

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: PROPOSED AMENDMENTS TO RULE 25-4.004, F.A.C., CERTIFICATES
NECESSITY OR AUTHORITY; APPLICATION AND REPEAL OF RULE 25-4.005, F.A.C.,
TRANSFER OF CERTIFICATE OF NECESSITY OR AUTHORITY

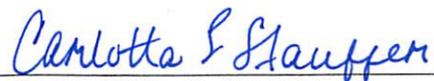
ISSUED: October 11, 2017

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rule 25-4.004, Florida Administrative Code (F.A.C.), and repeal Rule 25-4.005, F.A.C., to modify, streamline, and clarify the information required for telecommunications companies in applications for Certificates Necessity or Authority and Transfers of Certificates Necessity or Authority and to avoid applicant confusion and eliminate redundancy.

The attached Notice of Development of Rulemaking appeared in the October 10, 2017 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 by October 24, 2017, to Pamela H. Page, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6214, phpage@psc.state.fl.us. A copy of the preliminary draft rule is attached.

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By DIRECTION of the Florida Public Service Commission this 11th day of October,
2017.



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:

25-4.004 Certificates Necessity or Authority; Application

25-4.005 Transfer of Certificate of Necessity or Authority

PURPOSE AND EFFECT: To modify, streamline, and clarify the information required for telecommunications companies in applications for Certificates Necessity or Authority; Application, and Transfer of Certificate of Necessity or Authority and to avoid applicant confusion, and eliminate redundancy.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Applications for Certificates Necessity or Authority; Application and Transfer of Certificate of Necessity or Authority by telecommunications companies.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.33, 364.335, 364.336 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: Pamela H. Page, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, phpage@psc.state.fl.us.

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

1 **25-4.004 Application for Original Certificates Necessity or Transfer of Certificate of**
2 **Authority; Application.**

3 (1) ~~In order to No person shall~~ provide telecommunications service services to the public
4 ~~without~~ either a certificate of necessity issued prior to July 1, 2011, or a certificate of authority
5 issued after July 1, 2011, is required. ~~Service Services~~ may not be provided, nor may deposits
6 or payment for service services be collected, until the effective date of a certificate or transfer
7 of a certificate. However, marketing and development activities may begin prior to the
8 effective date of the certificate at the applicant's risk that the certificate may not be granted.
9 Prior to certification, the applicant must advise the public in any customer contacts or
10 advertisements that certification has not and may not be granted.

11 (2) ~~Each An applicant for a certificate of authority shall apply by using submit an~~
12 ~~application on~~ Form PSC/IDM TEL 162 (~~(XX/XX)12/12~~), entitled "Application ~~Form~~ for
13 Original Authority or Transfer of Authority to Provide Telecommunications Company Service
14 In Within the State of Florida.," The application which is incorporated into this rule by
15 reference and ~~which~~ is available at [Dept. of State hyperlink],
16 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02034>, and from the Florida Public
17 Service Commission's website at www.floridapsc.com/utilities/TelecomCLECApplication/
18 www.floridapsc.com/utilities/telecomm/, or from by contacting the Florida Public Service
19 Commission's Office of Industry Development and Market Analysis Telecommunications.
20 Except as provided in Section 364.33, F.S., a certificate holder and the person seeking to
21 obtain the certificate by transfer from the holder shall submit a joint application using form
22 PSC/IDM 162 (XX/XX) A non-refundable application or transfer fee of \$500.00 must
23 accompany the filing of each application.

24 (3) The company transferring the certificate shall pay to the Florida Public Service
25 Commission all regulatory assessment fees owed pursuant to Section 364.336, F.S., and Rule

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1 25-4.0161, F.A.C.

2 ~~(4)(3) The An~~ application for certificate of authority or transfer shall be filed with the
3 Office of Commission Clerk, ~~Florida Public Service Commission, 2540 Shumard Oak~~
4 ~~Boulevard, Tallahassee, Florida 32399-0850.~~

5 ~~(4) Each holder of a certificate of necessity or authority shall file with the Commission's~~
6 ~~Office of Commission Clerk updated information for the following items within ten days after~~
7 ~~a change occurs:~~

8 ~~(a) The street address of the certificate holder including number, street name, city, state~~
9 ~~and zip code, and the mailing address if it differs from the street address.~~

10 ~~(b) Name, title, and phone number of the individual responsible for contact with the~~
11 ~~Commission.~~

12 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113 ~~350.127(1)~~, 364.32, 364.33,*
13 *364.335 364.336, FS. History—New 12-1-68, Formerly 25-4.04, Amended 12-16-12,*

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1 **25-4.005 Transfer of Certificate of Necessity or Authority.**

2 ~~(1) Except as provided in Section 364.33, F.S., a certificate holder and the person seeking~~
3 ~~to obtain the certificate by transfer from the holder shall submit a joint application on~~
4 ~~Commission Form PSC/TEL 162 (12/12), entitled “Application Form for Authority to Provide~~
5 ~~Telecommunications Company Service Within the State of Florida,” incorporated by reference~~
6 ~~into Rule 25-4.004, F.A.C. The application shall be filed with the Office of Commission~~
7 ~~Clerk. A nonrefundable application fee of \$500.00 must accompany the filing of each~~
8 ~~application to cover processing costs. The Commission’s acceptance of the application fee~~
9 ~~does not imply that the application for transfer of a certificate will be granted.~~

10 ~~(2) The company transferring the certificate shall pay to the Commission all regulatory~~
11 ~~assessment fees owed pursuant to Sections 350.113 and 364.336, F.S. and Rule 25-4.0161,~~
12 ~~F.A.C.~~

13 ~~*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 364.335, 364.336 FS.*~~
14 ~~*History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended 9-16-99, 12-16-12,*~~
15 ~~*Repealed _____.*~~

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