

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.003: Definitions

25-4.006: Issuance of Certificate in the Event of Failure to Furnish Adequate Service

25-4.007: Reference to Commission

25-4.017: Uniform System of Accounts

25-4.0174: Uniform System and Classification of Accounts - Depreciation

25-4.0175: Depreciation

25-4.0178: Retirement Units

25-4.021: System Maps and Records

25-4.024: Held Applications for Service

25-4.039: Traffic

25-4.040: Telephone Directories; Directory Assistance

25-4.077: Metering and Recording Equipment

25-4.079: Hearing/Speech Impaired Persons

25-4.116: Telephone Number Assignment Procedure

25-4.215: Limited Scope Proceedings

PURPOSE AND EFFECT: The purposes of the rule amendments are to delete any provisions that are obsolete; to clarify when the rule applies only to rate-of-return regulated local exchange telecommunication companies; to eliminate redundant rules. Docket No. 080159-TP.

SUMMARY: In Rule 25-4.003 on Definitions, language is added to the rule to define "price regulated local exchange telecommunications company" and "rate of return regulated local exchange telecommunications company." This is intended to reflect the statute and clarify which rules only apply to rate-of-return regulated companies; Rule 25-4.017 on Uniform System of Accounts - the title of the rule should be amended to refer to "Uniform Systems of Accounts for Rate-of-Return Regulated Local Exchange Companies"; Rule 25-4.0174, Uniform System and Classification of Accounts - the title of the rule is amended to refer to "Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies"; Rule 25-4.0175, Depreciation - the title of the rule is amended to refer to "Depreciation for Rate-of-Return Regulated Local Exchange Companies"; Rule 25-4.0178, Retirement Units - the title of the rule is amended to refer to "Retirement Units for Rate-of-Return Regulated Local Exchange Companies"; Rule 25-4.215, Limited Scope Proceedings - language is added to the rule to clarify that it only applies to rate-of-return regulated companies; Rule 25-4.040, Telephone Directories; Directory Assistance is revised. Dates are removed that are no longer relevant. Also, obsolete provisions relating to 911 service are removed. A sentence is added allowing companies to identify customer payment locations by listing a website and toll-free number; Rule 25-4.079, Hearing/Speech Impaired Persons is revised to reflect the current practice of the Florida Telecommunications Relay, Inc., providing equipment for hearing/speech impaired persons; Rule 25-4.006, Issuance of Certificate in the Event of Failure to Furnish Adequate Service is deleted because it is obsolete; Rule 25-4.007, Reference to Commission is deleted because a declaratory statement already fulfills this purpose of applying for Commission interpretation; Rule 25-4.021, System Maps and Records is repealed because another rule requires similar information; Rule 25-4.024, Held Applications for Service is repealed because another rule requires similar information; Rule 25-4.039, Traffic, is repealed. It is redundant of Sec. 364.24, Florida Statutes; Rule 25-4.077, Metering and Recording Equipment, is repealed because it is outdated and refers to mechanical and electronic equipment which is not used by the companies; Rule 25-4.116, Telephone Number Assignment Procedure is

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repealed because it adds little to the requirements of the North American Numbering Plan Administrator. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed amendments allow for a simpler approach to identifying rate-of-return LECs. They eliminate ambiguous language. There is no negative impact or direct benefit to the Commission. The costs of the rule amendments are likely negligible. However, they should make it simpler for companies to identify which rules apply. The rule amendments will likely have no impact on ratepayers. There will likely be no impact on small businesses, small cities, or small counties. However, the elimination of ambiguous language will likely lower the transaction cost to provide telecommunications. The proposed repeal of several rules will likely have no impact on ratepayers; no negative impacts on small businesses, small cities or small counties. The proposed repeals may have a positive impact on telecommunications companies by lowering the transactional cost.

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

SPECIFIC AUTHORITY: 350.127(2), 364.17, F.S.

LAW IMPLEMENTED: 350.115, 364.01, 364.02, 364.025, 364.0251, 364.03, 364.04, 364.051, 364.14, 364.16, 364.163, 364.17, 364.183, 364.20, 364.28, 364.335, 364.385, 365.171, 395.1027, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.003 Definitions.

For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

(1) – (43) No change.

