

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: May 19, 2005

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Buys)
Office of the General Counsel (Fordham)

RE: Docket No. 030430-TL – Petition for approval of limited waiver of Rules 25-4.066(2), 25-4.070(3)(a), 25-4.073(1)(c) and (1)(d), and 25-4.110(2), F.A.C.; and for approval of modification and extension of Service Guarantee Plan (SGP) approved by Order PSC-00-2462-PAA-TL, by Sprint-Florida, Incorporated.

AGENDA: 05/31/05 – Regular Agenda – Request for Extension – Interested Persons May Participate

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030430EXT.RCM.DOC

Discussion of Issues

Issue 1: Should the Commission extend the time period of Sprint-Florida, Incorporated's current Service Guarantee Plan and limited waiver of Rules 25-4.066(2), 25-4.070(3)(a), 25-4.073(1)(c) and (1)(d), and 25-4.110(6), Florida Administrative Code, for an additional three (3) months?

Staff Recommendation: Yes. (Buys, Fordham)

Staff Analysis: In Docket No. 991377-TL, Initiation of show cause proceedings against Sprint-Florida, Incorporated for violation of service standards, by Order No. PSC-00-2462-PAA-TL, issued December 20, 2000, the Commission approved the Service Guarantee Plan (SGP) submitted by Sprint-Florida, Incorporated (Sprint). Sprint's original SGP was implemented on June 1, 2001, and terminated on May 31, 2003.

In this docket, on May 7, 2003, Sprint filed a Petition for a two year extension of the limited waiver of Rules 25-4.066(2), 25-4.070(3)(a), 25-4.073(1)(c) and (1)(d), and 25-4.110(2)¹, Florida Administrative Code (F.A.C.); and for approval of modification and extension of its SGP. By Order No. PSC-03-0733-PAA-TL, issued June 19, 2003, the Commission approved Sprint's Petition. Sprint's current SGP (Attachment A) is scheduled to expire on May 31, 2005.

On May 11, 2005, Sprint filed a letter (Attachment B) seeking the Commission's approval for a three month extension of its current SGP. In its letter, Sprint stated it will file a Petition with the Commission by July 15, 2005, requesting approval of a revised SGP pursuant to Rule 25-4.085, Florida Administrative Code. Sprint further stated that its customers will continue to receive any applicable credits offered under the current SGP during the three month extension. Should the Commission approve Sprint's request, the new termination date for Sprint's current SGP would be August 31, 2005.

The Commission is vested with jurisdiction over this matter pursuant to Sections 120.542, 364.01, 364.03, 364.17, and 364.183, Florida Statutes. Accordingly, staff recommends that the Commission extend the time period of Sprint-Florida, Incorporated's current Service Guarantee Plan and limited waiver of Rules 25-4.066(2), 25-4.070(3)(a), 25-4.073(1)(c) and (1)(d), and 25-4.110(6), Florida Administrative Code, for an additional 3 months.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this Docket should be closed. Thereafter, a new Docket should be opened to address Sprint's revised SGP upon Sprint's filing. **(Fordham)**

Staff Analysis: If the Commission approves staff's recommendation in Issue 1, this Docket should be closed. Thereafter, a new Docket should be opened to address Sprint's revised SGP upon Sprint's filing.

¹ Rule 25-4.110(2), F.A.C., changed numerically to Rule 25-4.110(6), F.A.C.; therefore, the rule number in the docket title is different than the rule number to which the rule waiver applies.