

MEMORANDUM

January 29, 1998

RECEIVED

JAN 29 1998

3:15

FPSC - Records/Reporting

TO : DIVISION OF RECORDS & REPORTING

FROM : DIANA W. CALDWELL, ^{OWC}ASSOCIATE GENERAL COUNSEL

RE : DOCKET NO. 980037-TP - PROPOSED AMENDMENTS TO RULE 25-4.160, F.A.C., OPERATION OF TELECOMMUNICATIONS RELAY SERVICE; RULE 25-24.585, F.A.C., RECORDS AND REPORTS; RULES INCORPORATED; RULE 25-24.825, F.A.C., PRICE LIST; AND RULE 25-24.835, F.A.C., RECORDS AND REPORTS; RULES INCORPORATED

14 pgs

98-0186-NOR

Attached please find a Notice of Rulemaking for distribution by your office.

Industry distribution is:

OK
y

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
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- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

Self-mailed -
191.

NOR4160.MRD
Attachment
cc: File
W. Terrell

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to Rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service; Rule 25-24.585, F.A.C., Records and Reports; Rules Incorporated; Rule 25-24.825, F.A.C., Price List; and Rule 25-24.835, F.A.C., Records and Reports; Rules Incorporated

DOCKET NO. 980037-TP
ORDER NO. PSC-98-0186-NOR-TP
ISSUED: January 30, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25.4-160, 25-24.585, 25-24.825 and 25-24.835, Florida Administrative Code, relating to alternative local exchange telecommunications companies (ALECs) and shared tenant service (STS) providers.

The attached Notice of Rulemaking will appear in the February 6, 1998 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
10:00 a.m., May 21, 1998
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division

DOCUMENT NUMBER DATE

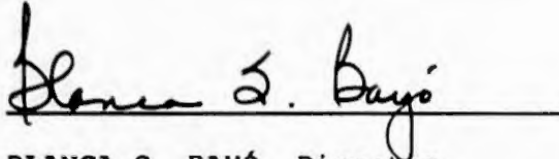
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FPSC REGULATORY DIVISION

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of Records and Reporting, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than
February 27, 1998.

By ORDER of the Florida Public Service Commission, this 30th
day of January, 1998.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a solid horizontal line.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

DWC

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980037-TP

RULE TITLE:

RULE NO.:

Operation of Telecommunications

Relay Services

25-4.160

PURPOSE AND EFFECT: The purpose of changes to rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service, is to clarify that the definition of "local exchange telecommunications company" includes alternative local exchange companies (ALECs) and shared tenant services (STS) providers, and to make the term consistent throughout the rule. The effect is to ensure that these providers of local telecommunications exchange services will collect and remit the surcharge required for funding of the Telecommunication Relay Services (TRS).

SUMMARY: The proposed amendment clarifies that ALECs and STS providers are included in the definition of the term "local exchange telecommunications company" for purposes of collecting and remitting the surcharge required for funding of the TRS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed amendment does not appear to impose significant transactional costs on most of the regulated companies surveyed.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal

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for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 427.704(8), FS.

LAW IMPLEMENTED: 427.704(4), (5) FS.

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.

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

TIME AND DATE: 10:00 A.M., May 21, 1998

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.160 Operation of Telecommunications Relay Services.

(1) For intrastate toll calls received from the relay service, each local exchange and interexchange telecommunications company billing relay calls shall discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates

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that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge. In the case of a tariff which includes either a discount based on number of minutes or the purchase of minutes in blocks, the discount shall be calculated by discounting the minutes of relay use before the tariffed rate is applied.

(2) When a local exchange telecommunications company passes a call to the Florida relay service provider, it shall also forward the calling party's originating telephone number if the calling party's central office has that capability.

(3) To fund the telecommunications access system established under Part II of Chapter 427, FS., all local exchange telecommunications companies shall impose a monthly surcharge on all local exchange telecommunications company subscribers, excluding federal and state agencies, on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

(a) A local exchange telecommunications company shall consider an account bill rendered in a manner consistent with its billing practices for other telecommunications services.

(b) Except as otherwise provided by law, the surcharge billed by the local exchange telecommunications companies is not subject to any sales, use, franchise, income, municipal utility, gross receipts, or any other tax, fee, or assessment, nor shall it be considered revenue of the local exchange telecommunications companies for any purpose.

