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December 3, 1999

Ms. Blanca Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

Re: Docket No. 991473 – Review and Revision of Rules 24-4.066 – 25-4.081, and 25-24.049, Florida Administrative Code

Dear Ms. Bayo,

The Commission is considering the revision of service quality rules for local telecommunications providers. The Commission held a workshop on Friday, November 5, 1999 to discuss modifications to the existing rules and receive input from the industry. The Commission is seeking Post-Workshop comments from the parties as a result of the referenced workshop. BellSouth offers the following preliminary comments. BellSouth reserves the right to amend these comments at any future rulemaking workshop or upon reviewing any comments that might be filed by other parties.

BellSouth believes it is time to re-evaluate the Florida Public Service Commission's (FPSC) Rules and Objectives regarding provision of service to its customers in Florida. Changes should be made that better reflect our customer's determination of satisfactory service. The current rules and objectives, which are a multitude of arbitrary numerical measures, were developed during the late 1960's and early 1970's. At that time, local exchange, long distance service, public phone service, etc. were monopoly services, and customers, the commission, and BellSouth perceived that four types of services were provided; POTS (plain old telephone service), small business, large business (PBX), and special services. Additionally, BellSouth served a customer base of less than two million access lines during that time period. While the current measures may have been appropriate in that environment, we do not believe they are appropriate in today's customer driven, increased competitive marketplace.

Due to rapid technological advances in the industry, customers now have a wider choice of service and service providers. Service is no longer focused on just POTS; service revolves around POTS plus add-ons such as Caller ID, Call waiting, Voice Messaging, Access to the Internet, Alarm Service, etc. Customers have on-line access, via the internet, to view their bills; place orders, and find out information about products 24 hours

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FPSC-RECORDS/REPORTING

a day. In addition to enhancements to our RightTouch option, which allows a customer to complete transactions such as the ordering of additional services and billing inquiries without ever talking to a live attendant, we now offer announcements that alert customers as to the length of wait in reaching a live attendant.

Such significant changes in the telecommunications industry including technology changes, competitive inroads, increased customer awareness and the broad range of services offered, have taken place at an ever-increasing pace since the divestiture of AT&T. The changes actually began prior to divestiture with the deregulation of inside wire. At the same time, competition for long distance service brought forth laws that segmented the market into interstate and intrastate services. In addition, Public Phone Service (pay phone) competition was authorized. In 1995 and 1996, local exchange competition became law at the State and Federal level, respectively.

BellSouth now serves more than six million access lines in Florida. For years as a FPSC mandate and now as a competitive matter, BellSouth must keep its cost of service to its customers as low as possible. BellSouth has accomplished this goal with technological innovation, systems enhancements, and development of employee skill levels through training. Thus, BellSouth seeks to modify or eliminate some of the current FPSC rules to more accurately reflect these changing market conditions.

In an effort to move forward on service quality rules, the FPSC opened Docket No. 991473-TP. As mentioned above, the staff held a workshop to discuss modifications to the existing rules and receive input from the industry. Various ideas were generated and discussed by the participants regarding service quality rules, including the use of a scorecard, service guarantees, and whether rules should apply equally to ILECs and ALECs.

The staff generated discussion on the idea of a scorecard, which would compare a set of minimum standards across basic local telecommunications providers. BellSouth generally believes that scorecards would be a good idea. Basically, providers of basic local telecommunications service (ILECs and ALECs) would be evaluated on a set of minimal standards (i.e., monthly, quarterly, etc.), on an periodic basis. BellSouth does not necessarily believe that the standards used on the scorecard need to be in the form of a Commission rule. For example, if a company provides service below one of the minimum standards set by the Commission, they would not be in violation of a Commission rule. A Company's performance on the scorecard would speak for itself. BellSouth believes a scorecard would provide consumers an overview of the basic local providers available in their service territory. In addition, a scorecard approach would allow the consumer to evaluate for itself what is most important to them and choose a carrier based on the amenities that a provider offers and the type and quality of service provided. One question raised at the staff workshop was whether the scorecard would be self reported or performed by the Commission. If a limited number of providers are to be evaluated on each scorecard, BellSouth believes it would be appropriate for the Commission to perform that evaluation. Additionally, BellSouth believes that a scorecard would satisfy the

Commission's obligation under Chapter 364.0251 (Competitive providers of local service; implementation of consumer information program required) and 364.0252 (Expansion of consumer information programs; customer assistance; rulemaking authority) Florida Statute that provides for consumer information programs.

BellSouth does not believe that data transmission speeds should be used as a standard of service quality for a POTS line that is evaluated by the Commission. The public switched network was built for the transmission of voice, not data. The public switched network has improved sufficiently over time to accommodate the transmission of analog data. Although BellSouth offers tariffed services that guarantee a specific data transmission in speeds, to mandate a minimum transmission speed for data on a POTS line would involve an attempt to standardize many factors nationwide, an attempt which would be prohibitively expensive and unrealistic. BellSouth does not object to specific standards for dial tone volume, noise and other transmission parameters being included in the rules; however, BellSouth believes that these types of standards should be applied to all providers of the service.