(44) “Price regulated local exchange telecommunications company.” Any local exchange telecommunications company certificated by the Commission prior to July 1, 1995 that has elected to become subject to price regulation pursuant to Section 364.051, F.S.

(~~45~~) (44) renumbered to (45) No change.

(46) “Rate-of-return regulated local exchange telecommunications company.” Any local exchange telecommunications company certificated by the Commission prior to July 1, 1995 that has not elected to become subject to price regulation pursuant to Section 364.051, F.S.

(~~47~~) (45) – (58) renumbered to (47) – (60) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS.

History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00, 4-3-05, Repromulgated 5-8-05, Amended _____.

25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.025, 364.335 FS.

History—Revised 12-1-68, Formerly 25-4.06, Repealed.

25-4.007 Reference to Commission.

Specific Authority 364.20 FS.

Law Implemented 364.28 FS.

History—New 12-1-68, Formerly 25-4.07, Repealed.

25-4.017 Uniform System of Accounts for Rate-of-Return Regulated Local Exchange Companies.

(1) – (4) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.17 FS.

History—Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85, Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96, 9-15-03, _____.

25-4.0174 ~~Uniform System and Classification of Accounts~~—Depreciation Accounts for Rate-of-Return Regulated Local Exchange Companies.

(1) – (6) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.17 FS.

History—New 4-25-88, Amended 9-11-96, _____.

25-4.0175 Depreciation for Rate-of-Return Regulated Local Exchange Companies.

(1) – (16) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.03 FS.

History—New 9-8-81, Amended 4-28-83, 1-6-85, Formerly 25-4.175, Amended 4-27-88, 12-12-91, 9-11-96, _____.

25-4.0178 Retirement Units for Rate-of-Return Regulated Local Exchange Companies.

(1) – (7) No change.

Specific Authority 350.127(2) FS.

Law Implemented 350.115, 364.17 FS.

History—New 4-25-88, Amended.

25-4.021 System Maps and Records.

Specific Authority 350.127(2), 364.17 FS.

Law Implemented 364.17, 364.183 FS.

History—Revised 12-1-68, Formerly 25-4.21, Repealed.

25-4.024 Held Applications for Service.

Specific Authority 350.127(2), 364.17 FS.

Law Implemented 364.025, 364.163, 364.17 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.24, 3-10-96, Repealed.

25-4.039 Traffic.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03 FS.

History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39, Amended 3-10-96, Repealed.

25-4.040 Telephone Directories; Directory Assistance.

(1) No change.

(2) Each subscriber served by a directory shall be furnished one copy of that directory for each access line. Subject to availability, additional directories shall be provided by the local exchange telecommunications company, which may charge a reasonable fee therefor. ~~Within 30 days after the effective date of this rule~~ Each exchange company shall file with the Commission a tariff setting forth the fee, if any, and the conditions under which it will apply. Copies of each directory shall be furnished to the Bureau of Service Quality. When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

(3)(a) No change.

(b) ~~Beginning with directories issued on or after January 1, 1995,~~ The following information shall be listed on the inside of the front cover of the directory:

1. ~~“911” instructions for exchanges with “911” service. Such “911” instructions shall be at the top of the inside front cover and shall be outlined in order to be separate from other information on the inside front cover. “911” shall be the only listed emergency number; all other numbers on the inside front cover shall be listed as “nonemergency” or “other important numbers.”~~

2. ~~For exchanges where “911” emergency service is not provided, emergency calling instructions and numbers including those of the police, sheriff, fire departments and ambulance services used by local government in case of emergency. Such emergency calling instructions shall be listed at the top of the inside front cover and shall be outlined and separate from other information. All other numbers on the inside front cover shall be listed as “nonemergency” or “other important numbers.”~~

~~23.~~ The information required by Section 395.1027, F.S.

(c) – (4)d. No change.

(e) Identification of customer payment locations and an explanation of discontinuance of service procedures for local service. Identification of customer payment locations may be accomplished by listing a website and toll-free number.

(f) – (9) No change.

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171, 395.1027 FS.

History— New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-16-94, _____.

25-4.077 Metering and Recording Equipment.

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, Repealed.

25-4.079 Hearing/Speech Impaired Persons.

