

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules) DOCKET NO. 931201-TP
25-4.076, 25-24.471 and) ORDER NO. PSC-94-0608-NOR-TP
25-24.515, F.A.C.) ISSUED: May 23, 1994
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-4.076, 25-24.471 and 25-24.515, F.A.C.

The attached Notice of Rulemaking will appear in the May 27, 1994 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Wednesday, July 20, 1994
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than June 17, 1994.

By Direction of the Florida Public Service Commission, this 23rd day of May, 1994.



BLANCA S. BAYO, Director
Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931201-TP

RULE TITLE:	RULE NO.:
Application for Certificate	25-24.471
Pay Telephone Service	25-24.515

PURPOSE AND EFFECT: The purpose of the amendment to Rule 25-24.515, F.A.C., is to prohibit non-local exchange company pay telephone service providers (non-LEC PATS providers) from intercepting calls prefixed with the end users' preferred carrier's access code to solicit the end user to hang up and redial using another interexchange carrier (IXC). This proposed rule amendment is necessary to protect customers using pay telephones from the confusion caused by hearing a recorded advertisement after the customer has completed dialing the call. The proposed rule amendment prohibits this type of advertising by non-LEC PATS providers which unnecessarily interferes with the completion of calls by pay telephone customers who have already selected their preferred IXC.

In addition, the Commission proposes to amend Rule 25-24.471, F.A.C., to ensure the availability of basic telecommunications service to inmates in confinement facilities who have one IXC available to provide for completion of their calls. In some instances, the Commission has found it in the public interest to exempt PATS providers serving confinement facilities from Rule

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25-24.515(6), F.A.C. This exemption allows the PATS provider to block access to all locally available IXCs and, instead, limit access to an IXC chosen by the PATS provider to transmit calls from the pay telephone. In some instances, the only available IXC has declined to complete inmate calls to some areas of the state. The proposed amendment to Rule 25-24.471, F.A.C., requires an IXC to provide for completion of inmate calls when it is the only available IXC.

Finally, the Commission proposes to amend Rule 25-24.515, F.A.C., to require non-LEC PATS providers serving confinement facilities to complete inmate calls authorized by the confinement facility. This proposed amendment prevents non-LEC PATS providers from blocking authorized inmate calls at the pay telephone.

SUMMARY: The proposed amendment to Rule 25-24.515, F.A.C., prohibits non-LEC PATS providers from playing recorded sales solicitation messages during the network set-up, which is the period of time after the pay telephone end user has chosen an IXC by dialing the IXC's access code, and connection with the selected IXC.

In addition, the Commission proposes to amend Rule 25-24.515, F.A.C., to require non-LEC PATS providers serving confinement facilities to complete inmate calls authorized by the confinement facility.

The proposed amendment to Rule 25-24.471, F.A.C., requires an IXC

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to provide for completion of inmate calls when it is the only available IXC.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.03, 364.32, 364.035, 364.063, 364.33, 364.335, 364.337, 364.345, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Wednesday, July 20, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULES ARE:

25-24.471 Application for Certificate.

(1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMU 31 (4/91), which is incorporated into this rule by reference. Form PSC/CMU 31 (4/91), entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida," may be obtained by contacting the Commission's

Division of Communications. An application fee of \$250.00 must accompany the filing of all applications. This is a non-refundable fee to cover the costs of processing the application and it has no relevance on the approval or denial of a certificate.

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) Any authority granted to interexchange companies (IXCs) previously or hereafter is subject to the following:

(a) Toll authority granted to all companies is statewide. A company may provide toll service over its own or resold facilities. However, the local exchange company shall be the sole carrier for 1+, 0+ and 0- intraLATA local and toll calls dialed by end users. Call aggregators and IXCs shall not change or augment the dialing pattern of end users for such calls. IXCs may only provide intraLATA toll services to end users with whom they have a prior and ongoing relationship or who dial the appropriate access code, i.e., 950, 800, 10XXX, or autodial.

(b) Minor interexchange companies are not required to provide service throughout their certificated service area, but must accept customers on a nondiscriminatory basis up to the limits of their capacity from customers meeting the company's credit rating requirements. Major interexchange companies are required to

provide service to all customers making a request for service.