The Office of Public Counsel (OPC) addressed the idea of Installation Service Guarantees at the staff workshop. The OPC suggested Commission rules should provide built in incentives to provide good service. The OPC stated the Service Guarantee would enhance the company's image and concern for good service, provide the company an incentive for a company to provide good service, and would be good for the customer. Automatic customer credits would be provided when the company fails to install new service in compliance with the Commission rules and the company is responsible for the miss. Pursuant to Section A2.17 of the General Subscriber Service Tariff, BellSouth currently provides a Commitment Guarantee Program that provides a credit to residence and business customers should BellSouth fail to meet its commitment in connection with installation or repair of service provided over BellSouth facilities. BellSouth believes the Commitment Guarantee Program currently in place is sufficient to satisfy the concerns of the OPC. In fact, with the influx of competition, the offering of a commitment service guarantee is becoming more commonplace.

Unless modifications to the current service rules recognize the competitive market, BellSouth believes that service quality rules should apply equally to ILECs and ALECs. BellSouth believes that any new service measures should reflect the changing environment, and account for increased competition in the business market and in certain geographic areas in Florida. BellSouth believes that there should be some type of periodic review of the rules to readdress the market and to appropriately modify the rules on a going forward basis. For instance, relief from the Commission rules would be warranted in a geographic area that has local competition. Without this type of approach, BellSouth believes all companies should be subject to the Commission's service quality rules.

The majority of the discussion at the staff workshop centered on consumer protection. BellSouth believes the Commission's focus regarding service quality rules is to protect the

public's interest. To accomplish rules that provide consumer protection, BellSouth believes the rules should be refocused into three major areas:

- 1) **Public Safety** - should apply to all local exchange companies (large and small). Serves to protect the consumer, and assists the company.
- 2) **Public Policy** - should apply to all local exchange companies (large and small). Encompasses broad public policy issues such as "slamming" and "cramming" and billing issues. This is designed to combat fraud and deception.
- 3) **Surrogate for Competition** - A select few measures, more concise and easy to measure (no room for interpretation). Where there is competition, the market should be the driver and the customer should "vote" through their choices. Move to market driven rules geographically.

Based on the aforementioned comments, BellSouth seeks to modify or eliminate some of the current FPSC rules to more accurately reflect the new telecommunications environment. While specific modifications are shown in legislative format in Attachment A, the following provides an overview and part of the rationale for the rule change request.

25-4.066 (5) Availability of Service

This rule should be modified to reflect the increase in competitive alternatives for customers, businesses, and property owners. Currently, BellSouth is obligated to anticipate service demand, and provide facilities in advance of demand. The rule should be changed to exempt BellSouth from this obligation where a competitive service provider is already in place or has a contract with a business or property owner to provide service. If the rule is not modified, BellSouth could find itself without the customers necessary to recover its investment and underutilized plant and equipment. Additionally, the changes being proposed provide for a better measurement of BellSouth's performance in meeting both customer requested and company offered service dates. The customer wants what he wants, when he wants it.

25-4.070 Customer Trouble Reports

25-4.0770 Customer Appointments

The majority of BellSouth customers believe that any problem they are experiencing with their service should be repaired as quickly as possible. Our customers believe that a noisy trouble condition is as important as being out of service completely. They believe that repair of a second line is as important as the repair of their primary service. For these reasons, we are proposing the following changes to the existing FPSC rules.

- a. Combine Schedules 11A and 11B (25-4.070). Measure on a statewide basis by using a new measurement defined as Average Elapsed Time of Completion for all trouble reports. We propose that the restoration of service shall be cleared within

an average of 27 hours measured on a monthly basis. Rebates for service outage over 24 hours would continue. In addition, the measurement of same day restoral reported, as a part of 11a should be eliminated since it has never been considered a rule. BellSouth will be giving up forty five hours for one category and adding only three hours in the other category.

- b. Eliminate Schedule 17 -- 25-4.0770-- Repair Appointments Met
- c. Eliminate Schedule 18 -- 25-4.0770 -- Service Order Appointments Met
- d. Eliminate Schedule 11c -- 25-4.070 -Report Rate/100 Access Lines
- e. Combine existing Schedule 2 measurements of % service orders completed within 3 days, within 30 days, and within 60 days with one new measurement. BellSouth suggest that the Company be held accountable for the completion of 90% of the customer request/company offered service requests in a month measured at the state level. The ILECs shall offer service intervals of five days or less to their customers for installation of service. BellSouth will continue to report to the Commission its inability to honor requests for service due to the lack of facilities and to notify the customer of the reason for any delay and keep the customer informed of the status of the request.

25-4.072 – Transmission Requirements

4.072(3) – Schedule 19 – This rule should be modified to exempt BellSouth from providing a test number where the block of numbers belongs to another carrier. The FPSC contends that BST should make one number in each 10,000 number group available when that number group belongs to another provide such as a cellular, paging, IXC, an ALEC.

25-4.073 – Answering Time

- 4.073 (1) (a) or (b) -- Emergency Services – Schedule 13
- 4.073 (1) (c) or (d) – Directory Assistance – Schedule 14
- 4.073(1) (c) or (d) – Repair Service – Schedule 15
- 4.073(1) (c) or (d) – Business Office – Schedule 16

Consumer -- Business Office

Our proposal calls for the elimination of the 95/15 measurement in its entirety. Our systems consistently meet these criteria. This measurement was appropriate when automated systems were in their infancy. However, current technology makes it possible to eliminate blocking at the front end of the process on a consistent basis.

