

**FLORIDA PUBLIC SERVICE COMMISSION**

In re: Initiation of Rulemaking to Amend Rules            )  
in Chapters 25-4 and 25-24, F.A.C., to Address            )  
Publication of Service Schedules by                        )  
Telecommunications Companies                                )  
\_\_\_\_\_)

UNDOCKETED

**POST RULEMAKING WORKSHOP COMMENTS OF SPRINT**

Sprint Nextel Corporation, on behalf of itself and Sprint Communications Company Limited Partnership, its wholly-owned subsidiary providing wireline telecommunications services in the State of Florida (“Sprint”), provides the following brief Comments on the Rulemaking Workshop in the above-captioned matter held at the Florida Public Service Commission (“Commission”) on March 30, 2010.

**I. Introduction**

Sprint has been granted authority by the Commission to operate as an intrastate interexchange telecommunications company and a competitive local exchange telecommunications company in Florida. Such entities have traditionally been afforded light regulation by the Commission and the Florida Legislature<sup>1</sup> and the recent legislative changes to § 364.04, Florida Statutes (“Schedules of rates, tolls, rentals, and charges; filing; public inspection”), are not intended in any way to change that approach. In fact, the intent of the legislation is to replace outmoded traditional tariffs filed at the Commission with the flexibility to communicate the rates, terms and conditions of

---

<sup>1</sup> For instance, an intrastate, interexchange telecommunications company is excluded from the definitions of “telecommunications company” and is subject only to portions of §364, Florida Statutes, that are specifically enumerated in § 364.02(14), F.S.

service to customers by other means that are more convenient for both customers and service providers, including posting service schedules online. And Commission Staff made it clear during the Rulemaking Workshop that the proposed rules under development are designed not to add requirements or expand the scope of the existing tariffing rules, but merely to change them to accommodate the alternative means of publishing rate schedules contemplated by the new § 364.04, F.S.

Sprint already has notified the Commission of its decision to withdraw its intrastate interexchange tariff and publish its schedule online consistent with the guidelines provided by Staff.<sup>2</sup> Sprint looks forward to continuing to work with Staff as it considers these rule changes. Overall, and as outlined below, Sprint urges that if the Commission believes any regulations are necessary and authorized under the recent changes to § 364.04, F.S., it should tailor such rules narrowly and ensure no unintended and unnecessary regulatory burdens result.

## **II. Rulemaking Authority and Purpose**

As a threshold matter, the Staff and Commission should consider whether there exists a grant of rulemaking authority in the new § 364.04 that is sufficient to engage in the rulemaking that is contemplated. As Staff is aware, § 120.536, F.S., “Rulemaking authority; repeal; challenge,” states that there must be “a grant of rulemaking authority” and that “an agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute.” The original version of § 364.04 included references to actions to be taken by the Commission under the law that could be

---

<sup>2</sup> See “Guidelines For A Telecommunications Company That Will No Longer File Its Schedules With The FPSC,” September 16, 2009.

interpreted to grant rulemaking authority (e.g., “[u]pon order of the commission, every telecommunications company shall file...”; public inspection copies shall be made accessible “at such places as may be designated by the commission”; a notice regarding schedules “shall be kept posted by every telecommunications company as the commission designates.”) Sprint agrees with comments made by participants during the workshop that there is no rulemaking authority provided in the new § 364.04. The new section addresses only action to be taken by telecommunications companies and contains no instances like those in the prior version of the section cited above that would authorize rulemaking or Commission action. Instead, the new section is self-executing and rulemaking is neither authorized nor needed.

While it appears that Staff believes rules are necessary to achieve other goals (e.g., to facilitate the process of processing consumer complaints), such goals do not provide sufficient authority for rulemaking in this instance under § 120.536, F.S. (“No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy.”)

While it may be defensible to retain existing rules for telecommunications companies that wish to continue to file tariffs with the Commission on the basis that the Commission has a role in receiving and processing such tariffs, there is no authority to promulgate rules related to the alternative schedules not filed with the Commission. The statute does not define a role for the Commission with respect to such schedules and, further, provides very specific requirements for telecommunications companies such that no rulemaking is

required. Thus, Sprint urges the Commission to consider whether rulemaking authority has been granted to permit development of the rules proposed.

### **III. Comments on Specific Rule Proposals**

In the event the Commission chooses to move ahead with the proposed rules, Sprint provides the following comments on specific provisions. The rules should not expand carriers' obligations with respect to schedules and should instead provide greater flexibility than was provided in the past for Commission-filed tariffs. Sprint has been engaged in a detariffing project over the last several years to develop online resources for consumers and, where possible, to incorporate intrastate rates, terms and conditions into a single intrastate schedule posted online. This reduces administrative burden and makes it easier for consumers to find the information they need. The specific comments provided below address concerns with portions of the proposed rules that would make it difficult or impossible for Sprint to continue to consolidate and simplify its schedules as states like Florida remove tariffing requirements and permit online publication. Sprint also agrees with commenters during the workshop that the new rules should not seek to increase the current requirements competitive local exchange carriers must meet for schedules filed at the Commission. Such rules should, at a minimum, be no more onerous than the requirements that exist today.

As an initial matter, Sprint notes that the proposed rules would treat intrastate interexchange telecommunications companies and competitive local exchange companies largely the same as incumbent local exchange carriers in terms of requirements for publication of schedules. The rules do so by incorporating most of the rules covering

incumbents in 25-4.034 into the rules covering intrastate interexchange carriers in 25-24.470 and 25-24.485 and competitive local exchange carriers in 25-24.835. The proposed rules also would retain almost all of the requirements applicable to interexchange carrier tariffs before the recent legislative changes and actually add new requirements (e.g., inclusion of “fees and surcharges” in the schedules). The proposed rules would add rules as to the form and substance of CLEC schedules filed at the Commission. Sprint respectfully urges the Commission to re-consider whether such treatment is necessary given the characteristics of the interexchange market in Florida. The diversity and number of interexchange service providers in Florida and the intense competition between them strongly supports a minimalist approach. Consumers have abundant options and may easily change providers. In this environment, they are best served by allowing carriers to communicate with consumers flexibly in the most efficient way possible as dictated by market conditions and not as required by administrative rules. Interexchange carriers should be freed as much as possible to quickly respond to market conditions, streamline operations and keep costs down. Similarly, regulation of CLEC schedules should be decreased, not increased as called for in the proposed rules. Particularly after the legislative changes to § 364.04, the focus should be on eliminating rules, not carrying them forward or adding new ones.

#### **A. New Requirement Regarding Fees and Surcharges**

Sprint opposes any requirement that specific charges for “fees and surcharges” be included in the schedules of intrastate interexchange telecommunications companies or competitive local exchange carriers. Proposed Rule 25-4.034(1) would require

telecommunications companies to publish schedules that set forth “all intrastate rates and charges for customer services, *fees and surcharges*, the classes and grades of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company.” (See Notice of Proposed Rule Development, p. 8, line 5, emphasis added)<sup>3</sup> Previously, “fees and surcharges” have not been tariffed in Florida.

The Commission should not require intrastate interexchange telecommunications companies or CLECs to include charges for “fees and surcharges” in their schedules because such charges vary widely and the charges may be outside the Commission’s intrastate jurisdiction. Further, in a highly competitive market such as the market for long distance services, customers are free to “vote with their feet” and change providers if they are unhappy with such charges.

Finally, the new legislative changes to § 364.04, F.S. do not provide the express rulemaking authorization necessary for the Commission to promulgate such a rule. That section makes no mention of “fees and surcharges” and, as discussed above, provides no rulemaking authorization. The legislature is aware of fees and surcharges but chose not to include them in the deregulatory changes to §364.04 and did not provide rulemaking authority with respect to such charges. To prove the point, one need only look to a different portion of § 364 where the legislature did expressly include such charges and

---

<sup>3</sup> Portions of Rule 25-4.034 are incorporated by reference into the proposed rules impacting IXC and CLEC schedules. (See proposed Rules 25-24.470(2) and 25-24.485 (covering IXCs) and proposed Rule 25-24.8359 covering CLECs). Specifically the draft rules incorporate Rule 25-4.034 (1)(a) through (e), (g) through (i) as applicable to intrastate interexchange carriers and CLECs. However, the “fee and surcharge” requirement appears in 25-4.034(1), before the incorporated 25-4.034(1)(a). Therefore, it is somewhat unclear whether the Staff would seek to apply this requirement to intrastate interexchange telecommunications companies and CLECs because the requirement that “fees and surcharges” be included is set forth in proposed Rule 25-4.034(1) and only later portions of Rule 25-4.034(1) are incorporated by reference as applicable to intrastate interexchange telecommunications companies and CLECs.

provide rulemaking authority. § 364.604, F.S., “Billing practices,” requires that “[e]ach billing party must clearly identify on its bill the name and toll-free number of the originating party; the telecommunications service or information service billed; and the specific charges, taxes, and *fees* associated with each telecommunications or information service.” [emphasis added] Further, § 364.604, F.S., expressly states that with respect to billing practices, “[p]ursuant to s. 120.536, the commission may adopt rules to implement this section.” No such mention of fees or surcharges and no such rulemaking authority is provided in the new § 364.04, F.S.

#### **B. Continued Tariffing of Promotions is Unnecessary**

As discussed above, the Commission should eliminate rules affecting intrastate interexchange carriers, not perpetuate them. Sprint respectfully urges the Commission to reconsider the need for the requirement that promotional offerings be included in schedules going forward. (See Notice of Proposed Rule Development, p. 8, line 20 through p. 9, line 1) In the intensely competitive long distance market, consumers are going to learn about promotions more through active publicity and marketing and less through information published in schedules as required by Commission rules. The requirement would serve only to create additional administrative tasks and burdens for the competing carriers and ultimately increase service costs. While a single such requirement in isolation may seem innocuous (e.g., requiring carriers to post promotions in their online schedules), each such separate state requirement makes it harder for carriers to simplify and streamline their process for posting rates. Ultimately, such requirements divert resources from the best option for consumers and carriers alike - communicating with consumers whichever way is most effective in the marketplace.

### **C. Clarification of “Florida-Specific Service Schedule” Requirement**

Sprint is concerned that the language included in the draft rules referring to “Florida-specific service schedules”<sup>4</sup> inadvertently creates a requirement that carriers publishing their schedules online must publish a separate schedule for Florida even though Florida-specific rates can be published in a consolidated intrastate schedule covering multiple states. As discussed above, Sprint has pursued a project to consolidate intrastate rates, terms and conditions into a single online intrastate service schedule. The project is designed to reduce administrative burden and makes it easier for consumers to find the information they need. Such an approach complies with § 364.04, F.S., which requires only that the published schedule show “the rates, tolls rentals, and charges of [the] company for service to be performed within the state.” The statute does not require a separate “Florida-specific service schedule.”

Sprint believes that the statute is self-effectuating and does not require or authorize rulemaking to implement it. However, if the Commission seeks to propose rules, it should ensure they track the language and intent of the statute by removing the phrase “Florida-specific service schedules.” Instead the proposed rules should refer only to “service schedules consistent with Sec. 364.04, F.S.”

### **D. The Commission Should not Impose Additional Requirements on Filed CLEC Schedules**

Sprint agrees with commenters during the workshop that the Commission should not consider imposing additional requirements on CLEC schedules filed at the Commission. It would appear, however, that the proposed rules would do just that,

---

<sup>4</sup> See Notice of Proposed Rule Development, p. 8, lines 3-4; p. 13, line 7; p. 14, line 15.



applying the same formatting and form rules that apply to incumbent LECs. For years CLECs have filed price lists according to existing rules and should at very least be permitted to continue to do so without change. As discussed above, the legislative changes to § 364.04 are deregulatory in nature and should not result in greater regulatory burden on CLECs. Further, there is no legislative authorization for the Commission to place new requirements on CLECs as contemplated in the proposed rule.

#### **IV. Conclusion**

For the reasons set forth above, Sprint respectfully requests that the Commission adopt its recommendations set forth herein and refrain from rulemaking on this topic on the basis that it is neither authorized nor necessary pursuant to § 364.04, F.S. However, Sprint urges that if the Commission believes any regulations are necessary and authorized under the recent changes to § 364.04, F.S., it should tailor such rules narrowly and ensure no unintended and unnecessary regulatory burdens result.

Respectfully submitted this 7<sup>th</sup> day of May, 2010

*/s/ Douglas C. Nelson*

Douglas C. Nelson, Esq.

Sprint Nextel

233 Peachtree St. NE, Suite 2200

Atlanta, GA 30303

Telephone: 404.649.0003

Facsimile: 404.649.1652

**ATTORNEY FOR SPRINT  
COMMUNICATIONS COMPANY LIMITED  
PARTNERSHIP**



Dallas  
Denver  
Fort Lauderdale  
Jacksonville  
Las Vegas  
Los Angeles  
Madison  
Miami  
New York  
Orlando  
Tallahassee  
Tampa  
Tysons Corner  
Washington, DC  
West Palm Beach

Suite 1200  
106 East College Avenue  
Tallahassee, FL 32301  
[www.akerman.com](http://www.akerman.com)  
850 224 9634 *tel* 850 222 0103 *fax*

May 7, 2010

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
Director  
Commission Clerk & Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

**Re: Docket No. 100000**

Dear Ms. Cole:

Attached for filing in the above-referenced Docket, please find tw telecom of florida, l.p. and the Competitive Carriers of the South, Inc.'s comments requested by Commission staff at the March 30, 2010 workshop.

Your assistance is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Feil".

Matthew Feil

Enclosure

**STATE OF FLORIDA**  
**PUBLIC SERVICE COMMISSION**

In Re: Initiation of Rulemaking to Amend )  
Rules in Chapters 25-4 and 25-14, F.A.C., ) Docket No. UNDOCKETED  
To Address Publication of Service )  
Schedules by Telecommunications )  
Companies )  
\_\_\_\_\_ )

**COMMENTS OF TWTC TELECOM OF FLORIDA, L.P. and**  
**COMPETITIVE CARRIERS OF THE SOUTH, INC.**

Pursuant to the request of the Commission staff at the March 30, 2010, workshop held in the above-captioned matter, tw telecom of florida, l.p. ("TWTC") and the Competitive Carriers of the South, Inc. ("CompSouth")<sup>1</sup> hereby submit the following comments.

Introduction

The Commission's approach to any rules in this proceeding should be governed by the following guiding principles: (1) Any form/substance rule requirements for CLEC filed schedules<sup>2</sup> should not impose obligations that would cause current CLEC price lists and existing filing practices to be non-compliant; (2) Form/substance rule requirements for CLEC filed schedules should not be imposed without the Commission's acknowledging that such schedules come with filed rate doctrine status; and (3) There should be extremely limited or no form/substance requirements for posted CLEC schedules, and no requirement to notify the Commission of changes to posted schedules.