(c) Where only one interexchange carrier is available in a confinement facility, that interexchange carrier shall provide for completion of all inmate calls allowed by the confinement facility. ~~A certificate to provide interexchange service does not carry with it the authority to provide local exchange or pay telephone service. A separate application must be made for such authority.~~

(d) A certificate to provide interexchange service does not carry with it the authority to provide local exchange or pay telephone service. A separate application must be made for such authority.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 2/23/87, Amended 5/8/91, 11/20/91, 12/22/92.

25-24.515 Pay Telephone Service.

(1) Pay stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.

(2) Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.

(3) Each telephone station shall permit access to the

universal telephone number "911" where operable, without requiring the use of a coin, paper money or a credit card. Where such number is not operable, the station shall permit access to a local exchange company toll operator under the same conditions.

(4) Each telephone station shall, without charge, permit access to local directory assistance and the telephone number of any person responsible for repairs or refunds but may provide access by coin return. Any long distance directory assistance charges applied to the pay telephone service company may be passed on to the customer.

(5) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: telephone number and location address of such station, name of the certificate holder and the party responsible for repairs and refunds, address of responsible party, free phone number of responsible party, clear dialing instructions (including notice of the lack of availability of local or toll services), and, where applicable, a statement that the phone is not maintained by the local exchange company. For those pay stations that will terminate conversation after fifteen (15) minutes, notice shall be included on the sign card as well as an audible announcement thirty (30) seconds prior to termination of the phone call.

(6) Each telephone station which provides access to any interexchange company shall provide coin free access, except for

feature group A access, to all locally available interexchange companies. For pay stations in equal access areas, such access shall be provided through the forms of access purchased by locally available long distance carriers and shall include 10XXX+0, 950, and 800 access. For those paystations located in non-equal access areas, 102880 may be translated to 00 to directly access AT&T. Otherwise, in non-equal access areas, 00 shall directly route to an AT&T operator and the instruction card shall so indicate. Where 00 is not available, 0- shall route to the LEC operator for transfer to AT&T and the instruction card shall so indicate. No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the interexchange carrier.

(7) All intralata calls, including operator service calls, shall be routed to the local exchange company, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 800, 10XXX.

(8) Each telephone station must allow incoming calls to be received, with the exception of those located at confinement facilities, hospitals and schools, and at locations specifically exempted by the Commission. Where incoming calls are not received, intercept shall be provided. There shall be no charge for receiving incoming local calls.

(9) Each telephone station must be connected as provided in

the pay telephone access tariff offered by the local exchange company.

(10) The charge for calls may not exceed the rates shown in the local exchange company Pay Telephone Access Tariff.

(11) (a) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted).

(b) Each telephone utility shall conduct its operations in such manner to ensure that, in each exchange, ninety-five (95%) percent of all interruptions in telephone service occurring in any calendar month shall be cleared and service restored within twenty-four (24) hours (Sundays and holidays excepted) after the trouble is reported to the company, except where such interruptions are caused by emergency situations, unavoidable casualties and acts of God affecting large groups of subscribers.

(12) Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be

maintained at each station.

(13) Normal maintenance and coin collection activity shall include a review of the cleanliness of each station and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.

(14) Except as provided in subsections (14)(a), (14)(b), and (14)(c) below, each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2-4.29.4 and 4.29.7-4.29.8 of the American National Standards Specifications for Making Buildings and Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1-1986), which is incorporated by reference into this rule. Each telephone station installed prior to January 5, 1987 shall conform to the above standards by January 1, 1995.

(a) Effective June 1, 1992, where there are two or more telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the above mentioned standards. The conforming station must be physically located in the group of telephone stations or within a clear line of sight within fifteen (15) feet of the group and free from wheelchair barriers.

(b) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations

shall be placed in areas accessible to the physically handicapped.

(c) Stations located in buildings which are not accessible to physically handicapped persons must comply to the above mentioned standards upon modification of the building to make it handicap-accessible, according to the Americans with Disabilities Act.

(15) Effective September 1, 1992, each telephone shall permit end users to input the additional digits necessary to complete calling card calls, using any locally available carrier, without operator intervention, and to utilize features such as voice mail box and menu driven answering devices. This requirement shall not be applicable to pay telephones located in confinement facilities.

