Case Assignment and Scheduling Record		
Section 1 - Bureau of Records and Hearing Services Completes		
Docket No. <u>030346-TP</u> Date Docketed: <u>04/16/2003</u> Title: Petition for declaratory statement that N Nextel Partners, commercial mobile radio Florida, is not subject to jurisdiction of Service Commission for purposes of design telecommunications carrier."	service provider in f Florida Public	
Official Filing Date: Expiration:		
Referred to: AUS CAF CCA CMP ECR EXT (GCL) MMS PIF ("()" indicates OPR) X X X X X		
Section 2 - OPR Completes and returns to CCA in 10 workdays. <u>Time Schedule</u>		
Program/Module B8(a) WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 CUPPE Staff Current CASR revision level		
OPR Staff 0 1. 2. 3. 4.		nt
Staff Counsel 5.		
OCRs (CMP) 7. 8.		
() 9. 10. 11. 11. 12. 12. 13. 13. 14. 15. 16.		
() () () () () () () ()		
() 23. 24. 25. 26. 26.		
() 27 28 29 30 31.		
and/or deciding this case: 32.		
Full Commission Commission Panel 33. Hearing Examiner Staff 34. 35. 36.		
Date filed with CCA: 37.	-	
Initials: OPR 38. Staff Counsel 39. 40. 40.		
Section 3 - Chairman Completes Assignments are as follows:		
		WISSING - PAR

	-	Hear	ing	0111	icer	(S
--	---	------	-----	------	------	----

	Comm	Hrg. Exam.	Staff				
ALL	JB	DS	ΒZ	BD	DV	LAdii.	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

PSC/CCA015-C (Rev. 01/03)

* COMPLETED EVENTS

- Prehearing Officer DOCUMENT NO. Commissioners ADM JB DS DV ΒZ BD 14487-03 Approved: Date: / /

		C				Dece	n d				
				ent and S	Scheduini	ig Reco	ra				Page 1 of 1
<u>Section 1 - Bure</u>	au of Records and Hea	g Servic	es C	ompletes						-model -	
Docket No. <u>030346-TP</u> Date Docketed: <u>04/16/2003</u> Title: Petition for declaratory statement that NPCR, Inc. d/b/a Nextel Partners, commercial mobile radio											
Company: NPC	service provider in Florida, is not subject to Company: NPCR, Inc. d/b/a Nextel Partners jurisdiction of Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier."										
Official Filing				Expi	ration:	Campanya and Campanya	-				
Last Day to Susp Referred to:	end:		AUS	CAF	CCA	СМР	ECR	EXT	(GCL)	MMS	PIF
("()" indicates						Х			X		
<u>Section 2 - OPR (</u> Program Module	<u>Completes</u> and returns to B8(a)			rkdays. <i>THIS SC</i>	HEDULE I	S AN IN	TERNAL		ime Sc DOCUM		
riogram podare	55(4)	IT I	TS TE	NTATIVE	AND SUBJ	ЕСТ ТО	REVISIO	Ν.			
	Staff Assignments	FOR	UPDA	TES CONT	ACT THE	RECORDS	S SECTIO	N:(850)	413-67		
OPR Staff	C Moore			Current	CASR re	vision	level			Due Previous	Dates Current
Staff Counsel	C Moore		1							00/05/2002	06 (10 (2002
OCRs (CMP)	D Dowds	and the second second second	Sta	ff Recom	mendatio	n				06/05/2003	06/19/2003
			Contract Contract	indard Or	der					07/01/2003	07/15/2003
	Non-sector and the sector of the		Contraction (Constantion	Notice			a			07/08/2003	07/22/2003
		5. 6.	-	Notice	Publishe	d				07/18/2003	08/01/2003
		7.	Contraction of Street or other								
		8.									
		9.	-								
		10.	Contraction in Contraction								
		12.	COMPANY OF TAXABLE PARTY.							in the second	
		14.									
	Constitution of the second distance of the second distance of the second distance of the second distance of the	15. 16.									
		17.									
		18. 19.	_								
	Manufacture de la companya de la contra de la companya de la companya de la companya de la companya de la compa	20.									
	Constant and a statement of the second statement	21.									
		23.	STREET'S PROPERTY.								
		24.	CONTRACTOR OFFICE								
		26.	genue or property of								
	Names of a state of the state o	27.									
Pocommondod assi	gnments for hearing	29. 30.	COMPANY DESIGNATION								
and/or deciding		31.	Internal Property lies:								
Full Commission	X Commission Panel	32.	and many second								
Hearing Examiner		34.	Course Consultation								
		35.	from the second second								
Date filed with	CCA: <u>06/04/2003</u>	36.	Call Colored								
Initials: OPR		38.	Charles addressed on								
Staff	Counsel	39.	STATE OF BRIDE								
Section 3 - Chair	man Completes	Ass	signm	nents are	as foll	ows:					
	- Hearing Officer(s)					- P	rehearin	g <u>O</u> ffi	cer	
			taff			Γ		mmission	and the second se	ADM	
ALL JB	DS BZ BD DV	Exam				F	JB DS	BZ	BD D	V	
X										X	
	e assigned the senior Com	nmissione	er ís	Panel C	hairman:		Approve	d. Q.	1200		
	anel decides the case. ssioner, a Hearing Examin	ner or a	Staf	f Member	is		Date:	Pending	i 61	18/03	
assigned the ful	ll Commission decides the	e case.							/		
PSC/CCA015-C (Rev	v. 01/03)		*	COMPLETE	D EVENTS					The second secon	N