---

<sup>1</sup> Sprint, a CompSouth member, does not join in this filing.

<sup>2</sup> Throughout these comments, references to "filed" schedules means those filed with the Commission and "posted" schedules means those not filed with the Commission but available via website or other published means.

CLEC Price Lists v. Filed Schedules

As staff acknowledged at the workshop, the biggest change in the proposed rules over the current rules is the imposition of specific form/substance requirements for CLEC schedules. And, as AT&T noted at the workshop, it would be ironic if after the 2009 de-regulatory legislative changes, the Commission were to impose **more** regulation on CLECs than existed before those legislative changes. However, TWTC and CompSouth believe that if current CLEC price lists on file with the Commission and current CLEC filing procedures for price lists are compliant with any new filed schedule rules, then such rules would not effectively impose an additional burden on CLECs. TWTC and CompSouth maintain that any new rules should **not** impose any new/additional burdens as to the form or filing process for schedules.<sup>3</sup> CLEC price lists currently on file should not have to be re-formatted, re-written, re-labeled, or re-filed. Going-forward, CLECs who choose to file schedules should be able to file those schedules (and changes thereto) in the same manner as, and consistent with what was the generally accepted industry practice, under the prior price list regime.<sup>4</sup> Accordingly, there should be no requirement that service levels offered for all non-basic services be included in filed schedules, as the existing rule requires a service level description only for basic service.<sup>5</sup> And, as AT&T pointed out at the workshop, inclusion of all "fees and surcharges" should not be required for filed schedules, among other things not currently required.

---

<sup>3</sup> Nor should there be any new noticing burdens on CLECs.

<sup>4</sup> TWTC and CompSouth, however, tend to agree with Century Link that it is not necessary for going-forward schedule changes to be in legislative format, with marginal notations. An explanation of the changes via correspondence with the filing should suffice.

<sup>5</sup> Compare existing 25-24.825(1) with proposed 25-24.825(1). Under the existing price list regime, some CLECs may include service level information for certain, but not all, of the CLEC's non-basic services.

Filed Schedules and Filed Rate Doctrine

TWTC and CompSouth believe that it would be inconsistent for the Commission to impose rules regarding form/substance of filed schedules without also acknowledging that such schedules have filed rate status, particularly if the Commission intends to enforce such filing rules or if the Commission intends to enforce all or part of the content of filed schedules as between a CLEC and its customers. Accordingly, rules for CLEC filed schedules should not be imposed without acknowledgment that such requirements come with filed rate status.

Posted Schedules

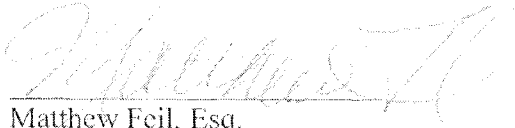
TWTC and CompSouth assert that if a CLEC chooses to post its schedules on a website rather than file schedules with the Commission, the posted schedules should not be subject to Commission rules on form/substance. Carriers were given a choice of filing or posting schedules. Posting schedules should be seen as a carrier's having made the definitive choice to step outside the realm of the traditional regulatory regime, by-pass the burdens and benefits that go along with that regime, and accept the de-regulated environment of private contracts. Not only should there be few, if any, form/substance rules for posted schedules, there should be no requirement that the Commission be notified each time there is a change to posted schedules. As long as schedules are posted and a carrier is able to produce a history for the posted schedules when the Commission so requests, the Commission should have sufficient access to the information it needs when it needs it.

Other Comments

TWTC and CompSouth support preserving the language staff has proposed to delete on page 8, lines 8 – 12 (Rule 25-4.034 of the Notice). This language addresses current Commission practice regarding contract service arrangements. The current practice regarding such contracts should not change; and staff stated at the workshop there was no intent that it change. Therefore, the current rule language should remain in place. This will avoid questions and confusion.

In addition, while making any rule changes to Chapter 25-24, the Commission should delete (1)(d) of Rule 25-24.820, Florida Administrative Code, which appears to enable the PSC to revoke a CLEC certificate for "violation of" a price list (or, in the future) a schedule. This rule, aside from being unduly discriminatory (there is no similar rule for ILECs or IXC's) is needless and far too onerous.

Respectfully submitted,



Matthew Feil, Esq.  
Akerman Senterfitt  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32301  
(850) 425-1614

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by Email this 7<sup>th</sup> day of May, 2010.

Kathryn Cowdery Jeff Bates Laura King Julie Gowen Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 kcowdery@psc.state.fl.us jbates@psc.state.fl.us lking@psc.state.fl.us jgowen@psc.state.fl.us	Tracy W. Hatch c/o Gregory R. Follensbee 150 South Monroe Street Suite 400 Tallahassee, FL 32301 th9467@att.com
Dulaney O'Roark Dave Christian Vice President & General Counsel -- Southeast Region Verizon Six Concourse Parkway, NE Suite 800 Atlanta, GA 30328 de.oroark@verizon.com David.Christian@verizon.com	Earl Poucher Office of Public Counsel 111 West Madison Street Room 812 Tallahassee, FL 32399-1400 poucher.earl@leg.state.fl.us
Tom McCabe TDS Telecom 107 West Franklin Street Quincy, FL 32351-2310 thomas.mccabe@tdstelecom.com	Sandy Khazraee Susan Masterton Century Link 1313 Blairstone Road Tallahassee, FL 32301-3021 susan.masterton@centurylink.com sandy.khazraee@centurylink.com

By: 

Matthew Feil, Esq.

Susan S. Masterton  
Senior Counsel



FLTLH20501-507  
315 S. Calhoun St., Suite 500  
Tallahassee, FL 32301  
Tel: 850.599.1560

May 7, 2010

**FILED ELECTRONICALLY**

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: Undocketed Proposed Rules Related to Publication of Service Schedules

Dear Ms. Cole:

Enclosed please find CenturyLink's Post Workshop Comments in the above Undocketed matter.

If you have any questions regarding this electronic filing, please do not hesitate to call my assistant, Roberta Cooper at (850) 599-1563.

Sincerely,

/s/ Susan S. Masterton  
Susan S. Masterton



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

<b>In re:</b> Rulemaking to amend rules in Chapters 25-4 And 25-24, F.A.C., to address Publication of Service Schedules by Telecommunications Companies.	<b>Docket No.:</b> Undocketed
	<b>Filed:</b> May 7, 2010

**CENTURYLINK'S POST WORKSHOP COMMENTS**

In accordance with the Staff's request at the March 30, 2010 Workshop in this matter, CenturyLink<sup>1</sup> submits the following post-workshop comments to address the draft rule changes discussed at the workshop, as well as additional suggested changes. CenturyLink also is attaching a legislative mark-up of the Proposed Rule showing CenturyLink's suggested changes. CenturyLink's changes to the staff's draft are highlighted in yellow.

**Scope of Rule 25-4.034**

CenturyLink supports the Commission's efforts to revise the rules related to publication of tariffs or service schedules to reflect the statutory changes enacted in 2009 and the rule changes made last year. CenturyLink believes the rule changes should recognize the increasingly market-based approach to telecommunications regulation in Florida. In this vein, CenturyLink suggests that the rules should address the styling and timing, rather than the content, of tariff filings and should not expand upon the statutory requirements.

---

<sup>1</sup> These comments are filed on behalf of all of the affected CenturyLink entities in Florida, including, Embarq Florida, Inc. d/b/a CenturyLink, Embarq Communications, Inc. d/b/a CenturyLink Communications, CenturyTel Long Distance, LLC d/b/a CenturyLink Long Distance and Madison River Communications, LLC d/b/a CenturyLink.

CenturyLink's approach is consistent with the parameters for Commission rulemaking set forth in the Administrative Procedures Act. Specifically, s. 120.536, F.S. provides:

**120.536 Rulemaking authority; repeal; challenge.--**

(1) A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.

In addition, as Mr. Hatch noted at the March 30, 2010 Rule Development Workshop, this approach is consistent with the "generic legislative intent language" guiding the Commission's exercise of its jurisdiction. (Tr. at 8) Specifically, section 364.01(4)(b), Florida Statutes, directs the Commission to exercise its authority in a manner that will "encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the widest possible range of consumer choice in the provision of all telecommunications services." Paragraphs (f) and (g) of section 364.01(4), similarly direct the Commission to exercise its regulatory authority in a manner that encourages competition.

## Revisions to Specific Provisions

Consistent with the scope and intent of the Commission's rulemaking authority and section 364.04, F.S., CenturyLink recommends that subsections (2), (3) and (4) in Rule 25-4.034 be stricken. The requirements of section 364.04, F.S., speak for themselves and further clarification through rulemaking is not necessary, or appropriate. In addition, staff indicated at the workshop that the information required by subsection (4) was primarily related to Schedule 8 information and not to tariff information, further supporting deletion of this subsection. (Tr. at 29)

CenturyLink also recommends that the phrase "fees and surcharges" should not be added to the language in Rule 25-4.034 (1). Rather, the language in the rule should reflect the statute and should say "intrastate rates, tolls and rentals and charges for customer services." Additionally, CenturyLink believes that the statement regarding contract service arrangements should remain in Rule 25-4.034(1) for purposes of clarity.

CenturyLink also suggests several revisions to specific provisions of the proposed rules, as follows:

- With regard to 25-4.034 (5), CenturyLink recommends that the rule be clarified to indicate that customer notice can be made electronically if the customer chooses to receive the bill electronically.
- With regard to 25-4.034(7)(g), CenturyLink suggests elimination of the requirement that tariff changes be filed in legislative format. Currently, in CenturyLink's thirty-three state region, only three states in addition to Florida require legislative format

and one of those permits the legislative mark ups to be hand-written.<sup>2</sup> Preparing filings in legislative format is time-consuming and administratively burdensome. As an alternative, the Company suggests that each tariff filing contain an Exhibit A which is the current tariff page(s) for which the revisions are being proposed and an Exhibit B which is the revised tariff pages. For further clarity, the Company could bold the changes on Exhibit B. Also, if a company chooses to detariff and post price schedules on the internet, that company should not be required to post superseded/outdated pages. A requirement to post all superseded/outdated pages would outweigh the administrative benefits of detariffing.

- With regard to Rule 25-24.470, relating to the service schedule section applicable to IXCs, CenturyLink has no changes to the staff's proposal but does point out that four of the five statutes cited in the "Law Implemented" reference are not applicable to IXCs. Those statutes are 364.051, 364.08, 364.183 and 364.3381.

- With regard to Rule 25-24.825 (1), CenturyLink agrees with the comments made by Mr. Hatch at the workshop that it is unnecessary and inconsistent with the trend toward market-based regulation of telecommunications to expand the requirements for CLECs' price schedules. (Tr. at 39) In addition, the changes staff suggests on line 2 of page 22 of the proposed rule, i.e., deletion of the words "basic local," puts paragraph (d) in conflict with Section 364.337(5), F.S., which only requires CLECs to include the levels of service quality the company holds itself out to provide for basic local service. Therefore, the scope of the rule should remain "basic local telecommunications service" and the words "basic local" should be reinserted.

---

<sup>2</sup> The three other states which require legislative formatting are Oklahoma, Maryland and Oregon. CenturyLink is an ILEC in only one of those states.

### Conclusion

In conclusion, CenturyLink supports rule changes which reflect market-oriented regulatory environment for telecommunications companies in Florida. Accordingly, CenturyLink requests the Commission to adopt the rule changes suggested by CenturyLink in the attached document.

Respectfully submitted this 7<sup>th</sup> day of May, 2010.

/s/ Susan S. Masterton  
SUSAN S. MASTERTON  
315 S. Calhoun St., Suite 500  
Tallahassee, FL 32301  
(850) 599-1560 (phone)  
(850) 224-0794 (fax)  
[susan.masterton@centurylink.com](mailto:susan.masterton@centurylink.com)

COUNSEL FOR CENTURYLINK

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 **25-4.034 Service Schedules Tariffs.**

2 (1) Pursuant to Section 364.04, F.S., ~~Except to the extent otherwise permitted by~~  
3 ~~Section 364.051(5)(a), F.S.,~~ each telecommunications company shall publish its Florida-  
4 specific service schedules ~~maintain on file with the Commission~~ tariffs which shall set forth  
5 all intrastate rates, tolls, rentals and charges for customer services, ~~fees and surcharges,~~ the  
6 ~~classes and grades of service available to subscribers, the conditions and circumstances under~~  
7 ~~which service will be furnished, and all general rules and regulations governing the relation of~~  
8 ~~customer and company.~~ The rates and charges for contract service arrangements for an  
9 individual customer need not be filed where the company's tariff provides a description of the  
10 circumstances under which such arrangements are offered for specified tariffed services.

11 (2) The schedules shall plainly state the places telecommunications service will be  
12 rendered and shall also state separately all charges and all privileges or facilities granted or  
13 allowed and any rules or regulations or forms of contract which may in anywise change,  
14 affect, or determine any of the aggregate of the rates, tolls, rentals, or charges for the service  
15 rendered.

16 (a) Service schedules shall be clearly written in simple words, sentences and  
17 paragraphs, avoiding unnecessarily long, complicated or obscure phrases or acronyms so that  
18 the customer is able to understand the services offered.

19 (b) Service schedules shall have a table of contents or index identifying the location of  
20 the rates, fees and surcharges, terms and conditions for service.

21 (c) Service schedules shall fully define company specific technical terms and  
22 abbreviations.

23 (d) No public statement of service quality, rates, or service offerings or billings shall  
24 be misleading or differ from the terms stated in the service schedules.