Next, we propose that the time spent by the customer in the integrated voice response system (IVR) not be measured at all provided the customer is given an announcement that offers both the RightTouch option and the "0" option within the main menu of the IVR. RightTouch allows a customer to complete transactions such as the ordering of additional services and billing inquiries without ever talking to a live attendant. At any time in the IVR, the customer can "opt out" by not taking the appropriate action, i.e., "pressing 5", etc., and the call will be routed to the queue for answer by a live operator.

Once the customer reaches the queue, whether by selecting the "0" option, opting out or depressing the appropriate key, an announcement will be provided stating the expected wait time before a live attendant will answer. At this point the customer can make a decision. They can choose to wait or they can call at a more convenient time. We propose that for a customer who elects to interact with the IVR, no measurement for the time spent in queue should be required.

The success or failure of this change can be gauged by benchmarking against the rate of customer complaints directly related to business office access. The benchmark would be the number of complaints filed with the Florida Public Service Commission regarding access to the residential business office. Although we have not established a specific method to perform such a measurement at this time, BellSouth believes the FPSC's consumer complaint process is reasonable and we plan to review it in more detail. For the subscribers calling the residential business office that elect not to interact with the system (non-players), we propose that at least eighty-five (85%) percent of all calls should be transferred by the system to a live attendant prepared to give immediate assistance within fifty-five (55) seconds from the time the IVR answers the call to the time a live attendant answers.

Consumer -- Repair

As with the Residence Business Office we propose the elimination of the 95/15 measurement since existing technology ensures that blockage is avoided. We have consistently met this measurement; therefore, callers to 611 do not experience blockage in accessing the IVR. Further, we propose to parallel the business office proposal by not measuring the time in the IVR.

As with the business office IVR, callers to 611 will be automatically transferred to the queue once a selection is made or within 30 seconds of opting out or refusing to "play." Once the caller is placed in queue, our proposal calls for an average speed of answer of 60 seconds, by a live attendant.

The repair IVR offers six choices beginning with the option to report a residence telephone out of service and including options for bill and service order inquiries. This proposal recognizes the level of urgency associated with complete or partial outages of telephone services and provides a high level of service for customers reporting such outages.

Small Business -- Business Office and Repair

Based on the new competitive environment, we propose removing Small Business Sales/Service and repair from the "Business Office" definition for answer time. BellSouth proposes to treat Small Business the same as Complex Business and let the customer select a provider from the choices available in the market.

Based on the FPSC's report to the Legislature, 265 ALEC's have been approved to provide local service in Florida as of July 1999. While the FPSC staff surveyed all 265 ALECs, only 181 responses were received. Of the responses received, 79 ALECs are operational and providing facility based service, resale service or both. The report states that the total number of business access lines served by the 79 ALECs is 432,409, which represents 11.9% of the total business lines in Florida and over \$68 million in retail revenue.

In January and February of 1999 alone, competitors have received \$7 million in revenue from the Florida Small Business Market. AT&T/TCG/TCI, Sprint, MCI Worldcom, e. Spire/ACSI and ICI are collectively providing service in Miami, Fort Lauderdale, Orlando, Jacksonville, Panama City, Pensacola, Boca Raton, West Palm Beach, Deerfield, Pompano, Hollywood, and Hallandale. These competitors and others are expanding to all major metropolitan areas in Florida and are moving into smaller cities within BellSouth's serving area daily.

BellSouth Small Business Services has changed the way it operates to respond to our customer's communication needs through several system enhancements. In 1994, a new Call Management system was installed to provide more enhanced call routing and tracking data. We have Internet web pages in both English and Spanish, so customers can communicate with us on-line. Customers can view their bills and find out information about products 24 hours a day.

We believe the testing and reporting for the Small Business sector is obsolete in the new environment. In addition to the electronic enhancements in the marketplace, the introduction of competition has changed the approach companies use to serve customers and changed the expectations customers have of their service providers. The ability for Florida Small Businesses to choose their provider puts greater pressure on BellSouth to respond quickly and effectively to their individual needs. If not, regardless of the Answer Time Rules, the customer will choose an alternate telecommunications provider.

25-4.080 Weighted Measurement of Quality of Service

BellSouth proposes that the weighted measurement to determine the quality of Service should be eliminated. This particular rule was developed to determine a pass/fail mechanism for the service evaluation process. BellSouth does not see the need for this

rule to continue. Service results should reflect the objective levels set forth for each rule and not an adjusted 75 point accumulated figure.

25-4.033 Definitions (38) "Out-of-Service" (OOS)

BellSouth suggests that the definition of the OOS condition reflect the meaning of OOS. The commission staff maintains that when a customer reports the inability to make or receive calls, the trouble report should be statused OOS. However, the remainder of the definition reflects additional criteria that may exempt a report from OOS, e.g., temporary office conditions, denial of service, etc. The only way to accurately reflect if such a condition exists is to test the customer's facility and/or dispatch to determine if the service is affected or not.

25-4.0345 Demarcation Point

Subparts (2) and (3) should be the same. The original purpose in placing the demarcation point within twenty five feet of the registered FCC device was for technicians to see the lights, buttons, switches, and buzzers when repairing a multi-line system with a modem or other physical equipment. Multi-line business customers today have an equipment closet for communications equipment and facilities. The inside wire and CPE businesses are very competitive businesses in today's telecommunications market place, and a single demarcation point inside or on the customer's premises is the appropriate point.

24-4.036 Design and Construction of Plant

This rule should be updated and reflect the appropriate dates for the current NESC publications.