(16) Pay stations located in confinement facilities shall be exempt from the requirements of above subsections (1), (3), (4), (6), and (12). Such pay stations shall also be exempt from the requirements of subsection (5), except for the audible and written 15 minute disconnect notification.

(17) Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges billed to a line for calls which originated from that line through the use of 10XXX+0, 10XXX+01, 950-1/0XXX+0, or 1-800 access code, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the

call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the incoming call screening order.

(c) Any calls billed through the local exchange company or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (a) and (b) above, must be removed from any pay telephone provider's bill after the pay telephone provider gives notice of the fraudulent charges to the billing party. Such notice shall be provided to the LEC and IXC in writing no later than the due date of the bill.

(d) The LEC is responsible for charges described in paragraph (c) that are associated with the failure of the LEC's screening services.

(e) The IXC is responsible for charges described in paragraph (c) that are associated with the failure to properly validate calls via the appropriate local exchange company data base.

(f) Definitions: For purposes of this rule the term;

(i) "Effective Date" shall mean the date after the call

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screening order was placed and associated charges apply.

(g) Any charges accrued to a subscriber's line when the subscriber has paid the local exchange company to screen calls described in paragraphs (a) and (b) above shall not be the basis for discontinuance of local and intrastate service.

(18) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.03, 364.035, 364.063, 364.337, 364.345, F.S.

History: New 1/5/87, Amended 4/14/92, 12/21/92, 2/3/93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Brick Walls, Division of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES: Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: May 3, 1994.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and

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Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931201-TP

RULE TITLE:

RULE NO.:

Pay Telephone Service Provided

By Local Exchange Companies

25-4.076

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 25-4.076, F.A.C., is to prohibit local exchange company pay telephone service providers (LEC PATS providers) from intercepting calls prefixed with the end users' preferred carrier's access code to solicit the end user to hang up and redial using another interexchange carrier (IXC). This proposed rule amendment is necessary to protect customers using pay telephones from the confusion caused by hearing a recorded advertisement after the customer has completed dialing the call. The proposed rule amendment prohibits this type of advertising by LEC PATS providers which unnecessarily interferes with the completion of calls by pay telephone customers who have already selected their preferred IXC. In addition, the Commission proposes to amend Rule 25-4.076, F.A.C., to require LEC PATS providers serving confinement facilities to complete inmate calls authorized by the confinement

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facility. This proposed amendment prevents LEC PATS providers from blocking authorized inmate calls at the pay telephone.

SUMMARY: The proposed amendment to Rule 25-4.076, F.A.C., prohibits LEC PATS providers from playing recorded sales solicitation messages during the network set-up, which is the period of time after the pay telephone end user has chosen an IXC by dialing the IXC's access code, and connection with the selected IXC.

In addition, the Commission proposes to amend Rule 25-4.076, F.A.C., to require LEC PATs providers serving confinement facilities to complete inmate calls authorized by the confinement facility. This proposed amendment prevents LEC PATS providers from blocking authorized inmate calls at the pay telephone.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.03, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Wednesday, July 20, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC

IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-4.076 Pay Telephone Service Provided By Local Exchange Companies.

(1) Each local exchange company shall, where practical, supply at least one coin telephone in each exchange that will be available to the public on a twenty-four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange. Except as provided herein, a telephone company may not be required to provide pay telephone service at locations where the revenues derived therefrom are insufficient to support the required investment unless reasonable public requirements will be served. Pay stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.

(2) Each telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.

(3) Each telephone station shall have the capability of coin free access to a local exchange company toll operator and the universal emergency telephone number "911" where operable; and coin free or coin return access to local directory assistance, intercept, repair service and calls to the business office of the

company.

(4) Each telephone station shall be equipped with a legible sign, card or plate of reasonable permanence which shall identify the following: the telephone number and location address of such station, the name of the certificate holder and the party responsible for repairs or refunds, free telephone number of responsible party and clear dialing instructions (including notice of the lack of availability of local or toll service). The identification of the location address for local exchange and pay telephone companies shall be coordinated with the appropriate "911" or emergency center where applicable. For those paystations that will terminate conversation after (15) minutes, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.