<u> </u>	ase Assignment and Scheduling Record						
Section 1 - Bureau of Records and Hearing vic	ces Completes						
Docket No. <u>030346-TP</u> Date Docketed: <u>04/16/2003</u> Title: Petition for declaratory statement that NPCR. Inc. d/b/a Nextel Partners, commercial mobile radio service provider in Florida, is not subject to jurisdiction of Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier."							
Official Filing Date: Last Day to Suspend: Expiration	on:						
	AF CCA CMP ECR EXT (GCL) MMS PIF						
Section 2 - OPR Completes and returns to CCA in	10 workdays. <u>Time Schedule</u>						
<u>Program/Module</u> B8(a) <u>Staff Assignments</u>	WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Current CASR revision level	<u>Due Dates</u>					
OPR Staff C Moore	0	Previous Current					
	1. FAW Notice Published 2. Staff Recommendation 3. Agenda 4. Standard Order	NONE 05/02/2003 NONE 06/05/2003 NONE 06/17/2003 NONE 07/01/2003 NONE 07/08/2003					
Staff Counsel C Moore	4. Standard Urder 5. FAW Notice Filed 6. FAW Notice Published 7.	NONE 07/18/2003					
<u>OCRs</u> (CMP) <u>D</u> Dowds ()	0. 9. 10. 11. 11. 12. 13. 13. 14. 15. 16. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28.						
Recommended assignments for hearing and/or deciding this case:	29. 30. 31. 32.						
Full Commission X Commission Panel Hearing Examiner Staff	33 34 35						
Date filed with CCA: 04/25/2003	36 37						
Initials: OPRStaff Counsel	38. 39. 40.						

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

	Comm	Hrg. Exam.	Staff				
ALL	JB	DS	ΒZ	BD	DV	LAdiii.	
Х							

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

* COMPLETED EVENTS

- Prehearing Officer

	Commissioners					ADM			
	JB	DS	BZ	BD	DV				
						Х			
Approved: Linn									
C	Date:	04/2	25/200	03					

C

CCA Official Filing: 4/16/03******12:48 PM******Kay Flynn******1

Kay Flynn

From:Chris MooreSent:Wednesday, April 16, 2003 12:00 PMTo:Kay FlynnCc:David SmithSubject:RE: declaratory statement?

