

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:** September 12, 2014  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Kathryn Cowdery, Office of the General Counsel *KC*  
**RE:** Docket No. 140141-TP

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Please file the attached rule certification packets for Rules 25-4.002, 25-22.061, 25-24.505, 25-24.515, 25-24.555, and 25-24.560, F.A.C., in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC  
14 SEP 12 PM 1:55  
COMMISSION  
CLERK

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

STATE OF FLORIDA



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

# Public Service Commission

September 12, 2014

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

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rule 25-4.002, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-4.002, F.A.C. consisting of:

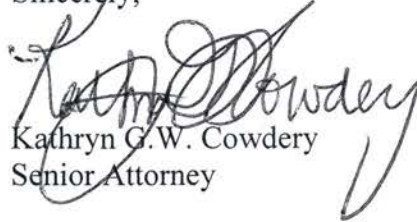
- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations 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.

2014 SEP 12 AM 11:09  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
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Page 2

Please let me know if you have any questions. The contact name and information for this rule are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

Sincerely,



Kathryn G.W. Cowdery  
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 rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-4.002

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)

Carlotta S Stauffer  
CARLOTTA S. STAUFFER

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

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



**25-4.002 Application and Scope.**

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

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

*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*

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#### SUMMARY OF THE RULE

Rule 25-4.002, F.A.C., Application and Scope, 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.

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

Rule 25-4.002, Scope, is repealed because it is obsolete and unnecessary to implementation of any sections of Chapter 364, Florida Statutes. The language concerning the scope of individual “parts” of Chapter 25-4, F.A.C., is obsolete because the chapter is no longer divided into “parts,” and the Commission does not regulate shared tenant service companies, operator service provider companies and call aggregators, and alternative access vendor service providers. Further, the individual rules by their terms identify the providers subject to the rules, and therefore there is no need for a separate rule defining the scope of Chapter 25-4, F.A.C.

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

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
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# Public Service Commission

September 12, 2014

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

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rule 25-22.061, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-22.061, 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.

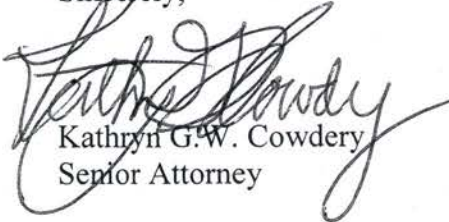
2014 SEP 12 AM 11:15  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
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Page 2

Please let me know if you have any questions. The contact name and information for this rule are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

Sincerely,



Kathryn G.W. Cowdery  
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

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(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.

25-22.061

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)

*Carlotta S Stauffer*  
CARLOTTA S. STAUFFER

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

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

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

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

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

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

*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, \_\_\_\_\_.*

#### SUMMARY OF THE RULE

Rule 25-22.061, F.A.C., describes the procedure followed when an appellant seeks a stay of a Commission Order pending judicial review in state court pursuant to section 120.68, FS.

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

Rule 25-22.061, Stay Pending Judicial Review, F.A.C., is amended to delete obsolete language referencing repealed Rule 25-4.114, F.A.C., relating to telecommunications companies.

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

STATE OF FLORIDA



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# Public Service Commission

September 12, 2014

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

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rules 25-24.505, 25-24.514, 25-24.555, and 25-24.560, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-24.505, 25-24.514, 25-24.555, and 25-24.560, F.A.C., consisting of:

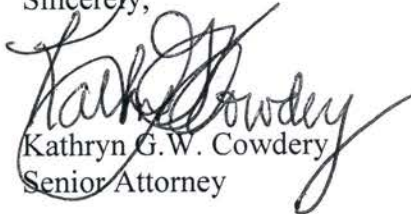
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- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

2014 SEP 12 AM 11:16  
FILED  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

Page 2

Please let me know if you have any questions. The contact name and information for this rule are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

Sincerely,



Kathryn G.W. Cowdery  
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
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(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

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(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.