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1           ~~(ae) If a company intends to temporarily bill lower rates or charges than is contained in~~  
2 ~~a published service schedule, the company shall publish a single service schedule change~~  
3 ~~reflecting the conditions of the temporary service. Such a service schedule provision shall~~  
4 ~~include the heading "Promotion," and shall state the name of the promotion, a specific~~  
5 ~~description of the scheduled service involved, including all applicable rates, benefits, terms,~~  
6 ~~and conditions, and the beginning and ending dates of the promotion.~~

7           ~~(f) Service schedules shall define a telecommunications company's service area(s) as~~  
8 ~~identified in its certificate of public convenience and necessity.~~

9           ~~(g) Each telecommunications company shall make its retail service schedules available~~  
10 ~~for public inspection upon request.~~

11           ~~(h) Notification of proposed changes to an existing nonbasic service schedule must be~~  
12 ~~received by the Division of Regulatory Analysis before 5:00 p.m. on a normal Commission~~  
13 ~~work day in order for the Commission to be noticed on that day and the changes to become~~  
14 ~~effective on the following day.~~

15           ~~(bi) Services schedules shall be current. Changes to the rates, tolls, rentals and charges~~  
16 ~~surcharges, fees, or the terms and conditions of the offered services, or the addition of new~~  
17 ~~services shall be published before taking effect.~~

18           ~~(2) All published service schedules, whether filed with the Commission or published~~  
19 ~~through other reasonably publicly accessible means, including on a website, shall contain, at a~~  
20 ~~minimum:~~

21           ~~(a) The name(s) used to market the service;~~

22           ~~(b) A description of the service;~~

23           ~~(c) The current rate(s) for the service, including all surcharges and fees;~~

24           ~~(d) The service-specific terms and conditions, and~~

25           CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~(e) The availability and effective date(s) for the service(s) and rate(s).~~  
2 ~~(3) Changes to service schedules shall be retained to permit a historical review of all~~  
3 ~~changes to the schedules for a period of six years and shall be made available to the~~  
4 ~~Commission upon request.~~  
5 ~~(4) Complete information concerning a company's service offerings, rates and charges,~~  
6 ~~conditions of service, terms and conditions, service area, and subscribership information~~  
7 ~~identified by exchange shall be made available to Commission staff upon request.~~  
8 (35) Each telecommunications company shall inform the Commission and its  
9 customers, in writing, where its published service schedules may be viewed. If a customer  
10 chooses to receive bills through electronic means, then the notice may be made electronically.  
11 The Commission shall be notified at the address in 25-4.034(6), or electronically following the  
12 procedures set forth at <http://www.psc.state.fl.us/utilities/telecomm/>. For existing customers,  
13 customer notification shall be in the form of a prominent notice on the customer bill or other  
14 reasonable method and shall be made once annually. New customers shall be informed upon  
15 application and thereafter once annually in writing.  
16 (462) If a telecommunications company chooses to publish its schedules by filing them  
17 with the Commission, it shall file two copies of all new service schedules and proposed  
18 changes to existing service schedules with the Director of the Division of Regulatory  
19 Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
20 Florida 32399-0850, or it shall file electronically pursuant to the requirements set forth at  
21 <http://www.psc.state.fl.us/utilities/telecomm/>. A filing must be received by the Division of  
22 Regulatory Analysis before 5:00 p.m. on a normal Commission work day in order to be  
23 considered filed on that day. Filing shall mean received by the office of the Division of  
24 Regulatory Analysis during normal business hours. Any tariff received by the Division of

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.



NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~Regulatory Analysis after 5:00 p.m. shall be considered filed on the next regular business day.~~  
2 ~~All proposed changes to an existing tariff that are submitted by hard copy shall be directed to~~  
3 ~~the Director of the Division of Regulatory Analysis, Florida Public Service Commission, 2540~~  
4 ~~Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two~~  
5 ~~(2) copies of each revised tariff sheet. A letter of transmittal shall accompany each tariff~~  
6 ~~filing, which lists the included sheets, by sheet number and revision level as specified in~~  
7 ~~paragraphs (6)(c) (c), and gives a brief description of all changes. If acknowledgment of~~  
8 ~~receipt a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a~~  
9 ~~request that the duplicate be returned and a postage paid envelope shall be provided for that~~  
10 ~~purpose.~~

11 (3) ~~Each company shall file, as an integral part of its tariff, maps defining the exchange~~  
12 ~~service areas. These maps shall delineate the boundaries in sufficient detail that they may be~~  
13 ~~located in the field and shall embrace all territory included in the certificate of convenience~~  
14 ~~and necessity.~~

15 (4) ~~Each telecommunications company shall make available for public inspection upon~~  
16 ~~request, either a printed copy or an electronic copy of its retail schedules tariffs.~~

17 (5) ~~Companies shall charge only the rates and credits contained in their tariff. If a~~  
18 ~~company intends desires to deviate temporarily from its normal tariffed rates and credits, the~~  
19 ~~company shall publish file a single tariff change reflecting the conditions of the temporary~~  
20 ~~tariff change. Such schedule tariff provision shall include the heading "Promotion," and shall~~  
21 ~~state the name of the promotion, a specific description of the tariffed service(s) involved,~~  
22 ~~including all applicable rates, terms, and conditions, and the beginning and ending dates of the~~  
23 ~~promotion.~~

24 (576) Service schedules filed with the Commission Tariffs shall comply with the

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 following conventions:

2 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must  
3 be clear and legible. Service schedules ~~Tariffs submitted in hard copy form~~ shall be in loose  
4 leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

5 (b) Each sheet shall bear the name of the company, as certificated with the  
6 Commission, ~~the name and title of the issuing officer,~~ and the effective date of the sheet.

7 (c) Every sheet ~~in the tariff~~ shall be numbered.

8 (d) Each initially received ~~approved~~ sheet ~~in the tariff~~ shall be marked "Original Sheet"  
9 in the upper right-hand corner of the sheet. ~~As an example: Original Sheet No. 4, or Original~~  
10 ~~Sheet No. 5.2.~~

11 (e) Revised sheets ~~in the tariff~~ shall be marked with the number of the revision in the  
12 upper right-hand corner and the number of the sheet it replaces. As an example:  
13 First Revised Sheet No. 4

14 Cancels Original Sheet No. 4

15 (f) ~~The tariffs shall contain at a minimum the following:~~

16 ~~1. Table of Contents and Index.~~ All tariffs shall have a table of contents identifying the  
17 page location of each section in the tariff. Each section shall also be individually indexed by  
18 subject.

19 (g) 2. Symbols Used in Service Schedule Tariff Filings. Symbols used in any proposed  
20 change to the existing service schedule tariff shall appear on the right hand side of each sheet  
21 on the same line(s) in which any change has been made. If three or more consecutive lines are  
22 affected, one symbol shall be placed on the first and last lines with a vertical line connecting  
23 the two symbols. Two or more symbols shall be placed next to each other on any line with  
24 multiple types of changes. The symbol page shall identify and explain all symbols used in the

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 service schedule tariff.

2 ~~3. Technical Terms and Abbreviations. This section shall contain all technical and~~  
3 ~~special terms and abbreviations used in the tariff.~~

4 ~~(g7) With each filing, the company shall provide a coded copy of each service~~  
5 ~~schedule tariff sheet filed showing changes to the existing tariff sheet. Changes shall be~~  
6 ~~indicated by inserting and underlining new words; words to be deleted shall be lined through~~  
7 ~~with hyphens.~~

8 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051(5), 364.183,  
9 ~~364.163~~ FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88,  
10 4-16-90, 3-10-96, 1-25-09.

11 **25-24.470 Registration Required.**

12 (1) No person shall provide intrastate interexchange telephone service without first  
13 publishing its Florida-specific service schedules as required by Sec. 364.04, F.S., and filing an  
14 initial tariff containing the rates, terms, and conditions of service and providing the company's  
15 current contact information with the Office of Commission Clerk using Form PSC/RAD 31  
16 (xx/xx), entitled "IXC Registration Form" which is hereby incorporated into these rules. A  
17 copy of the form may be obtained from the Commission's website at  
18 [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or by contacting the Commission's Division of  
19 Regulatory Analysis.

20 (2) Publication of the company's service schedules ~~An original and two (2) copies of~~  
21 ~~the company's initial tariff shall be filed. The tariff filing shall conform to the requirements of~~  
22 ~~Rule 25-4.034(1)(a) (e), (g) (i) and (2) (7)(a) (f).~~ If a company chooses the option of  
23 publishing its initial service schedules by filing them with the Commission, it shall file two  
24 copies by attaching them to the IXC Registration Form PSC/RAD 31, 25-24.485, F.A.C.

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1           ~~(3) The company's contact information shall be provided using Form PSC/RAD 31~~  
2 ~~(08/05), entitled "IXC Registration Form" which is hereby incorporated into these rules. A~~  
3 ~~copy of the form may be obtained from the Commission's website at~~  
4 ~~www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of~~  
5 ~~Regulatory Compliance.~~

6           (34) Each IXC shall file and update, within 10 days after any change, the following  
7 contact information with the Office of Commission Clerk:

8           (a) Official company name, including any fictitious names, as filed with the  
9 Department of State, Division of Corporations; and

10           (b) Mailing address, including street name and address and post office box, city, state,  
11 and zip code.

12           (c) Name, address, telephone number, and e-mail address and FAX number, where  
13 applicable, of the individual who is to serve as primary liaison with the Commission in regard  
14 to ongoing operations of the company within the state.

15 Rulemaking Authority 350.127(2) FS. Law Implemented 364.02, 364.04 FS. History—New 2-  
16 23-87, Amended 8-25-05, 5-29-08.

17 **25-24.485 Service Schedules Tariffs.**

18           ~~(1) All initial tariffs filed as part of the registration process in Rule 25-24.470, F.A.C.,~~  
19 ~~shall be filed with the Office of Commission Clerk, using the following guidelines, before~~  
20 ~~becoming effective.~~

21           ~~(a) Each IXC shall publish its Florida-specific service schedules pursuant to Rule 25-~~  
22 ~~4.034(1)(a) (e), (g) (i), and (2) (7)(a) (f), which shall set forth maintain on file with the~~  
23 ~~Commission tariffs which set forth all of the rates and charges for customer services, the~~  
24 ~~different services available to subscribers and the conditions and circumstances under which~~

25           CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~service will be furnished.~~

2       ~~(b) The tariff will be Florida specific all intrastate rates and charges for customer~~  
3 ~~services, fees and surcharges, the classes and grades of service available to subscribers, the~~  
4 ~~conditions and circumstances under which service will be furnished, and all general rules and~~  
5 ~~regulations governing the relation of customer and company, and all intrastate rates, charges,~~  
6 ~~and service descriptions shall be for intrastate usage, unless interstate rates are necessary to~~  
7 ~~compute the intrastate portion of a customer's monthly bill; then, the interstate rates, charges,~~  
8 ~~and service descriptions shall also be quoted in the tariff to the extent necessary to compute~~  
9 ~~the intrastate portion of a customer's bill.~~

10       ~~(c) The tariff must be clearly expressed in simple words, sentences and paragraphs. It~~  
11 ~~must avoid unnecessarily long, complicated or obscure phrases or acronyms so that the~~  
12 ~~customer will understand that for which he is contracting.~~

13       ~~(d) No public statement of service quality, rates, or service offerings or billings should~~  
14 ~~be misleading or differ from those stated in the tariff.~~

15       ~~(e) All proposed changes to an existing tariff shall be directed to the Director of the~~  
16 ~~Division of Regulatory Analysis, Florida Public Service Commission, 2540 Shumard Oak~~  
17 ~~Boulevard, Tallahassee, FL 32399-0850. A filing must be received by the Division of~~  
18 ~~Regulatory Analysis before 5:00 p.m. of a normal Commission workday in order for it to be~~  
19 ~~"filed" on that day.~~

20       ~~(f) All tariff changes shall be submitted to the Division of Regulatory Analysis in~~  
21 ~~triplicate in the form prescribed herein. If acknowledgement of the filing at the time of receipt~~  
22 ~~is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be~~  
23 ~~returned.~~

24       ~~(g) Companies shall charge only the rates contained in their tariff. If a company desires~~

25       CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~to charge rates or charges at a lower level than is contained in an existing tariff and wishes to~~  
2 ~~charge those lower rates only temporarily file a single tariff change reflecting the conditions of~~  
3 ~~the temporary tariff change. Such tariff provision shall include the heading "Promotion," and~~  
4 ~~shall state the name of the promotion, a specific description of the tariffed service involved,~~  
5 ~~including all applicable rates, terms, and conditions, and the beginning and ending dates of the~~  
6 ~~reduction.~~

7       ~~(h) The requirements of the following subsections shall apply on a prospective basis~~  
8 ~~from the effective date of this rule. Existing tariffs on the effective date of this rule need not be~~  
9 ~~amended to comply with the following except upon Commission staff request.~~

10       ~~(2) The initial tariff will become effective on the date of the company's registration~~  
11 ~~pursuant to Rule 25-24.470, F.A.C. Changes to an existing tariff will become effective on the~~  
12 ~~day following the day it is filed with the Division of Regulatory Analysis unless the company~~  
13 ~~requests a later effective date.~~

14       ~~(3) Tariffs shall comply with the following format requirements:~~

15       ~~(a) All tariffs shall be submitted in loose leaf form on 8 1/2" x 11" sheets, typewritten~~  
16 ~~on a good grade of white paper of durable quality, using one side of the paper only. All copies~~  
17 ~~must be clear and legible. Sufficient margin shall be allowed on each sheet for a left hand~~  
18 ~~binding edge so that when the tariff book is open all printed matter will be in view.~~

19       ~~(b) Every sheet in the tariff shall be numbered.~~

20       ~~(c) Each sheet shall bear the name of the company, as registered with the Commission,~~  
21 ~~in the upper left hand corner of the sheet.~~

22       ~~(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the~~  
23 ~~upper right hand corner of the sheet. As an example: Original Sheet No. 1, or Original Sheet~~  
24 ~~No. 5.2.~~

25       CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1           ~~(e) Revised sheets in the tariff shall be marked with the number of the revision in the~~  
2 ~~upper right hand corner and the number of the sheet(s) it replaces. As an example:~~

3 ~~First Revised Sheet No. 1~~

4 ~~Cancels Original Sheet No. 1~~

5 ~~or~~

6 ~~Fourth Revised Sheet No. 5.2~~

7 ~~Cancels Third Revised Sheet No. 5.2~~

8           ~~(f) The name and title of the issuing officer shall be placed at the bottom of each sheet.~~

9 ~~To the right of the issuing officer's name there shall appear "Effective: 8-25-05."~~

10           ~~(g) The tariffs shall contain the following:~~

11           ~~1. Title Page. The title page shall contain a brief description of the tariff and the~~  
12 ~~services offered therein.~~

13           ~~2. Table of Contents or Index. All tariffs shall have a table of contents identifying the~~  
14 ~~page location of each section in the tariff. In tariffs of 30 sheets or more, each subsection shall~~  
15 ~~also be individually indexed by subject.~~

16           ~~3. Symbols Used in Tariff Filings. Symbols used in any proposed change to the~~  
17 ~~existing tariff shall appear in the right hand margin of each sheet on the same line(s) in which~~  
18 ~~any change has been made. If three or more consecutive lines are affected, one symbol shall~~  
19 ~~be placed on the first and last lines with a vertical line connecting the two symbols. Two or~~  
20 ~~more symbols may be placed next to each other on the affected line. The symbol page shall~~  
21 ~~identify all symbols used in the tariff.~~

22           ~~4. Technical Terms and Abbreviations. This section shall contain all technical and~~  
23 ~~special terms and abbreviations used in the tariff.~~

24           ~~5. Rules and Regulations. This section shall include all rules, regulations, practices,~~

25           CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~exceptions and conditions which are general and apply to all or many of the services offered.~~

2 ~~If a general regulation does not apply to a particular service, that fact should be clearly stated.~~

3 ~~6. Description of Services Offered. This section shall describe all services available to~~  
4 ~~end users in Florida.~~

5 ~~7. Rates. All rates and charges for all services, and other data necessary to compute the~~  
6 ~~customers' bills for intrastate service shall be placed in this section.~~

7 ~~(4) Information to Accompany Tariff Filings.~~

8 ~~(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet~~  
9 ~~number and revision level) being transmitted and gives a brief description of all changes.~~

10 ~~(b) Along with each tariff filing the company shall include three (3) copies of the tariff~~  
11 ~~pages which contain proposed changes as they will appear in the approved tariff.~~

12 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.08, 364.183,  
13 364.3381 FS. History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96, 8-25-05.