I take it this came by FedEx? I just left a message for the attorney to call me about his unfinished sentence on page 4: "Although this Commission decision clearly states ______." I suppose it can be docketed, but I won't start the statutory time clock running

-----Original Message-----From: Kay Flynn Sent: Wednesday, April 16, 2003 11:19 AM To: Chris Moore; David Smith Subject: RE: declaratory statement?

Yes it does....the same company if I'm not mistaken!

We'll hold the petition till we hear from you.

-----Original Message-----From: Chris Moore Sent: Wednesday, April 16, 2003 11:14 AM To: Kay Flynn; David Smith Subject: RE: declaratory statement?

Okay. Sounds like the folks I dealt with before.

-----Original Message-----From: Kay Flynn Sent: Wednesday, April 16, 2003 11:13 AM To: David Smith Cc: Chris Moore Subject: RE: declaratory statement?

Yes....Chris, I'll fax you copies.

Kay

-----Original Message-----From: David Smith Sent: Wednesday, April 16, 2003 11:13 AM To: Kay Flynn Cc: Chris Moore Subject: RE: declaratory statement?

I think Chris may have been working on this. Could you it to her please. Thanks.

Chris, is this what you were dealing with before. Could you take a look at it in any case please.

030346-TP

CCA Official Filing: 4/16/03******12:48 PM******Kay Flynn*******2

-----Original Message-----From: Kay Flynn Sent: Wednesday, April 16, 2003 11:09 AM To: David Smith Subject: declaratory statement?

David, we got a formal petition this morning from aty Ronald J. Jarvis (DC) for declaratory statement concerning jurisdiction for competitive eligible telecommunications carrier status, for Nextel Partners, a commercial mobile radio service provider in FL. Do we open a docket? Do you need to see the letter and petition first? If so, I can fax it to you.

Kay

STATE OF FLORIDA

Commissioners: Lila A. Jaber, Chairman J. Terry Deason Braulio L. Baez Rudolph "Rudy" Bradley Charles M. Davidson



DIVISION OF THE COMMISSION CLERK & Administrative Services Blanca S. Bayó Director (850) 413-6770 (Clerk) (850) 413-6330 (Admin)

Huhlic Service Commission

April 17, 2003

Ronald J. Jarvis, Esquire Catalano & Plache, PLLC 3221 M Street, NW Washington, DC 20007

Re: Docket No. 030346-TP

Dear Mr. Jarvis:

This will acknowledge receipt of a petition for declaratory statement that NPCR, Inc. d/b/a Nextel Partners, commercial mobile radio service provider in Florida, is not subject to jurisdiction of Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier.", which was filed in this office on April 16, 2003, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Division of the Commission Clerk and Administrative Services Florida Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850 An Affirmative Action/Equal Opportunity Employer

PSC Website: http://www.floridapsc.com

Internet E-mail: contact@psc.state.fl.us

CCA Official Filing: 6/16/03********9:56 AM*********Matilda Sanders********1

Matilda Sanders

From: Sent: To: Subject: Wanda Terrell Monday, June 16, 2003 9:54 AM CCA - Orders / Notices Order / Notice Submitted

Date and Time: Docket Number: Filename / Path: Order Type: Order / Notice Submitted 6/16/03 9:51:00 AM 030346 Intervention030346.wpd

Hand Deliver Attachments Corrected T.

Order has been transferred to GCOrders.

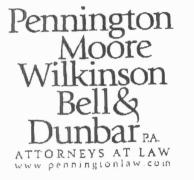
0713-PCO

4

850-681-3241

Peter M. Dunbar Attorney at Law

(850) 222-3533 pete@penningtonlaw.com



July 8, 2003

Ms. Blanca Bayo, Director Division of Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 via Facsimile 413-7118

Dear Ms. Bayo:

Re'

Please add the following individuals to the mailing list for this docket for monitoring purposes only.

