

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-

DATE: October 24, 2014
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Kathryn Cowden, Office of the General Counsel
RE: Docket No. 140141-TP

Please file the attached rule certification packet for Rule 25-4.003, F.A.C., in the docket file listed above.

Thank you.

Attachment

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COMMISSION
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JULIE I. BROWN

STATE OF FLORIDA



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

Public Service Commission

October 24, 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 25-4.003, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-4.003, 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.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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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.

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.

25-4.003

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 6 _____
Number of Pages Certified _____

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(13)(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." 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. 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.

(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.
- (31) "Local Service Area" or "Local Calling Area." The area within which 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.
- (9)(34) "Message." A completed telephone call.
- (10) "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.

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

(12)(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.

(13)(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.

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

(15)(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, _____.*

SUMMARY OF THE RULE

Rule 25-4.003, F.A.C., Definitions, defines terms addressed by Chapter 25-4, F.A.C.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

Rule 25-4.003, Definitions, is amended to update certain definitions and to delete terms that are no longer addressed in Chapter 25-4, F.A.C., due to statutory and rule changes.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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