implemented 120.68(3),*
4 *350.01(5), ~~364.01(4), 366.04(1)~~, 366.05(1), 366.06(1), 367.011(2), 367.081(2), 367.0814,*
5 *367.121(1)(g), 368.05(2) FS. History—New 2-1-82, Formerly 25-22.61, Amended 6-27-10,*

6 _____.

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1 **25-24.505 Scope.**

2 ~~This part applies to any person providing pay telephone service. As provided by Rules 25-~~
3 ~~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.,~~
4 ~~shall apply to pay telephone service companies, except the following: Rules 25-4.003~~
5 ~~(Definitions), 25-4.0161 (Regulatory Assessment Fees; Telecommunications Companies), 25-~~
6 ~~4.019 (Records and Reports in General), subsection 25-4.020(2) (Location and Preservation of~~
7 ~~Records), and 25-4.043, F.A.C. (Response to Commission Staff Inquiries).~~
8 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.115, 350.117, 364.01,*
9 *364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337, 364.3375 FS. History-*
10 *New 1-5-87, Amended 11-13-95, 2-1-99, Repealed _____.*

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1 **25-24.514 Cancellation of a Certificate.**

2 ~~(1) The Commission's cancellation of a certificate shall be based on one or more of the~~
3 ~~following reasons:~~

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

5 ~~(b) Violation of Commission rules or orders;~~

6 ~~(c) Violation of Florida Statutes; or~~

7 ~~(d) Failure to provide service for a period of six (6) months.~~

8 ~~(2) If a certificated company desires to cancel its certificate, it shall request cancellation from~~
9 ~~the Commission in writing and shall provide a statement of intent and date to pay Regulatory~~
10 ~~Assessment Fees with its request.~~

11 ~~(3) Cancellation of a certificate shall be ordered subject to the holder providing the~~
12 ~~information required by subsection (2).~~

13 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285 FS.*

14 *History—New 1-5-87, Amended 2-7-13, Repealed_____.*

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1 **25-24.555 Scope and Waiver.**

2 ~~(1) This part applies to persons or companies who provide for sharing or resale of local~~
3 ~~telecommunications service as defined in subsection 25-24.560(10), F.A.C.~~

4 ~~(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes,~~
5 ~~regarding shared tenant service, companies subject to this Part are exempted from such~~
6 ~~provisions or are subject to different requirements than otherwise prescribed for~~
7 ~~telecommunications companies under the authority of Section 364.339, Florida Statutes.~~

8 ~~(3) A shared tenant service company may petition for exemption from applicable portions of~~
9 ~~Chapter 364, Florida Statutes, or for application of different requirements than otherwise~~
10 ~~prescribed for telecommunications companies by Chapter 364, Florida Statutes, under the~~
11 ~~authority of Section 364.339, Florida Statutes.~~

12 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.339 FS. History—New 1-*
13 *28-91, Amended 7-29-97, 1-31-00, Repealed_____.*

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1 **25-24.560 Terms and Definitions.**

2 ~~For purposes of this Part, the definitions for the following terms apply:~~

3 ~~(1) “Alternative Access Vendor” (AAV) means any telecommunications company, as defined~~
4 ~~in Section 364.337(6)(a), Florida Statutes.~~

5 ~~(2) “Agent” means one authorized to act on behalf of another.~~

6 ~~(3) “Competitive local exchange telecommunications company” (CLEC) means any company~~
7 ~~as defined in Section 364.02(1), Florida Statutes.~~

8 ~~(4) “Company” means a shared tenant service company.~~

9 ~~(5) “Interexchange Company” (IXC) means any telecommunications company, as defined in~~
10 ~~Section 364.02(6), Florida Statutes, which provides telecommunication service between~~
11 ~~exchange areas as those areas are described in the approved tariffs of individual local~~
12 ~~exchange companies.~~

13 ~~(6) “Local Exchange Telecommunications Company” (LEC) means any telecommunications~~
14 ~~company, as defined in Section 364.02(6), Florida Statutes.~~

15 ~~(7) “Local Service Area” or “Local Calling Area” means the area within which~~
16 ~~telecommunications service is furnished to subscribers under a specific schedule of exchange~~
17 ~~rates and within which calls may be completed without toll charges. A local service area may~~
18 ~~include one or more exchange areas or portions of exchange areas.~~

19 ~~(8) “Pay telephone service company” means any telecommunications company, as defined in~~
20 ~~Section 364.02(6), Florida Statutes, other than a Local Exchange Company, which provides~~
21 ~~pay telephone service as defined in Section 364.335(3), Florida Statutes.~~

22 ~~(9) “Private Branch Exchange” (PBX) means a system in which trunk lines connect a~~
23 ~~telephone company central office to a switching system which directs incoming calls to the~~
24 ~~appropriate user.~~

25 ~~(10) “Shared tenant service” (STS) as defined in Section 364.339(1), Florida Statutes, means~~

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

1 ~~the provision of service which duplicates or competes with local service provided by an~~
2 ~~existing local exchange telecommunications company and is furnished through a common~~
3 ~~switching or billing arrangement to tenants by an entity other than an existing local exchange~~
4 ~~telecommunications company.~~

5 (11) ~~“Tenant” means any person entitled to occupy a premises under a rental or lease~~
6 ~~agreement.~~

7 (12) ~~“Unaffiliated Entities” means those corporations, partnerships, proprietorships, or other~~
8 ~~groups that control less than 50 percent of the stock of the entity which claims to be affiliated.~~

9 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339 FS.*

10 *History—New 1-28-91, Amended 7-29-97, Repealed_____.*

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