14 **25-24.560 Terms and Definitions.**

15 For purposes of ~~this~~ Part XII, Shared Tenant Services, Rules 25-24.555 through 25-24.585,  
16 F.A.C., the definitions for the following terms apply:

17 (1) "Alternative Access Vendor" (AAV) means any telecommunications company, as  
18 defined in Section 364.337(6)(a), Florida Statutes.

19 (2) "Agent" means one authorized to act on behalf of another.

20 (3) "Competitive local exchange telecommunications company" (CLEC) means any  
21 company as defined in Section 364.02(54), Florida Statutes.

22 (4) "Company" means a shared tenant service company.

23 (5) "Interexchange Company" (IXC) means any telecommunications company, as  
24 defined in Section 364.02(146), Florida Statutes, which provides telecommunication service

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.



NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 between exchange areas as those areas are described in the approved tariffs of individual local  
2 exchange companies.

3 (6) "Local Exchange Telecommunications Company" (LEC) means any  
4 telecommunications company, as defined in Section 364.02(~~86~~), Florida Statutes.

5 (7) "Local Service Area" or "Local Calling Area" means the area within which  
6 telecommunications service is furnished to subscribers under a specific schedule of exchange  
7 rates and within which calls may be completed without toll charges. A local service area may  
8 include one or more exchange areas or portions of exchange areas.

9 (8) "Pay telephone service company" means any telecommunications company, as  
10 defined in Section 364.02(~~146~~), Florida Statutes, other than a Local Exchange Company,  
11 which provides pay telephone service as defined in Section 364.335(3), Florida Statutes.

12 (9) "Private Branch Exchange" (PBX) means a system in which trunk lines connect a  
13 telephone company central office to a switching system which directs incoming calls to the  
14 appropriate user.

15 (10) "Shared tenant service" (STS) as defined in Section 364.339(1), Florida Statutes,  
16 means the provision of service which duplicates or competes with local service provided by an  
17 existing local exchange telecommunications company and is furnished through a common  
18 switching or billing arrangement to tenants by an entity other than an existing local exchange  
19 telecommunications company.

20 (11) "Tenant" means any person entitled to occupy a premises under a rental or lease  
21 agreement.

22 (12) "Unaffiliated Entities" means those corporations, partnerships, proprietorships, or  
23 other groups that control less than 50 percent of the stock of the entity which claims to be  
24 affiliated.

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~Rulemaking-Specific~~ Authority 350.127(2) FS. Law Implemented 364.33, 364.335,  
2 364.337(6), 364.339 FS. History--New 1-28-91, Amended 7-29-97.

3 **25-24.620 Service Requirements for Companies Providing Operator Services.**

4 (1) Every company providing operator services shall clearly state the name of the  
5 company upon answer and again after accepting billing information before the call is  
6 connected.

7 (2) In its service schedules ~~tariffs~~ for and contracts with billing and collection agents  
8 and other companies providing operator services, every company providing operator services  
9 shall require the other party to:

10 (a) Allow end-users to access, at no charge, all locally available interexchange  
11 companies via all locally available methods of access, such as 10XXX, 10XXXX, 101XXXX,  
12 950, and toll-free access codes, such as 800, 877, and 888; except that Feature Group A  
13 (seven-digit local number) access lines are exempt from this requirement;

14 (b) Allow end users to access the universal telephone number "911", where operable,  
15 at no charge to the end-user, and where not operable, to allow end-users to access the operator  
16 of the provider of local exchange telecommunications services at no charge;

17 (c) Route all end user dialed 0+ local and all 0- calls to the provider of local exchange  
18 telecommunications services unless the end user dials the appropriate access code for his  
19 carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXXX, or 10XXX; and

20 (d) Route all end user dialed 1+ and 0+ toll calls to the preselected carrier unless the  
21 end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888,  
22 or 10XXXX, 101XXX, or 10XXX; and

23 (e) Route all end user dialed 0- calls to the operator of the provider of local exchange  
24 telecommunications services at no charge to the end user when no additional digits are dialed

25 CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 after five seconds.

2 (3) Each operator services provider shall provide an opportunity for each caller to be  
3 identified by name to the called party before any collect calls may be completed.

4 ~~Rulemaking Specific~~ Authority 350.127(2) FS. Law Implemented ~~364.04364.01~~, 364.3376  
5 FS. History—New 9-6-93, Amended 1-16-96, 9-10-97, 2-1-99.

6 **25-24.721 Service Schedules Tariffs Not Required.**

7 Alternative Access Vendors are not required to file Service Schedules Tariffs.

8 ~~Rulemaking Specific~~ Authority 350.127(2) FS. Law Implemented 364.337 FS. History—New  
9 1-8-95.

10 **25-24.820 Revocation of a Certificate.**

11 (1) The Commission may on its own motion, after notice and opportunity for hearing,  
12 revoke a company's certificate for any of the following reasons:

- 13 (a) Violation of a term or condition under which the authority was originally granted;  
14 (b) Violation of Commission rule or order;  
15 (c) Violation of Florida Statute; or  
16 (d) Violation of a service schedule price list standard.

17 (2) If a certificated company desires to cancel its certificate, it shall request  
18 cancellation from the Commission in writing and shall provide the following with its request.  
19 Cancellation of a certificate shall be ordered subject to the holder providing the required  
20 information.

- 21 (a) A statement of intent and date certain to pay regulatory assessment fee.  
22 (b) A statement of why the certificate is proposed to be cancelled.  
23 (c) A statement as to how customer deposits and final bills will be handled.  
24 (d) Proof of individual customer notice regarding discontinuance of service.

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.345 FS. History--New  
2 12-27-95.

3 **25-24.825 Service Schedules Price List.**

4 (1) Prior to providing service, each telecommunications company subject to these rules  
5 shall publish its Florida-specific service schedules ~~file and maintain with the Commission a~~  
6 ~~current price list~~ which shall clearly sets forth the following information for the provision of  
7 ~~residential dial tone, single line business dial tone, and dial tone with any combination of the~~  
8 ~~services included as part of basic local telecommunications services, as defined in Section~~  
9 ~~364.02(2), F.S.: If residential dial tone, single line business dial tone, or dial tone with any~~  
10 ~~combination of the services included as part of basic local telecommunications service is~~  
11 ~~offered on a package basis, the following information must be provided for each package:~~

12 (a) Current prices,  
13 (b) Customer connection charges,  
14 (c) Billing and payment arrangements, and  
15 (d) Conditions and circumstances under which services will be furnished, and Levels  
16 ~~of service quality which the company holds itself out to provide for each service.~~

17 (e) All general rules and regulations governing the relations of customer and company.

18 (2) ~~At the company's option, price list information in subsection (1) above and other~~  
19 ~~information concerning the terms and conditions of service may be filed for services other~~  
20 ~~than basic local telecommunication services.~~

21 (3) ~~A price list revision must be physically received by the Commission's Division of~~  
22 ~~Regulatory Analysis at least one day prior to its effective date.~~

23 (4) ~~Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an~~  
24 ~~ongoing page identification system which will allow for the identification of inserted and~~

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~removed pages. The color of paper on which price lists are filed must be amenable to being~~  
2 ~~clearly photocopied on standard photocopy equipment.~~

3 ~~(5) Complete information concerning a company's service offerings, rates and charges,~~  
4 ~~conditions of service, service quality, terms and conditions, service area, and subscribership~~  
5 ~~information identified by local exchange company exchange must be made available to~~  
6 ~~Commission staff upon request.~~

7 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—  
8 New 12-27-95, Amended 4-8-98.

9 **25-24.830 Consumer Information.**

10 (1) The quality of service information in paragraph (1)(d) of Rule 25-24.825, F.A.C.,  
11 shall be provided, verbally or in writing, upon request to any person inquiring about the  
12 company's basic local exchange telecommunications service. In addition, the above  
13 information shall be provided in writing before or in the basic local exchange  
14 telecommunications customer's first bill for service. The above information shall be expressed  
15 in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure  
16 phrases or acronyms must be avoided.

17 (2) If a CLEC elects not to provide any third-party billing or collect call services to its  
18 customers, the CLEC shall so state in its service schedule ~~price list~~ and shall notify customers  
19 of such prior to a customer agreeing to obtain local service from the CLEC. In addition, the  
20 above information shall be provided in writing before or in the basic local exchange  
21 telecommunications customer's first bill for service. The above information shall be expressed  
22 in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure  
23 phrases or acronyms must be avoided.

24 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337(5) FS., Ch. 95-403,

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
 UNDOCKETED  
 CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 § 32, L.O.F. History—New 12-27-95, Amended 4-7-03.

2 **25-24.835 Rules Incorporated.**

3 (1) The following rules are incorporated herein by reference and apply to competitive local  
 4 exchange companies.

5	<u>Section</u>	<u>Title</u>	<u>Portions</u>
6			<u>Applicable</u>
7	25-4.0161	Regulatory Assessment Fees	All
8	25-4.020	Location and Preservation of Records	(2) <u>(3)</u>
9	<del>25-4.043</del>	<del>Response to Commission Staff Inquiries</del>	All
10	<u>25-4.034</u>	<u>Service Schedules Tariffs</u>	<u>All</u>
11			<del>(1)(a) (e) (g)</del>
12			<del>(i) and (2)</del>
13			<del>(7)(a) (f)</del>
14	25-4.036	Design and Construction of Plant	All
15	25-4.038	Safety	All
16	<u>25-4.043</u>	<u>Response to Commission Staff Inquiries</u>	<u>All</u>
17	25-4.160	Operation of Telecommunications Relay	All
18		Service	

19 (2) Each company shall file updated information for the following items with the  
 20 Office of Commission Clerk within 10 days after any changes to the following:

21 (a) The address of the certificate holder's main corporate and Florida offices (if any)  
 22 including street name and address and post office box, city, state and zip code; or

23 (b) Telephone number, name, and address of the individual who is to serve as primary  
 24 liaison with the Commission in regard to the ongoing Florida operations of the certificated

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 company.

2 Rulemaking Specific Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented  
3 364.016, 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-  
4 99, 8-25-05.

5 **25-24.915 Service Schedules ~~Tariffs or Price Lists~~.**

6 (1) This section applies to all companies as defined in subsection 25-24.905(1), F.A.C.

7 (2) Each company shall file a service schedule ~~tariff or price list~~ for PPCS.

8 (3) Each company shall include in its service schedule ~~tariff or price list~~ the following  
9 information:

10 (a) Maximum amount a person will be charged per billing increment for PPCS, and

11 (b) Any applicable surcharges or other fees assessed in addition to the billing

12 increment that reduces the value of the card.

13 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.057,  
14 364.08, 364.09, 364.10, 364.19, 364.27, 364.337 FS. History—New 3-26-98, Amended 8-25-  
15 05.

16 **25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.**

17 (1) The following information shall be legibly printed on the card:

18 (a) The Florida certificated or registered name, or “doing business as” name as  
19 provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;

20 (b) Toll-free customer service number;

21 (c) Toll-free network access number; and

22 (d) Authorization code, if required to access service.

23 (2) Each company shall provide the following information legibly printed either on the  
24 card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 a manner that the consumer may make an informed decision prior to purchase:

2 (a) Maximum charge per billing increment for PPCS;

3 (b) Any applicable surcharges or other fees assessed in addition to the billing  
4 increment that reduces the value of the card; and

5 (c) Expiration policy, if applicable.

6 The company must insure by contract with its retailers or distributors that the information is  
7 provided to the consumer.

8 (3) Each company shall provide through its customer service number the following  
9 information:

10 (a) Certificate or registration number;

11 (b) Rates and surcharges;

12 (c) Balance of use in account; and

13 (d) Expiration date or period, if any.

14 (4) Each company shall provide a live operator to answer incoming calls 24 hours a  
15 day, 7 days a week or shall electronically voice record end user complaints. A combination of  
16 live operators or recorders may be used. If a recorder is used, the company shall attempt to  
17 contact each complainant no later than the next business day following the date of the  
18 recording.

19 (5) The rates displayed in accord with subsection (2) above shall be no more than those  
20 reflected in the service schedule ~~tariff or price list~~ for PPCS.

21 (6) A company shall not reduce the value of a card by more than the charges printed on  
22 the card, packaging, or visible display at the point of sale. The service may, however, be  
23 recharged by the consumer at a rate higher than the rate at initial purchase or last recharge.

24 The higher rate and surcharges shall be no more than the rates and surcharges in the service

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.



NOTICE OF PROPOSED RULE DEVELOPMENT  
UNDOCKETED  
CENTURYLINK'S PROPOSED CHANGES TO STAFF DRAFT RULE

1 ~~schedule tariff or price list~~ and the consumer shall be informed of the higher charges at the  
2 time of recharge.

3 (7) Cards without a specific expiration period printed on the card, and with a balance  
4 of service remaining, shall be considered active for a minimum of one year from the date of  
5 first use, or if recharged, from the date of the last recharge.

6 (8) If PPCS are sold without a card or printed material, ~~tariffed~~ charges and surcharges  
7 as shown on the service schedule shall be disclosed at the point of sale.

8 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03,  
9 364.04, 364.19 FS. History—New 3-26-98, Amended 8-25-05.

10

11

12

13

14

15

16

17

18

19

20

21

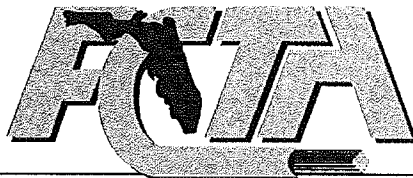
22

23

24

25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.



---

Florida Cable Telecommunications Association

---

Steve Wilkerson, President

May 7, 2010

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: **Undocketed** – Initiation of Rulemaking to Amend Rules in Chapters 25-4 and 25-24,  
F.A.C., to Address Publication of Service Schedules by Telecommunications

Dear Ms. Cole:

Enclosed for electronic filing are the post-workshop Comments of the Florida Cable  
Telecommunications Association, Inc. in response to the Commission Staff's March 16, 2010  
Notice.

If you have any questions whatsoever, please do not hesitate to contact me at (850) 681-1990.

Your assistance in this matter is greatly appreciated.