25.4.067 Extension of Facilities

This rule must be changed so that cost causers pay more of their equitable share than is currently provided for. BellSouth believes that one year of annual revenue is the appropriate amount for consideration in the provision of service where an individual or small group of individuals is requesting service and the forecast for the general demand for service does not reflect such general demand for three or more years. Additionally, the payment overtime for such charges should be reduced to three years.

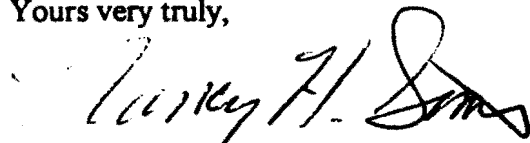
25-4.088 (091) Installation of Underground Distribution System Within a Subdivision

BellSouth believes that an ILEC should be able to recover the cost difference it incurs when burying distribution facilities when aerial facilities may be appropriate. This consideration is provided for other utilities regulated by the Commission and is discriminatory if not applied similarly.

In summary, BST believes the FPSC should revise, eliminate, or reduce the current service quality rules to reflect the changes that have occurred in the telecommunications industry over the years. A competitive environment, which requires less need for regulation, has emerged in the telecommunications industry. Bellsouth believes that subscribers should benefit from competition through their choice of service packages provided by various providers that may be offered for different combinations of service quality and price. BellSouth's proposed service quality rules are an effort to better reflect the telecommunications marketplace that has evolved.

If you have any questions or need additional information please do not hesitate to call.

Yours very truly,



Director - Regulatory Relations

Cc: Rick Moses
Martha Carter Brown
Parties of Record
Nancy White

Attachment A

25-4.003 Definitions

(38) "Out of Service." The inability, as reported by the customer, to complete either incoming or outgoing calls over the subscriber's line and is tested by a mechanized system resulting in an open or resistance fault indicating an out of service condition or found out of service by a technician. "out of Service" shall not include:

- (a) Service difficulties such as slow dial tone, circuits busy, or other network or switching capacity shortages;
- (b) Interruptions caused by a negligent or willful act of the subscriber; and
- (c) Situations in which a company suspends or terminates service because of nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set forth in approved tariffs or Commission rules.

25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Telecommunications the information required by Commission Form PSC/CMU 28 (3/96), which is incorporated into this rule by reference. Form PSC/CMU 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Telecommunications.

(1) The information required by schedules 2, 3, 4, 8, 11, 13, 44, 15, 16 and 20 of Form PSC/CMU 28 shall be reported on a quarterly basis by the large LECs and semiannually by the small LECs and shall be filed on or before the end of the month following the reporting period.

~~(2) The information required by Schedules 17 and 18 of Form PSC/CMU 28 shall be reported on a quarterly basis by the large LECs and shall be filed on or before the end of the month following the reporting period.~~

(3) The information required by Schedule 19 of Form PSC/CMU 28 shall be reported on a semiannual basis and shall be filed on or before the end of the month following the second and fourth quarters.

25-4.023

(2) In addition, a copy of all Florida service interruption reports made to the Federal Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of Title 47; Code of Federal Regulations; Notification of Common Carriers of Service Disruptions (Effective April 12, 1996) shall be immediately

forwarded to the Commission's Division of Telecommunications, Bureau of Service Evaluation.

25-4.034 Tariffs.

(1) Each telecommunications company shall maintain on file with the Commission tariffs which set forth all rates and charges for customer services, 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 utility. Tariff filings shall be in compliance with the requirements of Chapter 25-9 of the Commission rules entitled "Construction and Filing of Tariffs by Public Utilities."

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

(3) Each telecommunications company shall maintain on file in the library or on the internet ~~each of its business offices~~, available for public inspection upon request, a copy of ~~the local exchange tariff for exchanges under the administration of that office~~, its general exchange tariff, and its schedule of intrastate toll rates. Each library's business office internet access point has access to ~~shall likewise make available~~ a copy of Chapter 25-4 of the Florida Public Service Commission Rules and Regulations through the Commission's website ~~for public inspection upon request~~.

25-4.0345 Customer Premises Equipment and Inside Wire.

(1) Definitions: For purposes of this chapter, the definition to the following terms apply:

(a) "Customer Premises Equipment (CPE)." Includes terminal equipment intended for use on the customer's premises such as pay telephones, telephone sets, teletypewriters, data terminal equipment, mobile telephone terminal equipment,

private branch exchange equipment, key system equipment, dialers and other supplemental equipment. CPE does not include "911" public safety answering point equipment (ALI, ANI, ACD equipment) or telecommunications devices required by hearing or speech impaired subscribers.

(b) "Demarcation Point." The point of physical interconnection (connecting block, terminal strip, jack, protector, optical network interface, or remote isolation device) between the telephone network and the customer's premises wiring. Unless otherwise ordered by the Commission for good cause shown, the location of this point is:

1. Single Line/Single Customer Building -- Either at the point of physical entry to the building or a junction point as close as practicable to the point of entry.

2. Single Line/Multi Customer Building and Multiline Systems/Single or Multi Customer Building— Within the customer's premises at a point easily accessed by the customer.

~~3. Multi Line Systems/Single or Multi Customer Building~~— At a point within the same room and within 25 feet of the FCC registered terminal equipment or cross connect field.