Peter M. Dunbar, Esq. Pennington, Moore, Wilkinson, Bell & Dunbar, P.A. Post Office Box 10095 Tallahassee, Florida 32302 (850) 222-3533 (850) 222-2126 (facsimile)

Docket No. 030346-TP

Ms. Carolyn Marek Time Warner Telecom of Florida, L.P. 233 Bramerton Court Franklin, Tennessee 37069 (615) 376-6404 (615) 376-6405 (facsimile)

Thank you for your attention to this matter. Please call me if you have any questions.

Respectfully,

PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A.

Theresa M. Zerkle Legal Assistant to Peter M. Dunbar

Done 03 07 08 03 1/mz

215 South Monroe St., 2nd Floor (32301) • P. O. Box 10095 • Tallahassee, FL 32302-2095 • (850) 222-3533 • (850) 222-2126 fax

TAMPA

CLEARWATER

Richard Chapkis Vice President & General Counsel, Southeast Region Legal Department



FLTC0717 201 North Franklin Street (33602) Post Office Box 110 Tampa, Florida 33601-0110

Phone 813 483-1256 Fax 813 273-9825 richard.chapkis@verizon.com

July 25, 2003

Ms. Blanca S. Bayo, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Re: Docket No. 030346-TP

Petition for declaratory statement that NPCR, Inc. d/b/a Nextel Partners, commercial mobile radio service provider in Florida, is not subject to the jurisdiction of the Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier"

Dear Ms. Bayo:

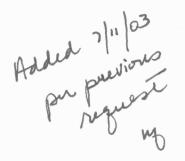
Verizon Florida Inc. respectfully requests to be listed as an interested party in the above-referenced docket. Service of this request has been made as indicated on the Certificate of Service. If there are any questions regarding this matter, please contact me at 813-483-1256.

Sincerely,

Entroy Pale

Richard Chapkis

RC:tas Enclosures



RECEIVED & FILED A J.A.



EVED-FPSC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via U.S. mail on July 25, 2003 to the parties on the attached list.

Curthay Alles gan Richard Chapkis

Staff Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Catalano & Plache, PLLC Ronald J. Jarvis 3221 M Street, N.W. Washington, DC 20007 BellSouth Telecommunications Nancy B. White c/o Nancy Sims 150 S. Monroe St., Suite 400 Tallahassee, FL 32301-1556

David B. Erwin 127 Riversink Road Crawfordville, FL 32327 Blooston Law Firm Benjamin Dickens 2120 L Street, N.W. Washington, DC 20037

GT Com R. Mark Ellmer P. O. Box 220 Port St. Joe, FL 32457-0220

Nextel Partners Brent Eilefson 10120 West 76th Street Eden Prairie, MN 55344 Northeast Florida Telephone Deborah Nobles 505 Plaza Circle, Suite 200 Orange Park, FL 32073 Radey Thomas Yon & Clark Susan Clark 101 N. Monroe Street Suite 775 Tallahassee, FL 32301

TDS Telecom/Quincy Telephone Thomas McCabe 107 W. Franklin Street Quincy, FL 32353

Hendout by Neytee at 8/19/03 agenda (Item 3, Dockets 364.01 Powers of commission, legislative intent. 30346 and

(1) The Florida Public Service Commission shall exercise over and in relation to <u>telecommunications companies</u> the powers conferred by this chapter.

364.02 Definitions.

(3) "Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(n) and 332(d).

. . .

(12) "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering twoway telecommunications service to the public for hire within this state by the use of a telecommunications facility. <u>The term "telecommunications company" does</u> <u>not include:</u>

. . .

(c) A commercial mobile radio service provider;

F.S. 2001	TELECOMMUNICATIONS COMPANIES							
364.386 364.501 364.502 364.503	Reports to the Legislature. Telecommunications company under- ground excavation damage prevention. Video programming; capacity for public use. Merger or acquisition.	nications services free of unnecessar restraints. (f) Eliminate any rules and/or regulation delay or impair the transition to competition						
		(a) Encure that all providence of tal providence						

364.01 Powers of commission, legislative intent. (1) The Florida Public Service Commission shall exercise over and in relation to telecommunications companies the powers conferred by this chapter.