Sincerely,

David A. Konuch  
Senior Counsel, Regulatory Law and Technology  
Florida Cable Telecommunications Association  
246 E. 6<sup>th</sup> Avenue  
Tallahassee, FL 32303  
Phone: 850-681-1990  
Fax: 850-681-9676

Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Initiation of Rulemaking to Amend  
Rules in Chapters 25-4 and 25-24, F.A.C., to  
Address Publication of Service Schedules by  
Telecommunications

Undocketed

May 7, 2010

**POST-WORKSHOP COMMENTS OF FLORIDA CABLE  
TELECOMMUNICATIONS ASSOCIATION**

Florida Cable Telecommunications Association, Inc. ("FCTA")<sup>1</sup> hereby submits its post-workshop comments in response to the Commission Staff's March 16, 2010 Notice of proposed changes to Commission rules as a result of Incumbent Local Exchange Carrier ("ILEC") deregulation provisions enacted during the 2009 Florida legislative session.

**INTRODUCTION AND BACKGROUND**

In 2009, the Florida Legislature passed and the governor signed into law SB 2626, which largely deregulated retail telecommunications service provided by Incumbent Local Exchange Carriers ("ILECs"). The Staff convened a workshop on March 30, 2010 to consider its draft rules to implement the deregulatory changes resulting from SB 2626. At the workshop, Staff explained that some of the rule changes would result in a "significant change" in regulation of Competitive Local Exchange Carriers ("CLECs"). Specifically, Staff proposed that CLECs would be subject to additional regulation as they would need to file many of the same rules concerning tariff filing as the ILECs.

When opening the Florida market to local telecommunications competition, the Commission wisely chose to do two things among others: 1) it maintained jurisdiction over ILEC retail service to remove impediments to competition and resolve disputes between

---

<sup>1</sup> FCTA represents cable telephony providers throughout the state of Florida who provide, by and large, the only facilities-based mass market telephony competition to Florida's ILECs. FCTA's six largest members include Advanced, Atlantic Broadband, Bright House Networks, Comcast, Cox, and Mediacom.

Comments of FCTA  
Undocketed in Response to March 16, 2010 Staff Notice  
May 7, 2010

competitors over bottleneck inputs; and 2) it maintained a light regulatory touch over the activities of CLECs. Years later, that strategy has borne fruit, as competitors have begun to make progress by winning customers from the ILECs. It would indeed be ironic were the Commission to use ILEC deregulation as an opportunity to increase regulation of CLECs. The Commission should retain its “light touch” approach and refrain from imposing any new regulatory obligations upon CLECs.

**I. Staff Should Not Use ILEC “Deregulation” as a Reason for a “Significant Change” that Would Require Additional CLEC Regulation**

At the workshop, Staff proposed to delete the “price list” language in the rules stating that CLECs only need to file price lists, and replace it with language stating CLECs must file “service schedules.” Staff Proposed Draft Rules, p. 21, line 21. While seemingly innocuous, Staff stated their intent is that *all* telecommunications companies, including CLECs will now be subject to the same tariff formulation requirements that previously had only applied to ILECs. Staff asserted that the governing statute, Ch. 364.04, F.S., makes no distinction between ILECs and CLECs, and thus, this change to the law has a basis in the statute.<sup>2</sup> The Staff stated that, in their view, this was a “significant change” to the current regime.<sup>3</sup>

Although the Staff terms this a significant change – and it would be for certificated CLECs – there are significant limits to the effect of this change on providers, for two reasons. First, the Commission lacks authority to regulate VoIP service by statute. Ch.

---

<sup>2</sup> See e.g. pp. 38:19-24 (“I think the biggest [proposed] change to that rule is requiring CLECs to have the same requirements as ILECs. Years ago [the Commission] only required CLECs to file a price list when they offered basic local as defined. And after talking with our legal staff, they believe that 364.04 doesn’t exempt anyone from having requirements.”)

Comments of FCTA  
Undocketed in Response to March 16, 2010 Staff Notice  
May 7, 2010

364.02(13), F.S. (“The term ‘service’ does not include broadband service or voice-over-Internet protocol service for purposes of regulation by the commission.”) Therefore, these provisions would not apply to cable’s VoIP telephony service. And second, the statute limits regulation to “basic” service. *See e.g.* Ch. 364.337(5), F.S. (providing that “the Commission shall have continuing regulatory oversight over the provision of *basic* local exchange telecommunications service,” emphasis supplied). Cable’s business model has been to offer unlimited VoIP telephony service, including numerous vertical features, for a flat fee. Any combination of basic service and non-basic or unregulated service is considered unregulated “non-basic service” for purposes of Commission regulation. *See* Ch. 364.02(10). At present, after polling FCTA members, the amount of customers who subscribe to “basic only” is either zero or a de minimis amount. Therefore, even if the Commission had jurisdiction to regulate VoIP telephony providers – which it does not, pursuant to Ch. 364.02(13), F.S. – these provisions would only apply to the extent a certificated CLEC provided basic only service – which cable telephony providers by and large do not do.

Nevertheless, even though such a regulation would touch few if any cable telephony customers, FCTA does not see any purpose for extending this regulation to CLECs at this time. By definition, the CLEC will be competing with an ILEC. Where, as here, competition exists in the form of the ILEC, which started out with all of the customers, there is no basis exists for regulating the service quality or other aspects of the competitive provider’s service.<sup>4</sup>

---

<sup>3</sup> Tr. p. 39:11-19 (Ms. King: “I know in that original rulemaking there were comments about, you know, this is new, new and we want to be less burdensome on the CLECs. . . . if somebody wants to make a comment on [the change from that regime], we’d appreciate getting those comments because that is a significant change.”)

<sup>4</sup> In contrast, ample basis exists for continuing to regulate an ILEC’s provision of *wholesale* service, which is a bottleneck input for CLECs and for other measures that serve to ensure markets remain open and that a level playing

Comments of FCTA  
Undocketed in Response to March 16, 2010 Staff Notice  
May 7, 2010

Not all competitive providers who have sought to serve Florida's telephony market have been successful. The ultimate arbiter of whether a competitive provider is succeeding or failing is the marketplace. If cable's telephony service does not meet the customer's service quality or price standards, the customer can switch to the ILEC. Thus far, the marketplace has validated cable telephony's price and service quality. Cable has gained customers and currently services over 1.4 million residential customers.

It would be ironic were the Staff and Commission to use a re-write designed to implement the ILEC deregulation statute as an opportunity to add regulation to CLECs. Staff did not identify any need at the workshop that would serve as a basis for imposing additional regulations on CLECs. Rather, the Staff appeared to want to extend regulations to CLECs because the legislative language supported such an extension, even though it had never been done before.<sup>5</sup> Yet, just because someone arguably *can* do something does not mean that they should. The current rules have enabled competitors to make inroads into the Florida telephony market. It would be difficult to determine how much of those gains resulted from the Commission's efforts to ensure a level playing field, its light touch regulation, and each competitor's own dogged efforts to win customers. Rather than experiment with changes to these rules, and with no demonstrated need for changes, the Staff should leave the current rules concerning CLECs as they are. The Staff should not recommend that the Commission extend new regulation to CLECs.

---

field exists. Thus, for example, the legislature did not remove or lessen any regulations on the ILEC wholesale services.

<sup>5</sup> Even cable's competitors recognize that using the ILEC deregulation and SB 2626 as an opportunity to add regulations to CLECs would be unusual. *See* Tr. p. 5:23-25. (statement by Verizon's counsel that "the impetus of this legislation was not to expand regulation to places it's never been before"); *see also* Tr. p. 38-39 (AT&T counsel Tracy Hatch stating no intent in SB 2626 to "drag [CLECs] back in" to regulation).

**II. If the Commission Does Amend The Rules, It Should Make Clear That No New Tariff Filings Will be Required Other Than Prospective Ones**

At the Staff Workshop, Staff indicated that no new tariff filings needed to be made for ILECs, and that all changes would be accomplished prospectively. *See* Tr. p. 10:1-20; *See also* Tr. pp. 33:22-34:7. However, because the CLECs have never filed tariffs using the same format as the ILECs, does this does this mean that CLECs would need to re-file their tariffs as a result of the “significant change” in regulation? If the Commission does amend the rules and apply them to CLECs, it should also make clear that the amended rules apply only prospectively to both ILECs *and* CLECs. Thus, CLECs would not need to re-file all of their tariffs or price lists once the rules take effect, but rather, would need to follow the new format only when filing a tariff for a new product or service that is subject to the rules.

Cable’s success in the marketplace would not have occurred without provision of high quality, reliable service at an attractive price. Thus, no need exists for a “significant change” that would result in additional regulation of CLEC service. If there is a change, however, the Commission should make clear that re-filing of every CLEC tariff is not required as a result of the new regulations. Rather, as the Staff stated during the workshop, any new tariffs would comply with the rules, and therefore, the new rules would be prospective, with tariffs phased in gradually over time.

**III. Rules, If Any, Governing Internet Posted Rates and Tariffs Should Be Flexible**

Tariff filings tend to follow a certain format designed to be comprehensive by including certain elements and to follow Commission rules. However, that format, often designed for use by regulators as opposed to the general public, may not be the most comprehensible one for customers seeking to understand service offerings, and who may be

Comments of FCTA  
Undocketed in Response to March 16, 2010 Staff Notice  
May 7, 2010

used to seeing web sites which lay out service pricing and other terms more informally and in a perhaps easier to read fashion. For tariffs or price lists that appear on web sites, there should be some leeway as to how the Internet tariff filings are to be formatted, with the hallmark being, will customers understand them? No specific format rules should exist for Internet filings of rates other than generally what they should contain.

**IV. The Commission Should Clarify that ICBs Do Not Need to Be Filed, As Long As A Price List Is Published, Either on A Web Site or With the PSC**

Several workshop participants at the March 30, 2010 workshop expressed concern that the proposed rule revisions could be read as requiring that ICB arrangements be filed with the Commission or on a web site. Specifically, there was concern that deletion of lines 8-10 on page 8 of the current staff draft would imply that ICBs now have to be filed with the Commission, because those lines currently state that, as long as a party files its tariff with the Commission (or presumably, posts it on a web site), it would not need to file the ICB arrangements with the Commission.<sup>6</sup> At the workshop, Staff stated that no filing of ICBs has been required for the last 20 years, as long as the tariff is otherwise filed with the Commission, and therefore, these lines of the rule were unnecessary. *See e.g.*, pp. 11:1-13, 13:3-4 (Stating it's "not [Staff's] intent to make customer service arrangements be filed [at the Commission].")

Numerous parties expressed the concern that deleting these lines would imply that ICBs would now need to be filed. Given how many parties expressed concern over this deletion, FCTA is concerned that deleting this language could inadvertently impose an ICB

---

<sup>6</sup> The lines Staff proposes to delete state: "The rates and charges for contract service arrangements for an individual customer need not be filed where the company's tariff provides a description of the circumstances under which such arrangements are offered for specified tariffed services."




Comments of FCTA  
Undocketed in Response to March 16, 2010 Staff Notice  
May 7, 2010

filing requirement on providers, even though that is not Staff's intent. There is a relatively simple fix that would solve this problem. FCTA proposes that Staff *keep* the language in lines 8-10, but change the word "file" to "publish" to ensure that parties still will not need to file their ICBs. FCTA's proposed change ensures that publishing the general tariff on a web site obviates the need to file the ICBs with the commission.

### CONCLUSION

FCTA respectfully requests that the Staff adopt the positions set forth in the above comments.

Respectfully submitted this 7th day of May, 2010.



---

David A. Konuch  
Sr. Counsel, Regulatory Law & Technology  
Florida Cable Telecommunications Association  
246 E. 6<sup>th</sup> Avenue, Suite 100  
Tallahassee, FL 32303  
Tel: 850/681-1990  
Fax: 850/681-9676



Tracy W. Hatch  
General Attorney

AT&T Florida  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

T: (850) 577-5508  
[thatch@att.com](mailto:thatch@att.com)


May 7, 2010

Ann Cole, Commission Clerk  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Initiation of Rulemaking to Amend Rules in 25-4 and 25-24, Florida  
Administrative Code, To Address Publication of Service Schedules  
By Telecommunications Companies**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's  
Comments, which we ask that you file in the captioned undocketed matter.

Sincerely,  
  
Tracy W. Hatch

Enclosures

cc: Jerry D. Hendrix  
Gregory R. Follensbee  
E. Earl Edenfield, Jr.  
Kathryn Cowdery

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Initiation of Rulemaking to Amend Rules in ) Docket: Undocketed  
25-4 and 25-24, Florida Administrative Code, To )  
Address Publication of Service Schedules By )  
Telecommunications Companies ) Filed: May 7, 2010

**COMMENTS OF AT&T FLORIDA**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") submits the following comments regarding the Notice of Proposed Rule Development issued March 16, 2010, in the above referenced proceeding.

Pursuant to the Notice the Staff presented a draft of changes to Rules 25-4.034, 25-24.470, 25-24.485, 25-24.560, 25-24.620, 25-24.721, 25-24.820, 25-24.825, 25-24.830, 25-24.835, 25-24.915 and 25-24.920, Florida Administrative Code at a workshop on March 30, 2010. The apparent purpose of the changes to the identified rules is to maintain, increase and standardize detailed tariff filing requirements for all telecommunications companies. The proposed rule revisions are proposed in response to the legislative changes to Section 364.04 and 364.051, Florida Statutes in 2009.

Section 364.04 now provides:

- (1) Every telecommunications company shall publish through electronic or physical media schedules showing the rates, tolls, rentals, and charges of that company for service to be performed within the state. A telecommunications company may, as an option, file the published schedules with the commission or publish its schedules through other reasonably publicly accessible means, including on a website. A telecommunications company that does not file its schedules with the commission shall inform its customers where a customer may view the telecommunications company's schedules.

(2) The schedules shall plainly state the places telecommunications service will be rendered and shall also state separately all charges and all privileges or facilities granted or allowed and any rules or regulations or forms of contract which may in anywise change, affect, or determine any of the aggregate of the rates, tolls, rentals, or charges for the service rendered.

The legislative changes to 364.04 are the most recent in a long series of actions by the legislature to transition the telecommunications market in Florida to a fully competitive market place. Indeed, the Commission is directed by the express intent of the legislature to eliminate any rules or regulations which will delay or impair the transition to competition and to eliminate unnecessary regulatory restraint. See Sections 364.1(4)(f) and (g), Florida Statutes.

The proposed rules continue to perpetuate an obsolete regulatory mechanism for which there is no demonstrated need. The proposed rules attempt to engraft numerous detailed prescriptive requirements that go far beyond the explicit requirements set forth in 364.04 or 364.051(5) – the sections that the proposed rules are intended to implement. Section 364.04 is explicit as to the legislature’s requirements for the information that is needed to be provided to customers. This section is self-executing and does not require additional rules to “explain or interpret” the legislature’s language. Moreover, the legislature did not provide any specific rulemaking authority directing the Commission to adopt rules to implement Section 364.04 or 364.051(5). The proposed rules are not consistent with either the directives of the legislature or of the law governing requirement to engage in rulemaking.

