

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Repeal of Rules 25-4.002, 25-24.505, 25-24.514, 25-24.555, and 25-24.560, F.A.C., and Amendment of Rules 25-4.003, and 25-22.061, F.A.C.

DOCKET NO. 140141-TP
ORDER NO. PSC-14-0412-NOR-TP
ISSUED: August 13, 2014

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF RULEMAKING

BY THE COMMISSION:

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

The attached Notices of Proposed Rule appeared in the August 13, 2014 edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than September 3, 2014.

ORDER NO. PSC-14-0412-NOR-TP
DOCKET NO. 140141-TP
PAGE 2

By ORDER of the Florida Public Service Commission this 13th day of August, 2014.

Carlotta S Stauffer

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.

KC

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

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

PURPOSE AND EFFECT: Rule 25-4.002, Florida Administrative Code, would be repealed as obsolete and unnecessary.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

Docket No. 140141-TP

SUMMARY: Rule 25-4.002, F.A.C., describes the scope of the rules in Parts I-XI of Chapter 25-4, F.A.C., and Parts X-XV of Chapter 25-24., F.A.C. Rule 25-4.003, F.A.C., defines terms addressed by Chapter 25-4, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2)(c), FS, and concluded that the rule appeal and rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that telecommunications companies licensed to operate in Florida would likely benefit from the recommended rule changes.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

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

25-4.003 Definitions.

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

- (1) "Access Line" or "~~Subscriber Line~~" or "~~Subscriber Loop~~". The circuit or channel between the demarcation point at the customer's premises and the serving end or class 5 central office.
- (2) "~~Average Busy Season Busy Hour Traffic.~~" ~~The average traffic volume for the busy season busy hours.~~
- (3) "~~Billing Party.~~" ~~Any entity that bills an end user on its own behalf or on behalf of an originating party.~~
- (4) "~~Busy Hour.~~" ~~The continuous one hour period of the day during which the greatest volume of traffic is handled in the office.~~
- (5) "~~Busy Season.~~" ~~The calendar month or period of the year (preferably 30 days but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.~~

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

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

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

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

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

~~(6)(9)~~ “Company,” “Telecommunications Company,” or “Telephone Company,” or “Utility.” These terms may be used interchangeably herein and shall mean “telecommunications company” as defined in Section 364.02(14), F.S.

~~(10)~~ “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

~~(11)~~ “Completed call.” A call which has been switched through an established path so that two-way conversation or data transmission is possible.

~~(12)~~ “Disconnect” or “Disconnection.” The dissociation or release of a circuit. In the case of a billable call, the end of the billable time for the call whether intentionally terminated or terminated due to a service interruption.

~~(13)~~ “Drop or Service Wire.” The connecting link that extends from the local distribution service terminal to the protector or telephone network interface device on the customer’s premises.

~~(7)(14)~~ “Exchange.” A central office or group of central offices with the subscriber’s stations and lines connected, forming a local system which furnishes means of telephonic intercommunication without toll charges between subscribers within a specified area. The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

~~(15)~~ “Exchange (Service) Area.” The territory of a local exchange company (LEC) within which local telephone service is furnished at the exchange rates applicable within that area.

~~(16)~~ “Extended Area Service.” A type of telephone service whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other exchanges or areas without toll charges, or complete calls to one or more other exchanges or areas without toll message charges.

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

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

~~(19)~~ “Intercept Service.” A service arrangement provided by the telecommunications company whereby calls placed to an unequipped non-working, disconnected, or discontinued telephone number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued, or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of conditions such as system blockages, inability of the system to complete a call as dialed, no such office code, and all circuits busy.

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

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

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

~~(23)~~ “Intra office Call.” A telephone call originating and terminating within the same central office.

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

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

~~(26) "Invalid Number." A number comprised of an unassigned area code number or a non working central office code (NXX).~~

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

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

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

~~(8)(30) "Local Provider (LP)." Any telecommunications company providing local telecommunications service, excluding pay telephone providers and call aggregators.~~

~~(9)(31) "Local Service Area," or "Local Calling Area." The area within which telecommunications telephone service is furnished subscribers under a specific schedule of rates and without toll charges. A LEC's local service area may include one or more exchange areas or portions of exchange areas.~~

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

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

~~(10)(34) "Message." A completed telephone call.~~

~~(11) "Number Portability." Consumer's ability to change providers and still keep the same phone number.~~

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

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

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

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

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

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

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

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

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

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

~~(12)~~(42) "Pay Telephone Service Provider Company." Any telecommunications company that provides pay telephone service as defined in Section 364.3375, F.S.

~~(13)~~(43) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the customer's carrier selection until further notice from the customer.

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

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

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

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

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

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

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

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

~~(52)~~ "Subscriber Line." or "Subscriber Loop." See "Access Line."

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

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

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

~~(56)~~ "Toll Provider (TP)." Any entity providing interLATA long distance telecommunications service.

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

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

~~(59)~~ "Trunk." A communication channel between central office units or entities, or private branch exchanges.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 40, Number 93, May 13, 2014

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-22.061 Stay Pending Judicial Review

PURPOSE AND EFFECT: The rule is amended to delete obsolete language relating to telecommunication companies.

Docket No. 140141-TP

SUMMARY: Rule 25-22.061, F.A.C., describes the procedure followed when an appellant seeks a stay pending judicial review in state court pursuant to Section 120.68, F.S. This rule is amended to delete reference to a repealed rule concerning telecommunication companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that telecommunications companies licensed to operate in Florida would likely benefit from the recommended rule changes.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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.](#)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.061 Stay Pending Judicial Review.

(1) No change.

(2)(a) through (c) No change.

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

(4) No change.

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. History—New 2-1-82, Formerly 25-22.61, Amended 6-27-10,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G.W. Cowdery

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 40, Number 93, May 13, 2014

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLS:

[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: These rules are repealed as obsolete and unnecessary to implementation of Chapter 364, F.S.

Docket No. 140141-TP

SUMMARY: These rules have been rendered obsolete because of Legislative amendments to Chapter 364, F.S., and repeal and amendment of other Chapter 25-24, F.A.C., rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule repeals will not have an adverse impact on economic growth, business competitiveness, or small business and that telecommunications companies licensed to operate in Florida would likely benefit from the recommended rule changes.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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](#), [364.285](#), [364.32](#), [364.33](#), [364.335](#), [364.337](#), [364.3375](#), [364.3376](#), [364.339 FS.](#)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.505 Scope.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.115, 350.117, 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337, 364.3375 FS. History--New 1-5-87, Amended 11-13-95, 2-1-99, Repealed.

25-24.514 Cancellation of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285 FS. History--New 1-5-87, Amended 2-7-13, Repealed.

ORDER NO. PSC-14-0412-NOR-TP

DOCKET NO. 140141-TP

PAGE 9

25-24.555 Scope and Waiver.

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

25-24.560 Terms and Definitions.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339 FS. History--New 1-28-91, Amended 7-29-97,
Repealed*.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 40, Number 93, May 13, 2014