(1) – (4) No change.

(5) Each LEC shall inform persons inquiring about specialized customer premises equipment for hearing/speech impaired persons of Florida Telecommunications Relay, Inc., which provides such equipment at no cost, 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 LEC 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, 5-8-05, _____.

25-4.116 Telephone Number Assignment Procedure.

Specific Authority 350.127(2) FS.

Law Implemented 364.03, 364.14, 364.16, FS.

History–New 2-9-87, Repealed.

25-4.215 Limited Scope Proceedings.

A rate-of-return regulated small local exchange company may seek to change its existing overall rate relationships without affecting its total revenues by filing a petition for a limited scope proceeding pursuant to Sections 364.05 and 364.058, F.S., and submitting Schedule E-2 (the priceout schedule) in Form PSC/ECR 20-T (3/96), entitled “Minimum Filing Requirements,” which is incorporated herein by reference in Rule 25-4.141, F.A.C., and may be obtained from the Commission’s Division of Economic Regulation. The required MFR Schedule E-2 must show that the revenues generated under the proposed rate relationships shall not exceed the revenues generated under the small local exchange company’s existing rate relationships, based on data for units and revenues for the last full calendar year available.

Specific Authority 350.127(2) FS.

Law Implemented 364.05, 364.052, 364.058 FS.

History–New 3-10-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Incumbent local exchange companies. Also, Dale Mailhot, Division of Regulatory Compliance.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 04, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008, Vol. 34, No. 17

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Notices Submitted to ACW or Confirmed by ACW

Notices Submitted to ACW

ID	Rule No/ Organization	Rule Title	Section	Issue	Date
6187938	9/16/2008	fpsc	Meeting	9/26/2008 Vol. 34/39	9/17/2008
6187744	9/16/2008	fpsc	Meeting	9/26/2008 Vol. 34/39	9/17/2008
6166695	9/11/2008	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	9/26/2008 Vol. 34/39	9/17/2008
6164561	25-14.001	In General	Proposed	9/26/2008 Vol. 34/39	9/17/2008
✓ 6132066	25-4.003,...	Definitions, Issuance of Certificate in the Event of Failure to Furnish Adequate Service, Reference to Commission, Uniform System of Accounts, Uniform System and Classification of Accounts - Depreciation, Depreciation, Retirement Units, System Maps and Records, Held Applications for Service, Traffic, Telephone Directories; Directory Assistance, Metering and Recording Equipment, Hearing/Speech Impaired Persons, Telephone Number Assignment Procedure, Limited Scope Proceedings	Proposed	9/26/2008 Vol. 34/39	9/17/2008
6169896	25-9.001,...	Application and Scope, Definitions, Information to Accompany Filings, Telephone Utility Tariffs, Numbering and General Data Required for Each Sheet, Table of Contents, Rules and Regulations, Index of Rate or Exchange Schedules, Telephone Utility Exchange Schedules	Rule	9/26/2008 Vol. 34/39	9/17/2008
6169702	25-4.002,...	Application and Scope, Periodic Reports, Records and Reports in General, Location and Preservation of Records, Audit Access to Records, Complaint - Trouble Reports, Etc, Report of Interruptions, Tariffs, Incremental Cost Data Submitted by Local Exchange Companies, Availability of Service, Extension of Facilities - Contributions in Aid of Construction, Maintenance of Plant and Equipment, Customer Trouble Reports, Adequacy of Service, Transmission Requirements, Answering Time, Intercept Service, Preferred Carrier Freeze, Service Guarantee Program, Information to Customers, Initiation of Service, Customer Deposits, Customer Billing for Local Exchange Telecommunications Companies, Termination of Service by Customer, Refusal or Discontinuance of Service by Company, Directory Assistance, 800 Service, Application and Scope, Construction, Service Evaluations and Investigations	Rule	9/26/2008 Vol. 34/39	9/17/2008
6185804	9/16/2008	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	9/26/2008 Vol. 34/39	9/17/2008
6185513	9/16/2008	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	9/26/2008 Vol. 34/39	9/17/2008
6145452	9/9/2008	Public Service Commission	Misc	9/19/2008 Vol. 34/38	9/10/2008

Notices Confirmed by ACW

None.

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