~~(3)~~4. Temporary Accommodations Subscriber Premises with Inadequate Grounding (e.g., some mobile homes, trailers, houseboats, construction modules) -- On a permanent stake, pole, or structure with a suitable safety ground.

(c) "Complex Equipment Wire" The premises wiring owned by the local exchange company which may be used as station wiring and to connect off-premises extensions and is beyond the normal demarcation points.

(d) "Inside Wire" All wire or cable other than complex equipment wire located on the customer's side of the demarcation point.

(e) "Customer Premises" The discrete real property owned, leased, or controlled by a customer for the customer's own business or residential purposes.

(2) The provision and maintenance of CPE and inside wire, but not complex equipment wire, is deregulated for intrastate purposes.

(3) Network facilities up to and including the demarcation point are part of the telephone network, provided and maintained by the telecommunications company under tariff.

(4) CPE Network Responsibility. No CPE may harm the network by introducing signals that interfere or affect other subscribers or network operations.

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the 1993~~8~~ Edition of the National Electrical Safety Code (ANSI C2-1993), except that Rule 350G of the safety code shall be effective for cable installed on or after January 1, 1996, and the National Electrical Code (NFPA 70-1993), pertaining to the construction of telecommunications facilities.

(2) Compliance with these codes and accepted good practice is necessary to insure as far as reasonably possible continuity of service, uniformity in the quality of service furnished and the safety of persons and property.

25-4.040 Telephone directories; Directory Assistance

(5) Directory assistance operators shall maintain records of all telephone numbers (except for non-published telephone numbers) in the area for which they have the responsibility of furnishing service. Directory assistance records must

also contain listings for "Poison Information Center" and the local telephone number, where the area served by the directory assistance operator has local calling to a Poison Information Center. If no local telephone number exists, then the toll-free telephone number of a Poison Information Center shall be listed. All

new or changed listings shall be provided to directory assistance operators within 48 hours after connection of service, excluding Saturdays, Sundays and holidays for customers of the ILEC.

~~25-4.041 Courtesy.~~

~~Each company shall adequately supervise and train its employees to be courteous, considerate and efficient at all times in their contact and dealings with its subscribers and the public in general, and shall make checks from time to time to insure that courteous service actually is being rendered.~~

25-4.066 Availability of Service

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for basic telephone service within its certificated area in accordance with its filed tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities. Where a competitive service provider is already in place or has a contract with a business or property owner to provide service in an exchange, the ILEC shall be exempt.

(2) The ILEC will offer service installation dates of 5 days or less excluding Saturday, Sunday or holidays. Each ILEC shall be held accountable for the completion of at least 90 percent of the customer requested or company offered service dates at a state level in a calendar month, except where a delay is caused by the customer.

~~(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service in any calendar month shall normally be satisfied in each exchange or service center within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.~~

~~(3) Each telecommunications company shall establish as its objective the satisfaction of at least 95 percent of all applications for new service in each exchange within a 30 day maximum interval and, further, shall have as its objective the capability of furnishing service within each of its exchanges to applicants within 60 days after date of application, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.~~

(3)(4) Whenever, for any reason, the service installation cannot be made at the time requested by the applicant or within the prescribed interval, the applicant shall be notified promptly of the delay and the reason therefor. When the customer is notified before the original due date of a delay and a new due

date is negotiated, acceptable to the customer, the original service request shall not be considered missed.

~~(4)(5)~~ Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission which shall include an explanation of the reasons therefor.

25-4.067 Extension of Facilities -- Contributions in Aid of Construction.

(1) Each telecommunications company shall make reasonable extensions to its lines and service and shall include in its tariffs filed with the Commission a statement of its standard extension policy setting forth the terms and conditions under which its facilities will be extended to serve applicants for service within its certificated area.

(2) This line extension policy shall have uniform application and shall provide the proportion of construction expense to be borne by the utility in serving the immediate applicant shall be not less than ~~five times~~ the annual exchange revenue of the applicants.

(3) If the cost which the servicing utility must bear under subsection (2) above (or as provided in its tariff) equals or exceeds the estimated cost of the proposed extension, the utility shall construct it without cost to the subscribers initially served. If the estimated cost of the proposed extension exceeds the amount which the utility is required to bear, the excess cost may be distributed equitably among all subscribers initially served by the extension. However, no portion of construction shall be assessed to the applicant for the provision of new plant where the new plant parallels and reinforces existing plants or is constructed on or along any public road or highway and is to be used to serve subscribers in general except in those instances where the applicant requests that facilities be constructed by other than the normal serving method. The company's tariffs shall provide that such excess may be paid in cash in a lump sum or as a surcharge over a period of three ~~five~~ years or such lesser period as the subscriber and company may mutually agree upon.

(4) Line extension tariffs shall also contain provisions designed to require that all subscribers served by a line extension during the first three ~~five~~ years after it is constructed shall pay their pro rata share of the costs assignable to them.

(5) No company shall be required to extend facilities for new service unless the right-of-way necessary for the construction of line extensions is provided by the applicant or group of applicants. Where pole attachments may be made in lieu of new construction costs, the company may charge the subscriber the expense or rental charges for such attachments, provided that the applicant may

elect to pay excess construction costs as though the service were provided without the use of attachments.

(6) Except as provided in filed tariffs, the ownership of all facilities constructed as herein provided shall be vested in the telecommunications company and no portion of the expense assessed against the applicant shall be refundable by the company.