(2) It is the legislative intent to give exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies, and such preemption shall supersede any local or special act or municipal charter where any conflict of authority may exist. However, the provisions of this chapter shall not affect the authority and powers granted in 1s. 166.231(9) or s. 337.401.

(3) The Legislature finds that the competitive provision of telecommunications services, including local exchange telecommunications service, is in the public interest and will provide customers with freedom of choice, encourage the introduction of new telecommunications service, encourage technological innovation, and encourage investment in telecommunications infrastructure. The Legislature further finds that the transition from the monopoly provision of local exchange service to the competitive provision thereof will require appropriate regulatory oversight to protect consumers and provide for the development of fair and effective competition, but nothing in this chapter shall limit the availability to any party of any remedy under state or federal antitrust laws. The Legislature further finds that changes in regulations allowing increased competition in telecommunications services could provide the occasion for increases in the telecommunications workforce; therefore, it is in the public interest that competition in telecommunications services lead to a situation that enhances the high-technological skills and the economic status of the telecommunications workforce.

(4) The commission shall exercise its exclusive jurisdiction in order to:

(a) Protect the public health, safety, and welfare by ensuring that basic local telecommunications services are available to all consumers in the state at reasonable and affordable prices.

(b) Encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the widest possible range of consumer choice in the provision of all telecommunications services.

(c) Protect the public health, safety, and welfare by ensuring that monopoly services provided by telecommunications companies continue to be subject to effective price, rate, and service regulation.

(d) Promote competition by encouraging new entrants into telecommunications markets and by allowing a transitional period in which new entrants are subject to a lesser level of regulatory oversight than local exchange telecommunications companies.

mmunications al telecommury regulatory

ions which will ion.

(g) Ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.

(h) Recognize the continuing emergence of a competitive telecommunications environment through the flexible regulatory treatment of competitive telecommunications services, where appropriate, if doing so does not reduce the availability of adequate basic local telecommunications service to all citizens of the state at reasonable and affordable prices, if competitive telecommunications services are not subsidized by monopoly telecommunications services, and if all monopoly services are available to all competitors on a nondiscriminatory basis.

(i) Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies.

1Note .--- Repealed by s. 38, ch. 2000-260.

364.015 Injunctive relief .- The Legislature finds that violations of commission orders or rules, in connection with the impairment of a telecommunications company's operations or service, constitute irreparable harm for which there is no adequate remedy at law. The commission is authorized to seek relief in circuit court including temporary and permanent injunctions; restraining orders, or any other appropriate order. Such remedies shall be in addition to and supplementary to any other remedies available for enforcement of agency action under s. 120.69 or the provisions of this chapter. The commission shall establish procedures implementing this section by rule. History .-- s. 1, ch. 93-35.

364.016 Travel costs .- The commission has the authority to assess a telecommunications company for reasonable travel costs associated with reviewing the records of the telecommunications company and its affiliates when such records are kept out of state. The telecommunications company may bring the records back into the state for review.

History.-s. 2, ch. 93-35.

364.02 Definitions.—As used in this chapter:

(1) "Alternative local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(2) "Basic local telecommunications service" means voice-grade, flat-rate residential, and flat-rate single-line business local exchange services which provide dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following:

Ch. 364

emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, relay services, and an alphabetical directory listing. For a local exchange telecommunications company, such term shall include any extended area service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

(3) "Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(n) and 332(d).

(4) "Commission" means the Florida Public Service Commission.

(5) "Corporation" includes a corporation, company, association, or joint stock association.

(6) "Local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

(7) "Monopoly service" means a telecommunications service for which there is no effective competition, either in fact or by operation of law.

(8) "Nonbasic service" means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, a local interconnection arrangement described in s. 364.16, or a network access service described in s. 364.163.

(9) "Operator service" includes, but is not limited to, billing or completion of third-party, person-to-person, collect, or calling card or credit card calls through the use of a live operator or automated equipment.

(10) "Operator service provider" means a person who furnishes operator service through a call aggregator.