Florida law is clear that an agency may only initiate and pursue rulemaking when a sufficient legislative grant of rulemaking authority exists. Section 120.536(1) Florida

Statutes, provides:

A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.  
(Emphasis Added)

See also, Florida Dept. of Highway Safety and Motor Vehicles v. JM Auto, Inc., 977

So.2d 733 (Fla. 1<sup>st</sup> DCA 2008) (finding that a “broadly worded” statute generally authorizing the Department to adopt rules to implement statutes regarding motor vehicle licenses was insufficient statutory rulemaking authority to support the Department’s proposed rule addressing unauthorized supplemental dealership locations).


The First District Court of Appeal has issued a string of opinions which recognize that the Legislature intended to restrict the scope of agency rulemaking so that rules can only be adopted to implement the subject matter of the statute. See, e.g., Hanger Prosthetics & Orthotics, Inc. v. Dep’t of Health, 948 So.2d 980 (Fla. 1<sup>st</sup> DCA 2007); Hennessey v. Dep’t of Bus. & Prof’l Regulation, 818 So.2d 697 (Fla. 1<sup>st</sup> DCA 2002; Bd. Of Trs. Of the Internal Improvement Trust Fund v. Day Cruise Ass’n Inc., 794 So.2d 696

(Fla. 1<sup>st</sup> DCA 2001); Sw. Fla. Water Mgmt. Dist. V. Save the Manatee Club, Inc., 773 So.2d 594 (Fla. 1<sup>st</sup> DCA 2000).

AT&T Florida believes that the proposed rules should not be adopted because the rules do not seek to reduce regulatory restraint or move towards a more competitive marketplace. Further, the legislature has not provided the Commission with a specific grant of authority to adopt any rules to implement either 364.04 or 364.051(5). Indeed, it should be noted that the largest growing segment of the communications market, wireless and cable service providers, are entities that are not subject to the Commission's rules or even its jurisdiction.

Notwithstanding that AT&T Florida does not believe that the proposed rules are appropriate, if the Commission determines that rules should be adopted to implement changes to 364.04 and 364.051(5), the Commission should only adopt rules that are specifically necessary to interpret or explain the specific purpose of the statute. AT&T Florida submits that, to the extent necessary, the changes set forth in Attachment A should be made to the proposed rules.

Respectfully submitted this 7<sup>th</sup> day of May, 2010.



E. EARL EDENFIELD, JR.  
TRACY W. HATCH  
MANUEL A. GURDIAN  
c/o Gregory R. Follensbee  
AT&T Southeast Legal Dept.  
150 South Monroe Street, Ste. 400  
Tallahassee, FL 33130  
Telephone: (305) 347-5561  
Facsimile: (305) 577-4491  
Email: [ke2722@att.com](mailto:ke2722@att.com)  
[th9467@att.com](mailto:th9467@att.com)  
[mg2708@att.com](mailto:mg2708@att.com)

ATTORNEYS FOR BELLSOUTH  
TELECOMMUNICATIONS, INC. d/b/a  
AT&T FLORIDA

810656

Comments - AT&T Florida  
Attachment A

1 25-4.034 Service Schedules Tariffs.

2 (1) Pursuant to Section 364.04, F.S., ~~Except to the extent otherwise permitted by~~  
3 ~~Section 364.051(5)(a), F.S.;~~ each telecommunications company shall publish its Florida-  
4 specific service schedules maintain on file with the Commission tariffs which shall set forth  
5 all intrastate rates, tolls, rentals, and charges for customer services. The rates, tolls, rentals  
6 and charges for contract service arrangements for an individual customer need not be filed  
7 where the company's schedules provide a description of the circumstances under which such  
8 arrangements are offered for specified services, fees and surcharges, the classes and grades of  
9 service available to subscribers, the conditions and circumstances under which service will be  
10 furnished, and all general rules and regulations governing the relation of customer and  
11 company. The rates and charges for contract service arrangements for an individual customer  
12 need not be filed where the company's tariff provides a description of the circumstances under  
13 which such arrangements are offered for specified tariffed services.

14  
15 ~~(2) The schedules shall plainly state the places telecommunications service will be~~  
16 ~~rendered and shall also state separately all charges and all privileges or facilities granted or~~  
17 ~~allowed and any rules or regulations or forms of contract which may in anywise change,~~  
18 ~~affect, or determine any of the aggregate of the rates, tolls, rentals, or charges for the service~~  
19 ~~rendered.~~

20 ~~(a) Service schedules shall be clearly written in simple words, sentences and~~  
21 ~~paragraphs, avoiding unnecessarily long, complicated or obscure phrases or acronyms so that~~  
22 ~~the customer is able to understand the services offered.~~

23 ~~(ab) Service schedules shall have a table of contents or index identifying the location~~  
24 ~~of the rates, fees and surcharges, terms and conditions for services offered.~~

25 ~~(c) Service schedules shall fully define company specific technical terms and~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.



**Comments - AT&T Florida  
Attachment A**

1 abbreviations:

2 ~~—— (d) No public statement of service quality, rates, or service offerings or billings shall~~  
3 ~~be misleading or differ from the terms stated in the service schedules.~~

4 ~~—— (be) If a company intends to temporarily bill lower rates or charges than is contained~~  
5 ~~in a published service schedule, the company shall publish a single service schedule change~~  
6 ~~reflecting the conditions of the temporary service. Such a service schedule provision shall~~  
7 ~~include the heading "Promotion," and shall state the name of the promotion, a specific~~  
8 ~~description of the scheduled service involved, including all applicable rates, benefits, terms,~~  
9 ~~and conditions, and the beginning and ending dates of the promotion.~~

10 ~~—— (f) Service schedules shall define a telecommunications company's service area(s) as~~  
11 ~~identified in its certificate of public convenience and necessity.~~

12 ~~—— (g) Each telecommunications company shall make its retail service schedules~~  
13 ~~available for public inspection upon request.~~

14 ~~—— (h) Notification of proposed changes to an existing nonbasic service schedule must be~~  
15 ~~received by the Division of Regulatory Analysis before 5:00 p.m. on a normal Commission~~  
16 ~~work day in order for the Commission to be noticed on that day and the changes to become~~  
17 ~~effective on the following day.~~

18 ~~—— (ci) Services schedules shall be current. Changes to the rates, tolls, rentals and~~  
19 ~~charges surcharges, fees, or the terms and conditions of the offered services, or the addition of~~  
20 ~~new services shall be published before taking effect.~~

21 ~~—— (32) All published service schedules, whether filed with the Commission or published~~  
22 ~~through other reasonably publicly accessible means, including on a website, shall contain, at a~~  
23 ~~minimum:~~

24 ~~—— (a) The name(s) used to market the service;~~

25 ~~—— (b) A description of the service;~~

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

**Comments - AT&T Florida  
Attachment A**

1 ~~(c) The current rate(s), tolls, rentals or charges for the service, including all surcharges~~  
2 ~~and fees;~~

3 ~~(d) The service specific terms and conditions, and~~

4 ~~(e) The availability and effective date(s) for the service(s) and rate(s).~~

5 ~~(3) Changes to service schedules shall be retained to permit a historical review of all~~  
6 ~~changes to the schedules for a period of six years and shall be made available to the~~  
7 ~~Commission upon request.~~

8 ~~(4) Complete information concerning a company's service offerings, rates and~~  
9 ~~charges, conditions of service, terms and conditions, service area, and subscribership~~  
10 ~~information identified by exchange shall be made available to Commission staff upon request.~~

11 ~~(245) Each telecommunications company shall inform the Commission and its~~  
12 ~~customers, in writing, where its published service schedules may be viewed. The Commission~~  
13 ~~shall be notified at the address in 25.4.034(6), or electronically following the procedures set~~  
14 ~~forth at <http://www.psc.state.fl.us/utilities/telecomm/>. For existing customers, customer~~  
15 ~~notification shall be in the form of a prominent notice on the customer bill or other reasonable~~  
16 ~~method and shall be made once annually. New customers shall be informed upon application~~  
17 ~~and thereafter once annually in writing.~~

18 ~~(3562) If a telecommunications company chooses to publish its schedules by filing~~  
19 ~~them with the Commission, it shall file two copies of all new service schedules and proposed~~  
20 ~~changes to existing service schedules with the Director of the Division of Regulatory~~  
21 ~~Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,~~  
22 ~~Florida 32399-0850, or it shall file electronically pursuant to the requirements set forth at~~  
23 ~~<http://www.psc.state.fl.us/utilities/telecomm/>. A filing must be received by the Division of~~  
24 ~~Regulatory Analysis before 5:00 p.m. on a normal Commission work day in order to be~~  
25 ~~considered filed on that day. Filing shall mean received by the office of the Division of~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

**Comments - AT&T Florida  
Attachment A**

1 Regulatory Analysis during normal business hours. Any tariff received by the Division of  
2 Regulatory Analysis after 5:00 p.m. shall be considered filed on the next regular business day.  
3 All proposed changes to an existing tariff that are submitted by hard copy shall be directed to  
4 the Director of the Division of Regulatory Analysis, Florida Public Service Commission, 2540  
5 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two  
6 ~~(2)~~ copies of each revised tariff sheet. A letter of transmittal shall accompany each tariff  
7 filing, which lists the included sheets, by sheet number and revision level as specified in  
8 paragraphs ~~(6)(c) (e)~~, and gives a brief description of all changes. If acknowledgment of  
9 receipt a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a  
10 request that the duplicate be returned and a postage paid envelope shall be provided for that  
11 purpose.

12 (3) Each company shall file, as an integral part of its tariff, maps defining the exchange  
13 service areas. These maps shall delineate the boundaries in sufficient detail that they may be  
14 located in the field and shall embrace all territory included in the certificate of convenience  
15 and necessity.

16 (4) Each telecommunications company shall make available for public inspection upon  
17 request, either a printed copy or an electronic copy of its retail schedules tariffs.

18 (5) Companies shall charge only the rates and credits contained in their tariff. If a  
19 company intends desires to deviate temporarily from its normal tariffed rates and credits, the  
20 company shall publish file a single tariff change reflecting the conditions of the temporary  
21 tariff change. Such schedule tariff provision shall include the heading "Promotion," and shall  
22 state the name of the promotion, a specific description of the tariffed service(s) involved,  
23 including all applicable rates, terms, and conditions, and the beginning and ending dates of the  
24 promotion.

25 (676) Service schedules filed with the Commission Tariffs shall comply with the

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 following conventions:

2 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must  
3 be clear and legible. Service schedules ~~Tariffs submitted in hard copy form~~ shall be in loose  
4 leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

5 (b) Each sheet shall bear the name of the company, as certificated with the  
6 Commission, ~~the name and title of the issuing officer,~~ and the effective date of the sheet.

7 (c) Every sheet ~~in the tariff~~ shall be numbered.

8 (d) Each initially received ~~approved~~ sheet ~~in the tariff~~ shall be marked "Original Sheet"  
9 in the upper right-hand corner of the sheet. ~~As an example: Original Sheet No. 4, or Original~~  
10 ~~Sheet No. 5.2.~~

11 (e) Revised sheets ~~in the tariff~~ shall be marked with the number of the revision in the  
12 upper right-hand corner and the number of the sheet it replaces. As an example:  
13 First Revised Sheet No. 4  
14 Cancels Original Sheet No. 4

15 (f) ~~The tariffs shall contain at a minimum the following:~~

16 ~~1. Table of Contents and Index. All tariffs shall have a table of contents identifying the~~  
17 ~~page location of each section in the tariff. Each section shall also be individually indexed by~~  
18 ~~subject.~~

19 ~~2. Symbols Used in Service Schedule ~~Tariff~~ Filings. Symbols used in any proposed~~  
20 ~~change to the existing service schedule ~~tariff~~ shall appear on the right hand side of each sheet~~  
21 ~~on the same line(s) in which any change has been made. If three or more consecutive lines are~~  
22 ~~affected, one symbol shall be placed on the first and last lines with a vertical line connecting~~  
23 ~~the two symbols. Two or more symbols shall be placed next to each other on any line with~~  
24 ~~multiple types of changes. The symbol page shall identify and explain all symbols used in the~~  
25 ~~service schedule ~~tariff.~~~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1           3. ~~Technical Terms and Abbreviations. This section shall contain all technical and~~  
2 ~~special terms and abbreviations used in the tariff.~~

3           ~~(g7) With each filing, the company shall provide a coded copy of each service~~  
4 ~~schedule tariff sheet filed showing changes to the existing tariff sheet. Changes shall be~~  
5 ~~indicated by inserting and underlining new words; words to be deleted shall be lined through~~  
6 ~~with hyphens.~~

7           Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051(5), 364.183,  
8 364.163 FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88,  
9 4-16-90, 3-10-96, 1-25-09.

10           **25-24.470 Registration Required.**

11           (1) No person shall provide intrastate interexchange telephone service without first  
12 publishing its Florida-specific service schedules as required by Sec. 364.04, F.S., and filing an  
13 initial tariff containing the rates, terms, and conditions of service and providing the company's  
14 current contact information with the Office of Commission Clerk using Form PSC/RAD 31  
15 (xx/xx), entitled "IXC Registration Form" which is hereby incorporated into these rules. A  
16 copy of the form may be obtained from the Commission's website at  
17 www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of  
18 Regulatory Analysis.

19           (2) Publication of the company's service schedules An original and two (2) copies of  
20 the company's initial tariff shall be filed. The tariff filing shall conform to the requirements of  
21 Rule 25-4.034(1)(a) — (e), (g) — (i) and (2) — (7)(a) — (f). If a company chooses the option of  
22 publishing its initial service schedules by filing them with the Commission, it shall file two  
23 copies by attaching them to the IXC Registration Form PSC/RAD 31. 25-24.485, F.A.C.

24           (3) ~~The company's contact information shall be provided using Form PSC/RAD 31~~  
25 ~~(08/05), entitled "IXC Registration Form" which is hereby incorporated into these rules. A~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 | ~~copy of the form may be obtained from the Commission's website at~~  
2 | ~~www.floridapsc.com/utilities/telecomm/ or by contacting the Commission's Division of~~  
3 | ~~Regulatory Compliance.~~

4 |       (34) Each IXC shall file and update, within 10 days after any change, the following  
5 | contact information with the Office of Commission Clerk:

6 |       (a) Official company name, including any fictitious names, as filed with the  
7 | Department of State, Division of Corporations; and

8 |       (b) Mailing address, including street name and address and post office box, city, state,  
9 | and zip code.

