

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:** March 14, 2018  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Pamela H. Page, Office of the General Counsel *PHP*  
**RE:** Docket No.20170263-TP

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Please file the attached rule certification packet materials for Rules 25-4.511 and 25-4.512, F.A.C., in the docket file listed above.

Thank you.

Attachment

RECEIVED-PPSC  
2018 MAR 14 PM 1:19  
COMMISSION  
CLERK

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
KEITH C. HETRICK  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

March 14, 2018

VIA HAND DELIVERY

Mr. Ernest Reddick  
Florida Department of State  
Administrative Code and Register Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

**Re: Rule Certification Packet for Rules 25-4.511, Application for Certificate, and 25-4.512, Application for Approval of Sale or Transfer of Certificate, F.A.C.**

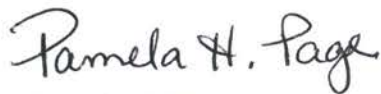
Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rules 25-4.511 and 25-4.512, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (6) One original and two copies of the summary of the rules;
- (7) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (8) One original and two copies of the summary of the hearings held on the rules.

Please let me know if you have any questions. The contact name and information for this rule are Pamela H. Page, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6214, [phpage@psc.state.fl.us](mailto:phpage@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "Pamela H. Page".

Pamela H. Page  
Senior Attorney

Enclosures

## Julie Phillips

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**From:** FL-Rules@dos.state.fl.us  
**Sent:** Thursday, March 08, 2018 8:52 AM  
**To:** Julie Phillips  
**Cc:** flrules@dos.state.fl.us  
**Subject:** {BULK} 25-4.511 Reference Material for Rule Adoption Approved

**Importance:** Low

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-4.511

Reference Number: Ref-09234; Reference Name: PSC 1021 (1/18) Application for Original Authority or Transfer of Authority to Provide Pay Telephone Service in the State of Florida

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-4.511, F.A.C. have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

PSC 1021(1/18)

Application for Original Authority or Transfer of Authority to Provide Pay Telephone Service in the State of Florida

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

Carlotta S. Stauffer  
Carlotta S. Stauffer

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



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.

25-4.511

25-4.512

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 2

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

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION  
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s). 25-4.511, F.A.C.

Rules covered by this certification:

Rule No(s). 25-4.511, F.A.C.,

25-4.512, F.A.C.



\_\_\_\_\_  
Signature of Agency Head

Chairman, Florida Public Service Commission  
Title



**25-4.511 Application for Original or Transfer of Pay Telephone Certificate.**

(1) ~~In order Any person desiring to provide pay telephone service services, must have a pay telephone service certificate or transfer of certificate must be granted by the Florida Public Service Commission.~~

(2) ~~Each An applicant shall apply by using submit an application on Form PSC 1021 (1/18) PSC/TEL 32 (2/13), entitled "Application Form for Original Authority or Transfer of Authority to Provide Pay Telephone Service In Within the State of Florida," The application which is incorporated into this rule by reference and may be obtained from the Commission's website at <http://www.floridapsc.com/telecommunication/TelecomPATSAApplication> [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of Industry Development and Market Analysis Telecommunications. Such form may also be accessed at the Department of State website at:~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-09234>~~

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02213>. A non-refundable application or transfer fee of \$250.00 must accompany the filing of each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application or transfer of a certificate will be granted all applications.~~

(3) ~~Certificates authorizing pay telephone service shall not be transferred by the holder without prior Commission approval.~~

~~(4)(3) An original and one copy of Tthe application shall be filed with the Office of Commission Clerk.~~

~~(4) Any pay telephone service authority previously granted or granted hereafter is subject to the following:~~

~~(a) Authority granted is statewide.~~

~~(5)(b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to provide pay telephone service does not carry with it the authority to provide local exchange or interexchange service. A separate application must be made for such authority to provide this service.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.3375 FS. History—New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.511,*

**25-4.512 Application for Approval of Sale or Transfer of Certificate.**

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, ~~364.337~~, 364.3375, ~~364.345~~ FS. History—  
New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.512, Repealed\_\_\_\_\_.*

**25-4.512 Application for Approval of Sale or Transfer of Certificate.**

(1) Certificates of authority or necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate from a sale or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/TEL 32 (2/13), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida." The application form may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of Telecommunications. Such form may also be accessed at the Department of State website at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02214>. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale or transfer of a certificate will be granted.

(3) An original and one copy of the application shall be filed with the Office of Commission Clerk.

(4) An application for sale or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold or transferred only as a whole.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, ~~364.337~~, 364.3375, ~~364.345~~ FS. History—  
New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.512, Repealed.*

#### SUMMARY OF THE RULE

Rule 25-4.511, F.A.C., notifies applicants of the process to obtain a certificate to provide pay telephone service. The amendments to Rule 25-4.511, F.A.C, more clearly inform applicants on these procedures and requirements to provide pay telephone service or the transfer of such certificate. The application form is hyperlinked to the Department of State and is incorporated by reference to the Commission website. Rule 25-4.512, F.A.C., would be repealed and its provisions included in Rule 25-4.511, F.A.C. Repeal of Rule 25-4.512, F.A.C., allows one rule to address both the applications for and the transfer of a pay telephone certificate.

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

Rule 25-4.511, F.A.C., and Rule 25-4.512, F.A.C., state the requirements and the process to apply for a certificate to provide pay telephone service or for the transfer of such certificate. The amendments to Rule 25-4.511, F.A.C., modify, streamline and clarify the rule and the application form. The information required to apply for a certificate is stated more specifically in the application form. The repeal of Rule 25-4.512, F.A.C., will allow for one rule that contains the required elements on applications for and the transfer of a pay telephone certificate as the provisions of Rule 25-4.512, F.A.C., will be included in Rule 25-4.511, 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.