(5) Each telephone station which provides access to any long distance carrier shall provide coin free access, except for feature group A access, to all locally available interexchange companies. For pay stations in equal access areas, such access shall be provided through the forms of access purchased by locally available long distance carriers and shall include 10XXX+0, 950 and 800 access. For those pay stations located in non-equal access areas, 00 shall directly access the AT&T operator. Where 00 is not available, 0- to the LEC operator shall be transferred upon request to an AT&T operator, and the instruction card shall so indicate.

No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the interexchange carrier.

(6) Each telephone station shall allow incoming calls to be received, with the exception of those located at penal institutions, hospitals and schools, and at locations specifically exempted by the Commission. There shall be no charge for receiving incoming local calls. Where incoming calls are not received, intercept shall be provided.

(7) Where there are fewer than three telephones located in a group, a directory for the entire local calling area shall be maintained at each station. Where there are three or more telephones located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone stations are fully enclosed, a directory shall be maintained at each station.

(8) Normal maintenance and coin collection activity shall include a review of the cleanliness of each station and reasonable efforts shall be made to ensure that 95% of all stations are clean and free of obstructions.

(9) Except as provided in paragraphs (9)(a), (9)(b), and 9(c) below, each telephone station installed after January 5, 1987 shall conform to subsections 4.29.2 - 4.29.4 and 4.29.7 - 4.29.8 of the American National Standards Specifications for Making Buildings and

Facilities Accessible and Usable by Physically Handicapped People, approved February 5, 1986 by the American National Standards Institute, Inc. (ANSI A117.1-1986), which is incorporated by reference into this rule. Each telephone station installed prior to January 5, 1987 shall conform to the above standards by January 1, 1995.

(a) Effective June 1, 1992, where there are two or more telephone stations located in a group, there shall be a minimum of one telephone per group of ten which conforms to the above mentioned standards. The conforming station must be physically located in the group of telephone stations or within a clear line of sight within fifteen (15) feet of the group and free from wheelchair barriers.

(b) Except for locations on floors above or below entry level in buildings not serviced by a ramp or elevator, such stations shall be placed in areas accessible to the physically handicapped.

(c) Stations located in buildings which are not accessible to physically handicapped persons must comply with the above mentioned standards upon modification of the building to make it handicap-accessible, according to the Americans with Disabilities Act.

(10) Effective September 1, 1992, each telephone shall permit end users to input the additional digits necessary to complete calling card calls, using any locally available carrier, without operator intervention, and to utilize features such as voice mail

box and menu driven answering devices. This requirement shall not be applicable to pay telephones located in confinement facilities.

(11) Pay stations located in confinement facilities shall be exempt from the requirements of above subsections (1), (3), (5), and (7). Such pay stations shall also be exempt from the requirements of subsection (4), except for the audible and written 15 minute disconnect notification.

(12) Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges billed to a line for calls which originated from that line through the use of 10XXX+0, 10XXX+01, 950-1/0XXX+0, or 1-800 access code, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the incoming call screening order.

(c) Any calls billed through the local exchange company or

directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (a) and (b) above, must be removed from any pay telephone provider's bill after the pay telephone provider gives notice of the fraudulent charges to the billing party. Such notice shall be provided to the LEC and IXC in writing no later than the due date of the bill.

(d) The LEC is responsible for charges described in paragraph (c) that are associated with the failure of the LEC's screening services.

(e) The IXC is responsible for charges described in paragraph (c) that are associated with its failure to properly validate calls via the appropriate local exchange company data base.

(f) Definitions: For purposes of this rule the term;

(i) "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.

(g) Any charges accrued to a subscriber's line when the subscriber has paid the local exchange company to screen calls described in paragraphs (a) and (b) above shall not be the basis for discontinuance of local or intrastate service.

(13) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.

Specific Authority: 350.127(2), F.S.

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Law Implemented: 364.03, F.S.

History: New 12/1/68, Amended 3/31/76, formerly 25-4.76, Amended
1/5/87, 4/14/92, 12/21/92, 2/3/93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brick Walls, Division
of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: May 3, 1994

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).