(11) "Service" is to be construed in its broadest and most inclusive sense.

(12) "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include:

(a) An entity which provides a telecommunications facility exclusively to a certificated telecommunications company:

(b) An entity which provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire; or

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522.

However, each commercial mobile radio service provider shall continue to be liable for any taxes imposed pursuant to chapters 203 and 212 and any fees assessed pursuant to s. 364.025. (13) "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

History.—s. 2, ch. 6525, 1913; RGS 4394; CGL 6358; s. 1, ch. 63-279; s. 1, ch. 65-25; s. 1, ch. 65-451; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 32, ch. 80-36; s. 2, ch. 81-818; s. 1, ch. 84-215; ss. 6, 7, ch. 89-163; ss. 2, 48, 49, ch. 90-244; s. 4; ch. 91-429; s. 6, ch. 95-403; s. 12, ch. 98-277.

364.025 Universal service.—

(1) For the purposes of this section, the term "universal service" means an evolving level of access to telecommunications services that, taking into account advances in technologies, services, and market demand for essential services, the commission determines should be provided at just, reasonable, and affordable rates to customers, including those in rural, economically disadvantaged, and high-cost areas. It is the intent of the Legislature that universal service objectives be maintained after the local exchange market is opened to competitively provided services. It is also the intent of the Legislature that during this transition period the ubiquitous nature of the local exchange telecommunications companies be used to satisfy these objectives. For a period of 8 years after January 1, 1996, each local exchange telecommunications company shall be required to furnish basic local exchange telecommunications service within a reasonable time period to any person requesting such service within the company's service territory.

(2) The Legislature finds that each telecommunications company should contribute its fair share to the support of the universal service objectives and carrierof-last-resort obligations. For a transitional period not to exceed January 1, 2004, the interim mechanism for maintaining universal service objectives and funding carrier-of-last-resort obligations shall be established by the commission, pending the implementation of a permanent mechanism. The interim mechanism shall be applied in a manner that ensures that each alternative local exchange telecommunications company contributes its fair share to the support of universal service and carrier-of-last-resort obligations. The interim mechanism applied to each alternative local exchange telecommunications company shall reflect a fair share of the local exchange telecommunications company's recovery of investments made in fulfilling its carrier-oflast-resort obligations, and the maintenance of universal service objectives. The commission shall ensure that the interim mechanism does not impede the development of residential consumer choice or create an unreasonable barrier to competition. In reaching its determination, the commission shall not inquire into or consider any factor that is inconsistent with s. 364.051(1)(c). The costs and expenses of any government program or project required in part II of this chapter shall not be recovered under this section.

(3) In the event any party, prior to January 1, 2004, believes that circumstances have changed substantially to warrant a change in the interim mechanism, that party may petition the commission for a change, but the commission shall grant such petition only after an opportunity for a hearing and a compelling showing of changed circumstances, including that the provider's

1802

F.S. 2001

TELECOMMUNICATIONS COMPANIES

Ch. 364

customer population includes as many residential as business customers. The commission shall act on any such petition within 120 days.

(4)(a) Prior to January 1, 2004, the Legislature shall establish a permanent universal service mechanism upon the effective date of which any interim recovery mechanism for universal service objectives or carrier-of-last-resort obligations imposed on alternative local exchange telecommunications companies shall terminate.

(b) To assist the Legislature in establishing a permanent universal service mechanism, the commission, by February 15, 1999, shall determine and report to the President of the Senate and the Speaker of the House of Representatives the total forward-looking cost, based upon the most recent commercially available technology and equipment and generally accepted design and placement principles, of providing basic local telecommunications service on a basis no greater than a wire center basis using a cost proxy model to be selected by the commission after notice and opportunity for hearing.