10 |       (c) Name, address, telephone number, and e-mail address and FAX number, where  
11 | applicable, of the individual who is to serve as primary liaison with the Commission in regard  
12 | to ongoing operations of the company within the state.

13 | Rulemaking Authority 350.127(2) FS. Law Implemented 364.02, 364.04 FS. History—New 2-  
14 | 23-87, Amended 8-25-05, 5-29-08.

15 | **25-24.485 Service Schedules Tariffs.**

16 |       ~~(1) All initial tariffs filed as part of the registration process in Rule 25-24.470, F.A.C.,~~  
17 | ~~shall be filed with the Office of Commission Clerk, using the following guidelines, before~~  
18 | ~~becoming effective.~~

19 |       ~~(a) Each IXC shall publish its Florida-specific service schedules pursuant to Rule 25-~~  
20 | ~~4.034(1)(a) — (e), (g) — (i), and (2) — (7)(a) — (f), which shall set forth maintain on file with the~~  
21 | ~~Commission tariffs which set forth all of the rates and charges for customer services, the~~  
22 | ~~different services available to subscribers and the conditions and circumstances under which~~  
23 | ~~service will be furnished.~~

24 |       ~~(b) The tariff will be Florida-specific all intrastate rates, tolls, rentals and charges for~~  
25 | ~~customer services, fees and surcharges, the classes and grades of service available to~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 | subscribers, the conditions and circumstances under which service will be furnished, and all  
2 | general rules and regulations governing the relation of customer and company, and all  
3 | ~~intrastate rates, charges, and service descriptions shall be for intrastate usage, unless interstate~~  
4 | ~~rates are necessary to compute the intrastate portion of a customer's monthly bill; then, the~~  
5 | ~~interstate rates, charges, and service descriptions shall also be quoted in the tariff to the extent~~  
6 | ~~necessary to compute the intrastate portion of a customer's bill.~~

7 |         ~~(c) The tariff must be clearly expressed in simple words, sentences and paragraphs. It~~  
8 | ~~must avoid unnecessarily long, complicated or obscure phrases or acronyms so that the~~  
9 | ~~customer will understand that for which he is contracting.~~

10 | ~~—— (d) No public statement of service quality, rates, or service offerings or billings should~~  
11 | ~~be misleading or differ from those stated in the tariff.~~

12 | ~~—— (e) All proposed changes to an existing tariff shall be directed to the Director of the~~  
13 | ~~Division of Regulatory Analysis, Florida Public Service Commission, 2540 Shumard Oak~~  
14 | ~~Boulevard, Tallahassee, FL 32399-0850. A filing must be received by the Division of~~  
15 | ~~Regulatory Analysis before 5:00 p.m. of a normal Commission workday in order for it to be~~  
16 | ~~“filed” on that day.~~

17 | ~~—— (f) All tariff changes shall be submitted to the Division of Regulatory Analysis in~~  
18 | ~~triplicate in the form prescribed herein. If acknowledgement of the filing at the time of receipt~~  
19 | ~~is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be~~  
20 | ~~returned.~~

21 | ~~—— (g) Companies shall charge only the rates contained in their tariff. If a company desires~~  
22 | ~~to charge rates or charges at a lower level than is contained in an existing tariff and wishes to~~  
23 | ~~charge those lower rates only temporarily file a single tariff change reflecting the conditions of~~  
24 | ~~the temporary tariff change. Such tariff provision shall include the heading “Promotion,” and~~  
25 | ~~shall state the name of the promotion, a specific description of the tariffed service involved,~~

CODING: Words underlined are additions; words in struck-through type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 including all applicable rates, terms, and conditions, and the beginning and ending dates of the  
2 reduction.

3 (h) ~~The requirements of the following subsections shall apply on a prospective basis~~  
4 ~~from the effective date of this rule. Existing tariffs on the effective date of this rule need not be~~  
5 ~~amended to comply with the following except upon Commission staff request.~~

6 (2) ~~The initial tariff will become effective on the date of the company's registration~~  
7 ~~pursuant to Rule 25-24.470, F.A.C. Changes to an existing tariff will become effective on the~~  
8 ~~day following the day it is filed with the Division of Regulatory Analysis unless the company~~  
9 ~~requests a later effective date.~~

10 (3) ~~Tariffs shall comply with the following format requirements:~~

11 ~~(a) All tariffs shall be submitted in loose leaf form on 8 1/2" x 11" sheets, typewritten~~  
12 ~~on a good grade of white paper of durable quality, using one side of the paper only. All copies~~  
13 ~~must be clear and legible. Sufficient margin shall be allowed on each sheet for a left hand~~  
14 ~~binding edge so that when the tariff book is open all printed matter will be in view.~~

15 ~~(b) Every sheet in the tariff shall be numbered.~~

16 ~~(c) Each sheet shall bear the name of the company, as registered with the Commission,~~  
17 ~~in the upper left hand corner of the sheet.~~

18 ~~(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the~~  
19 ~~upper right hand corner of the sheet. As an example: Original Sheet No. 1, or Original Sheet~~  
20 ~~No. 5.2.~~

21 ~~(e) Revised sheets in the tariff shall be marked with the number of the revision in the~~  
22 ~~upper right hand corner and the number of the sheet(s) it replaces. As an example:~~

23 ~~First Revised Sheet No. 1~~

24 ~~Cancels Original Sheet No. 1~~

25 ~~or~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.



**Comments - AT&T Florida  
Attachment A**

1 ~~Fourth Revised Sheet No. 5.2~~

2 ~~Cancels Third Revised Sheet No. 5.2~~

3 ~~(f) The name and title of the issuing officer shall be placed at the bottom of each sheet.~~

4 ~~To the right of the issuing officer's name there shall appear "Effective: 8-25-05."~~

5 ~~(g) The tariffs shall contain the following:~~

6 ~~1. Title Page. The title page shall contain a brief description of the tariff and the~~  
7 ~~services offered therein.~~

8 ~~2. Table of Contents or Index. All tariffs shall have a table of contents identifying the~~  
9 ~~page location of each section in the tariff. In tariffs of 30 sheets or more, each subsection shall~~  
10 ~~also be individually indexed by subject.~~

11 ~~3. Symbols Used in Tariff Filings. Symbols used in any proposed change to the~~  
12 ~~existing tariff shall appear in the right hand margin of each sheet on the same line(s) in which~~  
13 ~~any change has been made. If three or more consecutive lines are affected, one symbol shall~~  
14 ~~be placed on the first and last lines with a vertical line connecting the two symbols. Two or~~  
15 ~~more symbols may be placed next to each other on the affected line. The symbol page shall~~  
16 ~~identify all symbols used in the tariff.~~

17 ~~4. Technical Terms and Abbreviations. This section shall contain all technical and~~  
18 ~~special terms and abbreviations used in the tariff.~~

19 ~~5. Rules and Regulations. This section shall include all rules, regulations, practices,~~  
20 ~~exceptions and conditions which are general and apply to all or many of the services offered.~~  
21 ~~If a general regulation does not apply to a particular service, that fact should be clearly stated.~~

22 ~~6. Description of Services Offered. This section shall describe all services available to~~  
23 ~~end users in Florida.~~

24 ~~7. Rates. All rates and charges for all services, and other data necessary to compute the~~  
25 ~~customers' bills for intrastate service shall be placed in this section.~~

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

**Comments - AT&T Florida  
Attachment A**

- 1           ~~(4) Information to Accompany Tariff Filings.~~
- 2           ~~(a) A letter of transmittal shall accompany each filing, which lists the sheets (by sheet~~
- 3 ~~number and revision level) being transmitted and gives a brief description of all changes.~~
- 4           ~~(b) Along with each tariff filing the company shall include three (3) copies of the tariff~~
- 5 ~~pages which contain proposed changes as they will appear in the approved tariff.~~
- 6 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.08, 364.183,
- 7 364.3381 FS. History—New 2-23-87, Amended 11-19-89, 11-21-95, 3-13-96, 8-25-05.
- 8 **25-24.560 Terms and Definitions.**
- 9 For purposes of this Part XII, Shared Tenant Services, Rules 25-24.555 through 25-24.585,
- 10 F.A.C., the definitions for the following terms apply:
- 11           (1) “Alternative Access Vendor” (AAV) means any telecommunications company, as
- 12 defined in Section 364.337(6)(a), Florida Statutes.
- 13           (2) “Agent” means one authorized to act on behalf of another.
- 14           (3) “Competitive local exchange telecommunications company” (CLEC) means any
- 15 company as defined in Section 364.02(51), Florida Statutes.
- 16           (4) “Company” means a shared tenant service company.
- 17           (5) “Interexchange Company” (IXC) means any telecommunications company, as
- 18 defined in Section 364.02(146), Florida Statutes, which provides telecommunication service
- 19 between exchange areas as those areas are described in the approved tariffs of individual local
- 20 exchange companies.
- 21           (6) “Local Exchange Telecommunications Company” (LEC) means any
- 22 telecommunications company, as defined in Section 364.02(86), Florida Statutes.
- 23           (7) “Local Service Area” or “Local Calling Area” means the area within which
- 24 telecommunications service is furnished to subscribers under a specific schedule of exchange
- 25 rates and within which calls may be completed without toll charges. A local service area may

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

**Comments - AT&T Florida  
Attachment A**

1 include one or more exchange areas or portions of exchange areas.

2 (8) "Pay telephone service company" means any telecommunications company, as  
3 defined in Section 364.02(146), Florida Statutes, other than a Local Exchange Company,  
4 which provides pay telephone service as defined in Section 364.335(3), Florida Statutes.

5 (9) "Private Branch Exchange" (PBX) means a system in which trunk lines connect a  
6 telephone company central office to a switching system which directs incoming calls to the  
7 appropriate user.

8 (10) "Shared tenant service" (STS) as defined in Section 364.339(1), Florida Statutes,  
9 means the provision of service which duplicates or competes with local service provided by an  
10 existing local exchange telecommunications company and is furnished through a common  
11 switching or billing arrangement to tenants by an entity other than an existing local exchange  
12 telecommunications company.

13 (11) "Tenant" means any person entitled to occupy a premises under a rental or lease  
14 agreement.

15 (12) "Unaffiliated Entities" means those corporations, partnerships, proprietorships, or  
16 other groups that control less than 50 percent of the stock of the entity which claims to be  
17 affiliated.

18 ~~Rulemaking-Specific~~ Authority 350.127(2) FS. Law Implemented 364.33, 364.335,  
19 364.337(6), 364.339 FS. History--New 1-28-91, Amended 7-29-97.

20 **25-24.620 Service Requirements for Companies Providing Operator Services.**

21 (1) Every company providing operator services shall clearly state the name of the  
22 company upon answer and again after accepting billing information before the call is  
23 connected.

24 (2) In its service schedules ~~tariffs~~ for and contracts with billing and collection agents  
25 and other companies providing operator services, every company providing operator services

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 shall require the other party to:

2 (a) Allow end-users to access, at no charge, all locally available interexchange  
3 companies via all locally available methods of access, such as 10XXX, 10XXXX, 101XXXX,  
4 950, and toll-free access codes, such as 800, 877, and 888; except that Feature Group A  
5 (seven-digit local number) access lines are exempt from this requirement;

6 (b) Allow end users to access the universal telephone number "911", where operable,  
7 at no charge to the end-user, and where not operable, to allow end-users to access the operator  
8 of the provider of local exchange telecommunications services at no charge;

9 (c) Route all end user dialed 0+ local and all 0- calls to the provider of local exchange  
10 telecommunications services unless the end user dials the appropriate access code for his  
11 carrier of choice, such as 950, 800, 877, 888, 10XXXX, 101XXXX, or 10XXX; and

12 (d) Route all end user dialed 1+ and 0+ toll calls to the preselected carrier unless the  
13 end user dials the appropriate access code for his carrier of choice, such as 950, 800, 877, 888,  
14 or 10XXXX, 101XXX, or 10XXX; and

15 (e) Route all end user dialed 0- calls to the operator of the provider of local exchange  
16 telecommunications services at no charge to the end user when no additional digits are dialed  
17 after five seconds.

18 (3) Each operator services provider shall provide an opportunity for each caller to be  
19 identified by name to the called party before any collect calls may be completed.

20 Rulemaking Specific Authority 350.127(2) FS. Law Implemented ~~364.04364.01~~, 364.3376  
21 FS. History—New 9-6-93, Amended 1-16-96, 9-10-97, 2-1-99.

22 **25-24.721 Service Schedules Tariffs Not Required.**

23 Alternative Access Vendors are not required to file Service Schedules Tariffs.

24 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337 FS. History—New  
25 1-8-95.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 **25-24.820 Revocation of a Certificate.**

2 (1) The Commission may on its own motion, after notice and opportunity for hearing,  
3 revoke a company's certificate for any of the following reasons:

4 (a) Violation of a term or condition under which the authority was originally granted;

5 (b) Violation of Commission rule or order;

6 (c) Violation of Florida Statute; or

7 (d) Violation of a service schedule ~~price list~~ standard.

8 (2) If a certificated company desires to cancel its certificate, it shall request  
9 cancellation from the Commission in writing and shall provide the following with its request.  
10 Cancellation of a certificate shall be ordered subject to the holder providing the required  
11 information.

12 (a) A statement of intent and date certain to pay regulatory assessment fee.

13 (b) A statement of why the certificate is proposed to be cancelled.

14 (c) A statement as to how customer deposits and final bills will be handled.

15 (d) Proof of individual customer notice regarding discontinuance of service.

16 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.345 FS. History--New  
17 12-27-95.

18 **25-24.825 Service Schedules ~~Price List~~.**

19 (1) Prior to providing service, each telecommunications company subject to these rules  
20 shall publish its Florida-specific service schedules ~~file and maintain with the Commission a~~  
21 ~~current price list~~ which shall clearly sets forth the following information for the provision of  
22 ~~residential dial tone, single line business dial tone, and dial tone with any combination of the~~  
23 ~~services included as part of basic local telecommunications services, as defined in Section~~  
24 ~~364.02(2), F.S.: If residential dial tone, single line business dial tone, or dial tone with any~~  
25 ~~combination of the services included as part of basic local telecommunications service is~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 ~~offered on a package basis, the following information must be provided for each package:~~

2 (a) Current prices,

3 (b) Customer connection charges,

4 (c) Billing and payment arrangements, and

5 (d) conditions and circumstances under which service will be furnished, and

6 (e) all general rules and regulations governing the relation of customer and

7 company. Levels of service quality which the company holds itself out to provide for each  
8 service.

