

ORIGINAL

DOCKET NO. 960312-TI

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

99 JAN 12 AM 8:29
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;

or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;

or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.


Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-4.002

Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: February 1 1999
(month) (day) (year)



BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

DWC

1 25-4.002 Application and Scope.

2 (1) These rules ~~and regulations~~ are intended to define
3 reasonable service standards which will promote the furnishing of
4 adequate and satisfactory local and long distance service to the
5 public, and to establish the rights and responsibilities of both
6 the utility and the customer. The rules contained in Parts I--~~XI~~
7 of this Chapter apply to any local exchange companies ~~Company as~~
8 ~~defined in Section 25-4.003(26)~~. The rules contained in Part X of
9 Chapter 25-24 apply to any Interexchange Company ~~as defined in~~
10 ~~Section 25-4.003(10)~~. The rules in Part XI of Chapter 25-24 apply
11 to any pay telephone service company ~~as defined in Section~~
12 ~~25-4 003(36)~~. The rules in Part XII of Chapter 25-24 apply to all
13 Shared Tenant Service Companies ~~as defined in Section 25-~~
14 ~~24.560(10)~~. The rules in Part XIII of Chapter 25-24 apply to all
15 Operator Service Provider Companies and call aggregators ~~as defined~~
16 ~~in Section 25-24.610(1)(f)~~. The rules contained in Part XIV of
17 Chapter 25-24 apply to all Alternative Access Vendor Service
18 Providers ~~as defined in Section 25-24.710(2)~~. The rules contained
19 in Part XV apply to all alternative local exchange
20 telecommunications companies.

21 (2) In addition to the rules contained in this part, any
22 local exchange company that provides operator services in a call
23 aggregator context shall also comply with the rules contained in
24 Part XIII of Chapter 25-24, F.A.C.

25 ~~(2) In any case where compliance with any of these rules~~

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

1 ~~introduces unusual hardship, or if unreasonable difficulty is~~
2 ~~involved in immediate compliance with any particular rule, written~~
3 ~~application may be made to the Commission for modification of the~~
4 ~~rule or for temporary exemption from its requirements.~~

5 ~~(3) The adoption of these rules shall in no way preclude the~~
6 ~~Commission, upon complaint, upon its own motion or upon the~~
7 ~~application of any utility, upon due notice and opportunity for~~
8 ~~hearing, from altering or amending them, in whole or in part, or~~
9 ~~from requiring any other or additional service, equipment,~~
10 ~~facility, or standard, or from making such modifications with~~
11 ~~respect to the application as may be found necessary to meet~~
12 ~~exceptional conditions.~~

13 ~~(4) Except as provided in Parts X and XI of Chapter 25 24,~~
14 ~~the adoption of these rules shall not in any way relieve any~~
15 ~~utility from any of its duties under the laws of this State.~~

16 PROPOSED EFFECTIVE DATE 02/01/99

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

18 Law Implemented: 364.01, 364.335, 364.337, 364.3376, F.S.

19 History: Revised 12-1-68, formerly 25-4.02, Amended 2-23-87, 1-8-
20 95, _____.

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SUMMARY OF RULE

The proposed amendments remove the exemption for local exchange telecommunications companies providing operator services and extend the provision of the OSP rules to govern every company that provides operator services. The proposed amendments include specific rate caps expressed in dollars and cents that operator service providers must not exceed for various types of calls. Other technical and conforming changes are made.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Florida Telecommunications Act of 1995 amended Section 364.3376, Florida Statute, relating to operator services. Subsection (3) requires the Commission to establish maximum rates and charges for all providers of services. The provisions of the section also allow for all operator service providers to be regulated under the same rules, except for certification.