(c) In determining the cost of providing basic local telecommunications service for small local exchange telecommunications companies, which serve less than 100,000 access lines, the commission shall not be required to use the cost proxy model selected pursuant to paragraph (b) until a mechanism is implemented by the Federal Government for small companies, but no sooner than January 1, 2001. The commission shall calculate a small local exchange telecommunications company's cost of providing basic local telecommunications services based on one of the following options:

1. A different proxy model; or

2. A fully distributed allocation of embedded costs, identifying high-cost areas within the local exchange area the company serves and including all embedded investments and expenses incurred by the company in the provision of universal service. Such calculations may be made using fully distributed costs consistent with 47 C.F.R. parts 32, 36, and 64. The geographic basis for the calculations shall be no smaller than a census block group.

(5) After January 1, 2001, an alternative local exchange telecommunications company may petition the commission to become the universal service provider and carrier of last resort in areas requested to be served by that alternative local exchange telecommunications company. Upon petition of an alternative local exchange telecommunications company, the commission shall have 120 days to vote on granting in whole or n part or denying the petition of the alternative local exchange company. The commission may establish he alternative local exchange telecommunications company as the universal service provider and carrier of last resort, provided that the commission first deternines that the alternative local exchange telecommuniations company will provide high-quality, reliable serice. In the order establishing the alternative local xchange telecommunications company as the univeral service provider and carrier of last resort, the comnission shall set the period of time in which such comany must meet those objectives and obligations and

shall set up any mechanism needed to aid such company in carrying out these duties.

History.—s. 7, ch. 95-403; s. 18, ch. 97-100; s. 1, ch. 98-277; s. 1, ch. 99-354; s. 1, ch. 2000-289; s. 2, ch. 2000-334.

364.0251 Competitive providers of local service; implementation of consumer information program required.—By January 1, 1996, the commission shall implement a consumer information program to inform subscribers of the possibility under the law of competitive providers of local exchange telecommunications services, their rights as customers of these alternative providers, the commission's regulatory authority over the alternative providers, and any other information the commission deems appropriate. The commission may, pursuant to this program, require all companies providing local exchange telecommunications services to provide such information in the form of a bill insert. History.—s. 32, ch. 95-403.

364.0252 Expansion of consumer information programs; customer assistance; rulemaking authority.-The Florida Public Service Commission shall expand its current consumer information program to inform consumers of their rights as customers of competitive telecommunications services and shall assist customers in resolving any billing and service disputes that customers are unable to resolve directly with the company. The commission may, pursuant to this program, require all telecommunications companies providing local or long distance telecommunications services to develop and provide information to customers. The commission may specify by rule the types of information to be developed and the manner by which the information will be provided to the customers. The Florida Public Service Commission shall undertake a comprehensive and ongoing effort to inform consumers regarding how to protect themselves in a competitive telecommunications market. Of specific concern are informing consumers concerning the availability of the Lifeline and Link-Up Programs for low-income households and alerting consumers to how they can avoid having their service changed or unauthorized charges added to their telephone bills.

History.-s. 6, ch. 98-277; s. 3, ch. 99-354.

364.03 Rates to be reasonable; performance of service; maintenance of telecommunications facilities.—

(1) All rates, tolls, contracts, and charges of, and all rules and regulations of, telecommunications companies for messages, conversations, services rendered, and equipment and facilities supplied, whether such message, conversation, or service is to be performed over one company or line or over or by two or more companies or lines, shall be fair, just, reasonable, and sufficient, and the service rendered to any person by any telecommunications company shall be rendered and performed in a prompt, expeditious, and efficient manner. The telecommunications facilities furnished by a telecommunications company shall be safe and kept in good condition and repair; and its service shall be modern, adequate, sufficient, and efficient.

CCA Official Filing 9/23/2003************

2:20 PM***********

Matilda Sanders****1

05

Matilda Sanders

From: Sent: To: Subject:

Date and Time: Docket Number: Filename / Path: Mary Diskerud Tuesday, September 23, 2003 2:16 PM CCA - Orders / Notices Order / Notice Submitted

9/23/2003 2:15:00 PM 030346-TP and 030413-TP ORDER030346.WPD

copied to gcorders

Q

10

1063 -