9 (2) ~~At the company's option, price list information in subsection (1) above and other~~  
10 ~~information concerning the terms and conditions of service may be filed for services other~~  
11 ~~than basic local telecommunication services.~~

12 (3) ~~A price list revision must be physically received by the Commission's Division of~~  
13 ~~Regulatory Analysis at least one day prior to its effective date.~~

14 (4) ~~Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an~~  
15 ~~ongoing page identification system which will allow for the identification of inserted and~~  
16 ~~removed pages. The color of paper on which price lists are filed must be amenable to being~~  
17 ~~clearly photocopied on standard photocopy equipment.~~

18 (5) ~~Complete information concerning a company's service offerings, rates and charges,~~  
19 ~~conditions of service, service quality, terms and conditions, service area, and subscribership~~  
20 ~~information identified by local exchange company exchange must be made available to~~  
21 ~~Commission staff upon request.~~

22 Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—  
23 New 12-27-95, Amended 4-8-98.

24 **25-24.830 Consumer Information.**

25 (1) The quality of service information in paragraph (1)(d) of Rule 25-24.825, F.A.C.,

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 shall be provided, verbally or in writing, upon request to any person inquiring about the  
2 company's basic local exchange telecommunications service. In addition, the above  
3 information shall be provided in writing before or in the basic local exchange  
4 telecommunications customer's first bill for service. The above information shall be expressed  
5 in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure  
6 phrases or acronyms must be avoided.

7 (2) If a CLEC elects not to provide any third-party billing or collect call services to its  
8 customers, the CLEC shall so state in its service schedule price list and shall notify customers  
9 of such prior to a customer agreeing to obtain local service from the CLEC. In addition, the  
10 above information shall be provided in writing before or in the basic local exchange  
11 telecommunications customer's first bill for service. The above information shall be expressed  
12 in simple words, sentences, and paragraphs. Unnecessarily long, complicated, or obscure  
13 phrases or acronyms must be avoided.

14 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.337(5) FS., Ch. 95-403,  
15 § 32, L.O.F. History—New 12-27-95, Amended 4-7-03.

16 **25-24.835 Rules Incorporated.**

17 (1) The following rules are incorporated herein by reference and apply to competitive local  
18 exchange companies.

19	<u>Section</u>	<u>Title</u>	<u>Portions</u>
20			<u>Applicable</u>
21	25-4.0161	Regulatory Assessment Fees	All
22	25-4.020	Location and Preservation of Records	(2) (3)
23	<del>25-4.043</del>	<del>Response to Commission Staff Inquiries</del>	All
24	<u>25-4.034</u>	<u>Service Schedules Tariffs</u>	<u>All(1)(a) — (e).</u>

25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

**Comments - AT&T Florida  
Attachment A**

1		<del>(g) (i) and (2)</del>
2		<del>(7)(a) (f)</del>
3	25-4.036	Design and Construction of Plant All
4	25-4.038	Safety All
5	<u>25-4.043</u>	<u>Response to Commission Staff Inquiries</u> All
6	25-4.160	Operation of Telecommunications Relay All
7		Service
8		
9	(2) Each company shall file updated information for the following items with the Office of	
10	Commission Clerk within 10 days after any changes to the following:	
11	(a) The address of the certificate holder's main corporate and Florida offices (if any) including	
12	street name and address and post office box, city, state and zip code; or	
13	(b) Telephone number, name, and address of the individual who is to serve as primary liaison	
14	with the Commission in regard to the ongoing Florida operations of the certificated company.	
15	<u>Rulemaking Specific Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented</u>	
16	364.016, 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-	
17	99, 8-25-05.	
18	<b><u>25-24.915 Service Schedules Tariffs or Price Lists.</u></b>	
19	(1) This section applies to all companies as defined in subsection 25-24.905(1), F.A.C.	
20	(2) Each company shall file a <u>service schedule tariff or price list</u> for PPCS.	
21	(3) Each company shall include in its <u>service schedule tariff or price list</u> the following	
22	information:	
23	(a) Maximum amount a person will be charged per billing increment for PPCS, and	
24	(b) Any applicable surcharges or other fees assessed in addition to the billing	
25	increment that reduces the value of the card.	

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.



**Comments - AT&T Florida  
Attachment A**

1 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.051, 364.057,  
2 364.08, 364.09, 364.10, 364.19, 364.27, 364.337 FS. History—New 3-26-98, Amended 8-25-  
3 05.

4 **25-24.920 Standards for Prepaid Calling Services and Consumer Disclosure.**

5 (1) The following information shall be legibly printed on the card:

- 6 (a) The Florida certificated or registered name, or “doing business as” name as  
7 provided for by Rule 25-24.910, F.A.C., clearly identified as the provider of the PPCS;  
8 (b) Toll-free customer service number;  
9 (c) Toll-free network access number; and  
10 (d) Authorization code, if required to access service.

11 (2) Each company shall provide the following information legibly printed either on the  
12 card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such  
13 a manner that the consumer may make an informed decision prior to purchase:

- 14 (a) Maximum charge per billing increment for PPCS;  
15 (b) Any applicable surcharges or other fees assessed in addition to the billing  
16 increment that reduces the value of the card; and  
17 (c) Expiration policy, if applicable.

18 The company must insure by contract with its retailers or distributors that the information is  
19 provided to the consumer.

20 (3) Each company shall provide through its customer service number the following  
21 information:

- 22 (a) Certificate or registration number;  
23 (b) Rates and surcharges;  
24 (c) Balance of use in account; and  
25 (d) Expiration date or period, if any.

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions  
from existing law.

**Comments - AT&T Florida  
Attachment A**

1 (4) Each company shall provide a live operator to answer incoming calls 24 hours a  
2 day, 7 days a week or shall electronically voice record end user complaints. A combination of  
3 live operators or recorders may be used. If a recorder is used, the company shall attempt to  
4 contact each complainant no later than the next business day following the date of the  
5 recording.

6 (5) The rates displayed in accord with subsection (2) above shall be no more than those  
7 reflected in the service schedule ~~tariff or price list~~ for PPCS.

8 (6) A company shall not reduce the value of a card by more than the charges printed on  
9 the card, packaging, or visible display at the point of sale. The service may, however, be  
10 recharged by the consumer at a rate higher than the rate at initial purchase or last recharge.  
11 The higher rate and surcharges shall be no more than the rates and surcharges in the service  
12 schedule ~~tariff or price list~~ and the consumer shall be informed of the higher charges at the  
13 time of recharge.

14 (7) Cards without a specific expiration period printed on the card, and with a balance  
15 of service remaining, shall be considered active for a minimum of one year from the date of  
16 first use, or if recharged, from the date of the last recharge.

17 (8) If PPCS are sold without a card or printed material, ~~tariffed~~ charges and surcharges  
18 as shown on the service schedule shall be disclosed at the point of sale.

19 Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.03,  
20 364.04, 364.19 FS. History—New 3-26-98, Amended 8-25-05.

21

22

23 25-4.034 etc. tariff rules.doc

24

25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

Dulaney L. O'Roark III  
Vice President & General Counsel, Southeast Region  
Legal Department



Six Concourse Parkway  
Suite 800  
Atlanta, Georgia 30328

Phone 770-234-3620  
Fax 770-284-3008  
de.oroark@verizon.com

May 7, 2010 – VIA ELECTRONIC MAIL

Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Undocketed  
Initiation of Rulemaking to Amend Rules in 25-4 and 25-24, Florida Administrative Code, to Address Publication of Service Schedules by Telecommunications Companies

Dear Ms. Cole:

Enclosed for filing in the above matter are the Post-Workshop Comments of Verizon Florida LLC. If there are any questions regarding this filing, please contact me at (770) 284-3620.

Sincerely,

s/Dulaney L. O'Roark III

Dulaney L. O'Roark III

tas

c: Jeff Bates, FPSC – via electronic mail  
Samantha Cibula, FPSC – via electronic mail  
Sandy Khazraee, CenturyLink – via electronic mail  
Tracy Hatch, AT&T – via electronic mail

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Initiation of Rulemaking to Amend Rules )      Docket: Undocketed  
in 25-4 and 25-24, Florida Administrative )      Filed: May 7, 2010  
Code, to Address Publication of Service )  
Schedules by Telecommunications Companies )  
\_\_\_\_\_ )

**POST-WORKSHOP COMMENTS OF VERIZON FLORIDA LLC**

At the proposed rule development workshop held on March 30, 2010, Staff requested comments from the parties on draft revisions to several Commission rules relating to tariffs and price lists. Verizon Florida LLC (“Verizon”) files these comments to address two concerns: (i) many of the proposed rules would exceed the Commission’s statutory authority; and (ii) the proposed rules would eliminate a provision expressly authorizing customer service arrangements.

**A. BACKGROUND**

Before it was revised in 2009, section 364.04, Florida Statutes, required that every telecommunications company, upon order of the Commission, file with the Commission schedules showing its rates, terms and conditions and to make those schedules available for public inspection. Under section 364.051(5)(a), price-regulated ILECs were permitted to publish nonbasic rates, terms and conditions, rather than filing them, subject to publication guidelines established by the Commission. The 2009 statutory revisions substantially changed this scheme. Section 364.04(1) now permits telecommunications companies to file their schedules with the Commission or publish them “through other reasonably publicly accessible means, including on a website.” Consistent with these changes, the optional tariffing language provision in section

364.051(5)(a) was removed because it was no longer necessary. Moreover, *the legislature eliminated the Commission's authorization to establish publication guidelines.*

The current Commission rules require telecommunications companies to maintain on file with the Commission tariffs that set forth the rates, terms and conditions of the carriers' services.<sup>1</sup> Rule 25-4.034(1), Florida Administrative Code. The current rules describe when and where tariffs must be filed, how they must be formatted and what contents must be included. Rule 25-4.034(2)-(7). They also make clear that contract service arrangements for an individual customer need not be filed when the tariff describes the circumstances under which arrangements are offered for specified services. Rule 25-4.034(1).

The proposed rules would impose a number of new requirements on published service schedules, regardless of whether they were filed at the Commission or published online or elsewhere. The proposed rules would require, for example, that published schedules use simple language, include a table of contents or index, include specified information, publish promotions in a specific way and meet certain timing requirements. They would prohibit carriers from making any public statement about their "service quality, rates, or service offerings or billings" that is misleading or that differs from the terms in the carrier's service schedules. And the proposed rules would require carriers to make their retail service schedules available to public inspection, notify the Commission of changes to nonbasic service one day before the changes become effective, and retain information on schedule changes for six years.

---

<sup>1</sup> This requirement is subject to exceptions for certain services and providers.

## B. STATUTORY AUTHORITY

To be valid under the Administrative Procedure Act, a rule adopted under the Commission's general rulemaking authority<sup>2</sup> must implement or interpret specific statutory powers and duties, which means those powers and duties must be stated explicitly in the statute. *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594, 599 (Fla. 1<sup>st</sup> DCA 2000). Statutory language generally describing the Commission's powers and functions, or setting forth general legislative intent or policy, does not suffice to create authority for rulemaking purposes. See Fla. Stat. §§ 120.52(8), 120.536(1). Moreover, the rule must not enlarge, modify or contravene the statute being implemented. Fla. Stat. § 120.52(8)(c).

The proposed rules purport to implement sections 364.04, 364.051(5) and 364.183, Florida Statutes, but the proposed rules in fact go far beyond the scope of these statutory provisions. As discussed above, section 364.04 permits carriers to publish rates, terms and conditions at the Commission or through other reasonably publicly accessible means, such as a website. This provision does not authorize the Commission to establish publication guidelines, and indeed such authority was eliminated by the 2009 statutory revisions. Section 364.051(5) establishes certain parameters for nonbasic pricing and no longer addresses the publication of rates. Section 364.183 provides the Commission with access to certain data and authorizes it

---

<sup>2</sup> See Fla. Stat. § 350.127(2) ("The commission is authorized to adopt, by affirmative vote of a majority of the commission, rules pursuant to s. 120.536(1) and 120.54 to implement provisions of laws conferring duties on it").

to require carriers to file certain information “directly related to matters within the commission’s jurisdiction.”

Many provisions in the proposed rules would go beyond the bounds of the Commission’s rulemaking powers. For example:

- The proposed rules include a number of provisions that would regulate the style, structure, terms and timing of carriers’ publications. (See proposed Rule 25-4.034(1)(a), (b), (c), (e), (f) and (i) and (2).) Such publication guidelines are no longer authorized.

- The proposed prohibition on making public statements about service quality, rates, offerings and billings that are misleading or different than the terms in a carrier’s service schedules (see proposed Rule 25-4.034(1)) purports to regulate carriers’ speech relating to their published terms. Nothing in Chapter 364 gives the Commission such powers and such a rule would give rise not only to issues of statutory authority, but also of constitutionality.

- The requirement that carriers make their retail service schedules available to public inspection was eliminated in the 2009 revisions to Chapter 364. The proposed rules, however, would continue to impose such a requirement (see proposed Rule 25-4.034(1)(g)) despite the lack of statutory authority.

- Proposed Rule 25-4.034(1)(h) would require carriers to provide one-day’s notice of nonbasic rate changes to the Commission. Section 364.051(5) permits price-regulated ILECs to set or change nonbasic rates on one-day’s notice, but does not require that carriers give such notice to the Commission. To be sure, for carriers that publish their nonbasic rates through a schedule filed with the Commission, the only way

to provide the statutory notice is through a Commission filing. But for carriers that publish their nonbasic rates online, the best way to provide customer notice is through an online posting.

- Proposed Rule 25-4.034(3) would require carriers to retain schedule changes for six years. As a matter of business practice, carriers almost certainly will retain records for some reasonable period so they can address customer questions and disputes. But section 364.183 does not authorize the Commission to regulate how carriers maintain their business records.

In short, the 2009 revisions to Chapter 364 concerning publication of rates, terms and conditions were intended to provide carriers with an alternative to the traditional tariff system. The proposed rules in many ways would perpetuate the old regulatory regime by imposing many of the same tariff requirements to rates, terms and conditions that are published online. Such requirements would undermine the purpose of the statutory revisions and therefore should not be included in the new rules.

### **C. CUSTOMER SERVICE ARRANGEMENTS**

Rule 25-4.034(1) provides that “[t]he rates and charges for contract service arrangements for an individual customer need not be filed where the company’s tariff provides a description of the circumstances under which such arrangements are offered for specified tariffed services.” The proposed rules would eliminate this provision, apparently because the term “contracts” was removed from section 364.04 in the 2009 statutory revisions. The customer service arrangement language is still necessary, however, to make clear that customer service arrangements continue to be authorized.



The existing provision therefore should be retained, but revised so it applies regardless of how publication is made.

Respectfully submitted on May 7, 2010.

By: s/ Dulaney L. O'Roark III  
P. O. Box 110, MC FLTC0007  
Tampa, Florida 33601-0110  
Phone: (770) 284-3620  
Fax: (770) 284-3008  
Email: [de.oroark@verizon.com](mailto:de.oroark@verizon.com)

Attorney for Verizon Florida LLC