25-24.505

25-24.514

25-24.555

25-24.560

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)

*Carlotta S Stauffer*  
CARLOTTA S. STAUFFER

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

Title \_\_\_\_\_

Number of Pages Certified 5

**25-24.505 Scope.**

This part applies to any person providing pay telephone service. As provided by Rules 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., shall apply to pay telephone service companies, except the following: Rules ~~25-4.003~~ (Definitions), 25-4.0161 (Regulatory Assessment Fees; Telecommunications Companies), 25-4.019 (Records and Reports in General), subsection 25-4.020(2) (Location and Preservation of Records), and 25-4.043, F.A.C. (Response to Commission Staff Inquiries).

*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.**

- (1) The Commission's cancellation of a certificate shall be based on one or more of the following reasons:
- (a) Violation of the terms and conditions under which the authority was originally granted;
  - (b) Violation of Commission rules or orders;
  - (c) Violation of Florida Statutes; or
  - (d) Failure to provide service for a period of six (6) months.
- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide a statement of intent and date to pay Regulatory Assessment Fees with its request.
- (3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

*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 \_\_\_\_\_.*

**25-24.555 Scope and Waiver.**

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

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

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

*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.**

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

- (1) "Alternative Access Vendor" (AAV) means any telecommunications company, as defined in Section 364.337(6)(a), Florida Statutes.
- (2) "Agent" means one authorized to act on behalf of another.
- (3) "Competitive local exchange telecommunications company" (CLEC) means any company as defined in Section 364.02(1), Florida Statutes.
- (4) "Company" means a shared tenant service company.
- (5) "Interexchange Company" (IXC) means any telecommunications company, as defined in Section 364.02(6), Florida Statutes, which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.
- (6) "Local Exchange Telecommunications Company" (LEC) means any telecommunications company, as defined in Section 364.02(6), Florida Statutes.
- (7) "Local Service Area" or "Local Calling Area" means the area within which telecommunications service is furnished to subscribers under a specific schedule of exchange rates and within which calls may be completed without toll charges. A local service area may include one or more exchange areas or portions of exchange areas.
- (8) "Pay telephone service company" means any telecommunications company, as defined in Section 364.02(6), Florida Statutes, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(3), Florida Statutes.
- (9) "Private Branch Exchange" (PBX) means a system in which trunk lines connect a telephone company central office to a switching system which directs incoming calls to the appropriate user.
- (10) "Shared tenant service" (STS) as defined in Section 364.339(1), Florida Statutes, means the provision of service which duplicates or competes with local service provided by an existing local exchange telecommunications company and is furnished through a common switching or billing arrangement to tenants by an entity other than an existing local exchange telecommunications company.
- (11) "Tenant" means any person entitled to occupy a premises under a rental or lease agreement.
- (12) "Unaffiliated Entities" means those corporations, partnerships, proprietorships, or other groups that control less than 50 percent of the stock of the entity which claims to be affiliated.

*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\_\_\_\_\_.*

## SUMMARY OF THE RULES

Rule 25-24.505, Scope, addresses the scope of the rules in chapter 25-24, F.A.C., concerning pay telephone service companies. Rule 25-24.514, Cancellation of a Certificate, lists the bases for cancellation of a certificate. Rule 25-24.555, Scope and Waiver, applies to shared tenant service. Rule 25-24.560, Terms and Definitions, applies to alternative access vendors.

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

Rule 25-24.505, Scope, is repealed because it is obsolete. This rule references Rules 25-4.019 and 25-4.043, F.A.C., which have been repealed. In addition, the rule is unnecessary to implementation of Chapter 364, F.S., because the rules in Chapters 25-4 and 25-24, F.A.C., make clear what type of provider is addressed by each rule, and, for this reason, there is no need for a separate rule defining the scope of Chapter 25-24, F.A.C.

Rule 25-24.514, Cancellation of a Certificate, is repealed as being redundant of statutory language, obsolete, and unnecessary to implementation of Chapter 364, F.S.

Rule 25-24.555, Scope and Waiver, which applies to shared tenant service, is repealed as obsolete because the Commission no longer regulates shared tenant service.

Rule 25-24.560, Terms and Definitions, which applies to alternative access vendors, is repealed as obsolete because the Commission no longer regulates alternative access vendors.

### SUMMARY OF ANY HEARINGS HELD ON THE RULES

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