(7) Nothing in this rule shall be construed as prohibiting any utility from establishing an extension policy more favorable to customers as long as no undue discrimination is practiced between customers under the same or substantially the same circumstances and conditions.

(8) In the event that a company and applicant are unable to agree in regard to an extension, either party may appeal to the Commission for a review.

Specific Authority 350.127(2), 364.10 FS.

Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS.

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96.

25-4.068 Grades of Service.

Specific Authority 364.20 FS.

Law Implemented 364.03, 364.15 FS.

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.68, Repealed 3-10-96.

25-4.069 Maintenance of Plant and Equipment.

Each telecommunications company shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times.

25-4.070 Customer Trouble Reports.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect customer telephone service. ~~Trouble reports will be classified as to their severity on a service interruption (synonymous with out of service or OOS) or service affecting (synonymous with non-out of service or non OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.~~

~~(a) Companies shall make every reasonable attempt to restore service on the same day that the interruption is reported to the serving repair center.~~

(a) ~~(b)~~ In the event a subscriber's service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 hours after being reported to the company, an appropriate adjustment or refund shall be made to the subscriber automatically, pursuant to Rule 25-4.110

(Customer Billing). Service interruption time will be computed on a continuous basis, Sundays and holidays included. Also, if the company finds that it is the customer's responsibility to correct the trouble, it must ~~notify or attempt to notify~~ the customer ~~within 24 hours after the trouble was reported.~~

~~(b)(e)~~ If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.

(2) Sundays and Holidays:

(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service objectives, but not refunds for OOS conditions.

~~(b) All trouble reports Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by a subscriber.~~

(3) Service Objectives: Measuring the statewide average elapsed time of completion for all troubles, restoration of service shall be completed within an average of 27 hours measured on a monthly basis. If a company fails to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(a) All trouble reports will be repaired within an average of 27 hours.

~~(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange as measured on a monthly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.~~

~~(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange as measured on a monthly basis.~~

(4) Priority shall be given to service interruptions which affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as promptly as possible on an emergency basis.

~~(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.~~

~~(5)(6)~~ The service objectives of this rule shall not apply to subsequent customer reports (not to be confused with repeat trouble reports), emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.

~~(6)~~(7) Reporting Criteria: Each company shall file periodically report data as specified in Rule 25-4.0185, Periodic Reports.

25-4.071 Adequacy of Service.

(1) Each telecommunications company shall provide switching equipment, trunking, and associated facilities within its operating territory for the handling of local and toll traffic, designed and engineered on the basis of realistic forecasts of growth so that during the average busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting, inter-office, extended area service) shall not encounter an all-trunk busy condition.

(2) Telephone calls to valid numbers should encounter a ring-back tone, line busy signal, or non-working number intercept facility (operator or recording) after completion of dialing. The call completion standards established for such calls by category of call is as follows:

- (a) Intra-office Calls – 95 percent,
- (b) Inter-office Calls – 95 percent,
- (c) Extended Area Calls – 95 percent, and
- (d) Intra-LATA DDD Calls – 95 percent.

(3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable recorded intercept facility, preferably a recording other than the non-working number recording used for valid number calls.

(4) Intercept service shall be as outlined in Rule 25-4.074.

(5) A line busy signal (60 impulse per minute tone) shall not be used for any signaling purpose except to denote that a subscriber's line, other valid terminal, centrex or PBX trunks, or equipment where the quantity is controlled by the customer is in use.

25-4.072 Transmission Requirements.

(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. ~~Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair communications.~~ Transmission volume and distortion levels are to be provided at levels that adhere to ANSI/IEEE standard 820 "Telephone Loop Performance Characteristics." The maximum loss objective of inter-toll trunks shall be consistent with the requirements of the nationwide switching plan and overall transmission losses within each trunk group will not vary more than plus or minus two db.

(2) Accurate dependable milliwatt supplies shall be made a part of each central office. Additionally, for those central offices having an installed line capacity of 1,000 lines or more, the buffered access on a minimum three line rotary group basis shall be a part of the milliwatt supply.

(3) Each central office shall be equipped with a minimum of one termination which shall trip ringing and terminate the line on a balanced basis so that end to end noise measurements may be made. However, the ILEC should be exempt from providing a milliwatt test number where the block of numbers belongs to another carrier.

25-4.073 Answering Time.

(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

(a) If emergency services for the LEC's total serving area is currently answered by the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator shall be answered within thirty (30) seconds after zero only is dialed.

(b) If emergency services for the LEC's total serving area is not currently answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be answered within 20 seconds after zero only is dialed.

~~(c) At least ninety (90%) percent of all calls directed to intercept, directory assistance and repair services and eighty (80%) percent of all calls to business offices shall be answered within thirty (30) seconds after the last digit is dialed.~~

~~(c) (d) Notwithstanding (c) above, w~~When a company utilizes a menu driven, automated interactive answering system (referred to as the system), at least ninety five (95%) percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall only identify the company and the general options available to the customer. The option of transferring to a live attendant shall be included in the initial message. For subscribers calling the residential business office electing not to interact with the system, at least eighty-five (85%) percent of all calls shall be transferred by the system to a live attendant prepared to give immediate assistance within fifty-five (55) seconds from the time the system answers the call to the time a live attendant answers. For subscribers electing the option of transferring to a live assistant, except for business office calls, at least ninety five (95%) percent of all calls shall be transferred by the system to a live attendant prepared to give immediate assistance within fifty five (55) seconds after the last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business office shall be transferred by the system to a live attendant within fifty five (55) seconds after the last digit is dialed. For subscribers calling the residential repair office electing the option of transferring to a live attendant, the average speed of answer shall not exceed 60 seconds, the average of 60 seconds shall be measured from the point at which the customer elects a menu option to be connected to a live attendant. At any time during the call, the customer shall be transferred to live assistance if the

customer fails to interact with the system for a time period of ten (10) seconds following any prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual-Tone Multiple-Frequency (DTMF) keypad associated with a telephone.