(c) All local exchange telecommunications companies shall include the surcharge as a part of the local service charge that appears on the customer's bill except that the surcharge may be itemized if a company monthly itemizes all local service charges. However, the local exchange telecommunications company shall itemize the surcharge on the initial bill to the subscriber and itemize it at least once annually. The local exchange telecommunications company may deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge. All moneys received by the local exchange telecommunications company, less the authorized amount retained, shall be submitted so as to be received by the Administrator within fifteen days after the end of the previous month. Each local

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exchange telecommunications company shall follow the same procedures for collecting this surcharge as for collecting for other regulated telecommunications services.

(4) For purposes of this part, the term "local exchange telecommunications company" shall be as defined in Section 427.703(7), FS. The term shall include shared tenant service providers and alternative local exchange companies.

Specific Authority 427.704(8) FS.

Law Implemented 427.704(4), (5) FS.

History--New 9-16-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Marsh

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: January 20, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
Volume 23, Number 41, October 10, 1997

DELETE IF NO HEARING OFFERED:

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.

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Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 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).

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980037-TP

RULE TITLE:	RULE NO.:
Price List	25-24.825
Records and Reports , Rules Incorporated	24-24.835
Records and Reports , Rules Incorporated	25-24.585

PURPOSE AND EFFECT: The purpose of the changes to Rule 25-24.825 (Price List) is to ensure that the public has access to information on certain services defined as "basic". The effect of the rule change is to make such information available.

Rules 25-24.835 and 25-24.585 provide cross references to Rule 25-4.160.

SUMMARY: The changes to Rule 25-24.825 (Price List) clarify the services for which an ALEC must file a price list with the Commission. As the rule is currently written, a price list is required for the provision of basic local telecommunications service, as defined in Section 364.02(2), FS. The rule amendment will require a price list to be filed for provision of dial tone or any combination of services included as part of basic local telecommunications service for residential or single-line business subscribers.

Rules 25-24.835 and 25-24.585 provide cross references to Rule 25-4.160.

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SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed amendment does not appear to impose significant transactional costs on most of the regulated companies surveyed.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 427.704(8), FS.

LAW IMPLEMENTED: 350.113, 364.04, 364.016, 364.17, 364.18, 364.183, 364.185, 364.336, 364.337(5), 364.339, FS.

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.

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

TIME AND DATE: 10:00 A.M., May 21, 1998

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.585 ~~Records and Reports~~, Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:

SECTION	TITLE	PORTIONS
		NOT APPLICABLE
25-4.019	Records and Reports in General	<u>All None</u>
25-4.020	Location and Preservation of Records	<u>All except (1)</u> <u>and (3)-(2)</u>
25-4.043	Response to Commission Staff Inquiries	<u>All None</u>
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	<u>All None</u>
<u>25-4.160</u>	<u>Operation of Telecommunications</u> <u>Relay Service</u>	<u>All</u>

(2) Each shared tenant service company shall file with the Commission's Division of Communications updated information for the following items within ten days after either such change occurs.

(a) The mailing address of the certificate holder.

(b) Name, title, and phone number of individual responsible for Commission contacts.

Specific Authority 350.127(2), 427.704(8) FS.

Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS.

History--New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, _____.

25-24.825 Price List.

(1) Prior to providing service, each company subject to these rules shall file and maintain with the Commission a current price list which clearly sets forth the following information for the provision of residential dial tone, single-line business dial tone, and dial tone with any combination of the services included as part of basic local telecommunications services, as defined in s. 364.02(2), FS. If residential dial tone, single-line business dial tone, or dial tone with any combination of the services included as part of basic local telecommunications service is offered on a package basis, the following information must be provided for each the package:

- (a) current prices,
- (b) customer connection charges,
- (c) billing and payment arrangements, and
- (d) levels of service quality which the company holds itself out to provide for each service.

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

(3) A price list revision must be physically received by the

Commission's Division of Communications at least one day prior to its effective date.

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

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

Specific Authority 350.127(2) FS.

Law Implemented 364.04, 364.337(5) FS.

History--New 12-27-95, Amended.

25-24.835 ~~Records and Reports~~, Rules Incorporated.

The following rules are incorporated herein by reference and apply to alternative local exchange companies.

Section	Title
25-4.0161	Regulatory Assessment Fees
25-4.043	Response to Commission Staff Inquiries
25-4.036	Design and Construction of Plant
25-4.038	Safety

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25-4.160 Operation of Telecommunications Relay Service

Specific Authority 350.127(2), 427.704(8) FS.

Law Implemented 364.336, 364.337 FS.

History--New 12-27-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anne Marsh

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: January 20, 1998

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