~~(e) In accordance with Rule 25.4.0770, when a menu driven, automated, interactive, answering system is utilized, provisions shall be included to allow the customer to make an appointment or to negotiate with a live attendant, or with the system, any appointment or commitment offered to the customer by the system. The subscriber shall be able to renegotiate appointments using the system.~~

~~(d)(f) The initial message Automated systems shall not contain promotional or merchandising material, unless the customer selects and chooses to receive such information.~~

~~(e)(g) The terms "answered" as used in subparagraphs (a) and (b) above shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, service representative, or automated system is ready to render assistance and/or accept the information necessary to process the call. With respect to calls to residential business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In those instances where the call cannot be extended within the allotted interval, the calling party is to be given the option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule. The company shall add ten (10) seconds to the answer time for each call. This ten (10) second constant will substitute for actual data on the time required for the call to connect to the company's facilities. Monthly summary results, where applicable, of such studies shall be filed with the Commission promptly after the end of each calendar quarter.~~

~~(3) All telephone companies are expected to answer their main published telephone number on a twenty-four (24) hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.~~

25-4.074 Intercept Service.

(1) Intercept service shall be engineered to provide a 90 percent completion for changed numbers (with the exception of the 30 day period immediately following an inter-office transfer with directory) and for vacant or non-working numbers controlled by the ILEC.

(2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept (~~preferably operator intercept~~).

(3) All private branch exchanges and In-Dial Paging Systems, whether provided by the company or customer and which are equipped for direct in-dialing and installed after the effective date of these rules, shall meet the service requirements outlined herein prior to the assignment of a number block by the telephone company.

(4) With the exception of numbers that are changed coincident with the issuance of a new directory, intercept service shall be provided by each telephone company in accordance with the following:

(a) Intercept service shall be provided for non-working and changed numbers until assigned, re-assigned, or no longer listed in the directory.

(b) Any 7-digit number (or other number serving a public safety or other emergency agency) when replaced by the universal emergency number "911" shall be intercepted by either a telecommunications company assistant or a public safety agency operator or special recorded announcement for at least one year or until the next directory issue. Also, intercept service for the universal emergency telephone number "911" shall be provided in central offices where the number is inoperable. The intercept service may be automated with a message indicating the "911" emergency number is inoperable in that area and to consult the directory for the appropriate emergency number or if a directory is not available to dial operator for assistance.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.03, 364.051 FS.

History--New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96.

25-4.075 Foreign Exchange Service.

Specific Authority 364.20 FS.

Law Implemented 364.16, 364.20 FS.

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.75, Repealed 3-10-96.

25-4.0751 Direct Distance Dialing Service.

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

History--New 3-31-76, Formerly 25-4.751, Amended 6-24-90, Repealed 3-10-96.

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

Specific Authority 350.127(2) FS.

Law Implemented 364.03 FS.

History--New 12-1-68, Amended 3-31-76, 3-6-78, Formerly 25-4.76, Amended 1-5-87, 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, Repealed 2-1-99.

25-4.077 Metering and Recording Equipment.

(1) Where mechanical or electronic means are used for registering or recording information which will affect a subscriber's bill, such equipment shall be in good mechanical and electrical condition, shall be accurately read, and shall be inspected daily to insure that it is functioning properly. Where message rate service (MRS) or any type of optional calling that involves customer billing other than by a flatrate method is used, the metering or measuring device used to record call data shall be accurate 95 percent of the time.

(2) Every telephone meter and recording device shall be tested prior to its installation, either by the manufacturer, the company, or an approved organization equipped for testing.

(3) Metering and timing equipment shall be maintained so that the accuracy of company billing operations enjoys a high confidence level from their customers. After allowance for a one-second variation, timing accuracy shall be not less than 97 percent.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03, 364.051, 364.19 FS.

History--New 12-1-68, Amended 3-31-76, Formerly 25-4.77, Amended 6-24-90, 3-10-96.

25-4.0770 Customer Appointments.

~~(1) When the company determines that it is likely that a premises visit and entry to the customer's premises (for installation, moves, changes, or repairs) will be necessary, the company shall, with customer approval, advise the customer of the time that its representative will be at the premises. Appointments shall be set within the time frames of 7-12 A.M., 12-5 P.M., or 5-9 P.M., or, upon customer and company agreement, appointments may be set for a specific hour or day. Appearance of the company representative to render the service during the set period shall constitute a kept appointment by the company. Failure of the company representative to be present during the prescribed period for the appointment shall constitute a missed appointment by the company. In confirming the appointment, the company shall specifically advise the customer of the hour or hours applicable to the appointment.~~

~~(2) Each company shall keep at least 95 percent of all appointments each month. Where appointments cannot be kept by the company, the customer shall be notified by a personal visit or telephone call prior to the beginning of the appointment period if a can-be-reached number is obtained from the customer~~

~~and a new appointment shall be scheduled. No appointment cancelled in this manner shall constitute a kept or missed appointment by the company.~~

~~(3) Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, indicating the date, time, name of subscriber, telephone number, and signature of the representative. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall constitute a missed appointment by the customer.~~

~~(4) Appointments may be cancelled by the customer by telephone or personal notification, prior to the start of the appointment period.~~

~~(5) The company shall maintain data and records sufficient to allow the Commission to ascertain compliance with this rule.~~

~~(a) Each company shall at least maintain the following information on each appointment made: reason for premises entry (installation, move, change, or repair); the date and time the customer requested service; the appointment date and time period agreed upon; the date and time the appointment is cleared without a premises visit, if applicable; the date and time of cancellation of an appointment by either party; the date and time of arrival at the customer's premises; and the date and time of completion of the service. This information shall be maintained for one year following the completion of the service.~~

~~(b) Each company shall report quarterly to the Commission the record of the company with respect to missed appointments. The report shall contain, on both a monthly and annual basis, the total number of customer appointments made pursuant to this rule, the number of appointments cleared without a premises visit, the number of appointments kept by the company, the number of appointments missed by the company, the number of appointments missed by customers, the number of appointments cancelled by the company, and the number of appointments cancelled by the customer.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.025, 364.03(1), 364.19 FS.

History--New 7-13-82, Formerly 25-4.770, Amended 3-10-96.

25-4.078 Emergency Operation.

(1) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failure of lighting or power service, sudden and prolonged increases in traffic, storms, etc., and shall instruct employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

(2) It is essential that all central offices have adequate provision for emergency power. All new central offices, central office replacements and/or major additions placed on order after the effective date of these rules shall be designed to meet the following objectives:

(a) Central offices with installed emergency power generating equipment will have a minimum of three (3) hours central office battery capacity at busy season busy hour load.

(b) Central offices without installed emergency power generating equipment shall have a minimum central office battery capacity of five (5) hours busy season load. Facilities will be available so that a portable generator can be readily connected. Portable generators will be provided, as a minimum, on the basis of one (1) per three (3) unequipped offices and garaged so that a unit may be delivered to an affected office on short notice and with minimum travel time.

Specific Authority 364.20 FS.

Law Implemented 364.01(4), 364.025, 364.03 FS.

History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.78.

25-4.079 Hearing/Speech Impaired Persons.

(1) The telephone directory published by each local exchange telephone company (LEC) shall:

(a) list, with other emergency numbers at the beginning of the directory, Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which shall be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an ear with a slash across it;

(b) list the company's business office TDD number, which shall also be denoted by said universal symbol, for communicating with hearing/speech impaired persons;

(c) at the option of and without charge to TDD users, have a special notation by each TDD user's number indicating TDD or TDD plus voice capability;

(d) at the option of and without charge to hearing/speech impaired customers, not list the number of any hearing/speech impaired customer who requests that it not be published.

(2) Each LEC shall provide directory and operator assistance to TDD users. The numbers for these services shall be listed in the front of the directory and denoted by the universal symbol.

(3) Each LEC shall compile informational literature about the services it makes available to hearing/speech impaired persons and shall maintain this literature for public inspection in the company's business office. Each company shall send this literature at no charge to anyone requesting it and shall include this literature or a summary of it, once a year, in the company's informational mailings.

(4) Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all interexchange carriers and LECs.

(5) Each LEC shall, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each company shall provide at least one type of each of the following categories of specialized CPE:

- (a) audible ring signalers;
- (b) visual ring signalers;
- (c) TDDs;

(d) volume control handsets.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS.

History--New 4-5-88, Amended 6-3-90.

25-4.080 Weighted Measurement of Quality of Service.

~~In considering the adequacy of service provided by a local exchange company, the Commission may utilize a weighted index system developed by the Public Utility Research Center. Under this weighting system, a company exactly meeting all FPSC standards on all criteria would receive an overall satisfactory rating of 75 points. Using indices assigned to each criterion, adjustments to the base of 75 would be made on all results that either exceed or fall below the standards. The criteria and indices are contained in the Weighted Index (Form CMU 41, 4/1/93), which is incorporated by reference into this rule.~~

~~Local exchange companies shall be responsible for complying with each service standard, whether or not an overall score of 75 or more is achieved when the weighted index is employed.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS.

History--New 6-2-93.

25-4.081 Emergency 911 Access.

(1) Access to emergency 911 services shall be provided by the local exchange company to basic local exchange company subscribers.

(2) By July 1, 1997, access to 911 services shall be maintained for the duration of any temporary disconnection for non-payment of a subscriber's local residential service, except that small local exchange companies as defined by Section 364.052(1), Florida Statutes, shall have until July 1, 1998, to comply.

25-4.088 Applicability.

(1) Extensions of telephone distribution lines applied for after the effective date of these rules, and necessary to furnish permanent telephone service to all structures within a new residential subdivision, or to new multiple-occupancy buildings, will shall be made underground; unless an aerial alternative is more feasible. except that the utility may not be required to provide an underground distribution system in those instances where the applicant has elected to install an overhead electric distribution system. The ILEC should be able to recover the difference in cost and what it would have cost to place aerial facilities.

~~The ILEC should be able to recover the difference in cost and what it would have cost to place aerial facilities.~~

(2) Such extensions of service shall be made by the utility in accordance with the provisions in these rules.