

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

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I do hereby certify:

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

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

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

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

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

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

// (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

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

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

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

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

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

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

Rule Nos.

25-4.003

25-4.006

25-4.007

25-4.021

25-4.024

25-4.039

25-4.040

25-4.077

25-4.079

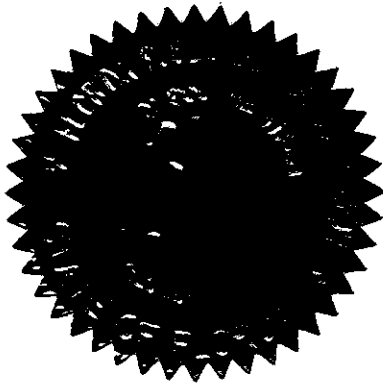
25-4.116

25-4.215

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

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
ANN COLE  
Commission Clerk



CM

\_\_\_\_\_  
Number of Pages Certified

1 25-4.003 Definitions.

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

3 (1) – (43) No change.

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

7 (45) (44) renumbered to (45) No change.

8 (46) “Rate-of-return regulated local exchange telecommunications company.” Any  
9 local exchange telecommunications company certificated by the Commission prior to July 1,  
10 1995 that has not elected to become subject to price regulation pursuant to Section 364.051,  
11 F.S.

12 (47) (45) – (58) renumbered to (47) – (60) No change.

13 Specific Authority 350.127(2) FS.

14 Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,  
15 364.603, 364.604 FS.

16 History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92,  
17 12-21-93, 3-10-96, 12-28-98, 7-5-00, 4-3-05, Repromulgated 5-8-05, Amended \_\_\_\_\_.

18

19 25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.

20 Specific Authority 350.127(2) FS.

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

22 History–Revised 12-1-68, Formerly 25-4.06, Repealed \_\_\_\_\_.

23

24 25-4.007 Reference to Commission.

25 Specific Authority 364.20 FS.

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1 Law Implemented 364.28 FS.  
2 History—New 12-1-68, Formerly 25-4.07, Repealed.  
3  
4 25-4.017 Uniform System of Accounts for Rate-of-Return Regulated Local Exchange  
5 Companies.  
6 (1) – (4) No change.  
7 Specific Authority 350.127(2) FS.  
8 Law Implemented 350.115, 364.17 FS.  
9 History—Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85,  
10 Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96, 9-15-03, \_\_\_\_\_.  
11  
12 ~~25-4.0174 Uniform System and Classification of Accounts—~~Depreciation Accounts for Rate-  
13 of-Return Regulated Local Exchange Companies.  
14 (1) – (6) No change.  
15 Specific Authority 350.127(2) FS.  
16 Law Implemented 350.115, 364.17 FS.  
17 History—New 4-25-88, Amended 9-11-96, \_\_\_\_\_.  
18  
19 25-4.0175 Depreciation for Rate-of-Return Regulated Local Exchange Companies.  
20 (1) – (16) No change.  
21 Specific Authority 350.127(2) FS.  
22 Law Implemented 350.115, 364.03 FS.  
23 History—New 9-8-81, Amended 4-28-83, 1-6-85, Formerly 25-4.175, Amended 4-27-88, 12-  
24 12-91, 9-11-96, \_\_\_\_\_.  
25

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1 25-4.0178 Retirement Units for Rate-of-Return Regulated Local Exchange Companies.

2 (1) – (7) No change.

3 Specific Authority 350.127(2) FS.

4 Law Implemented 350.115, 364.17 FS.

5 History–New 4-25-88, Amended \_\_\_\_\_.

6

7 25-4.021 System Maps and Records.

8 Specific Authority 350.127(2), 364.17 FS.

9 Law Implemented 364.17, 364.183 FS.

10 History–Revised 12-1-68, Formerly 25-4.21, Repealed \_\_\_\_\_ FS.

11

12 25-4.024 Held Applications for Service.

13 Specific Authority 350.127(2), 364.17 FS.

14 Law Implemented 364.025, 364.163, 364.17 FS.

15 History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.24, 3-10-96, Repealed \_\_\_\_\_.

16

17 25-4.039 Traffic.

18 Specific Authority 350.127(2) FS.

19 Law Implemented 364.01(4), 364.03 FS.

20 History–Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39, Amended

21 3-10-96, Repealed \_\_\_\_\_.

22

23 25-4.040 Telephone Directories; Directory Assistance.

24 (1) No change.

25 (2) Each subscriber served by a directory shall be furnished one copy of that directory

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

8 (3)(a) No change.

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

11 1. ~~“911” instructions for exchanges with “911” service. Such “911” instructions shall~~  
12 be at the top of the inside front cover and shall be outlined in order to be separate from other  
13 information on the inside front cover. “911” shall be the only listed emergency number; all  
14 other numbers on the inside front cover shall be listed as “nonemergency” or “other important  
15 numbers.”

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

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

23 (c) – (4)d. No change.

24 (e) Identification of customer payment locations and an explanation of discontinuance  
25 of service procedures for local service. Identification of customer payment locations may be

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1 accomplished by listing a website and toll-free number.

2 (f) – (9) No change.

3 Specific Authority 350.127(2) FS.

4 Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171,  
5 395.1027 FS.

6 History– New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-  
7 28-89, 3-31-91, 2-11-92, 12-16-94, \_\_\_\_\_.

8

9 25-4.077 Metering and Recording Equipment.

10 Specific Authority 350.127(2) FS.

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

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

13 Repealed \_\_\_\_\_ .

14

15 25-4.079 Hearing/Speech Impaired Persons.

16 (1) – (4) No change.

17 (5) Each LEC shall inform persons inquiring about specialized customer premises  
18 equipment for hearing/speech impaired persons of Florida Telecommunications Relay, Inc.,  
19 which provides such equipment at no cost,; pursuant to tariff, provide specialized customer  
20 premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This  
21 specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of  
22 return on investment component. Each LEC shall provide at least one type of each of the  
23 following categories of specialized CPE:

24 (a) ~~Audible ring signalers;~~

25 (b) ~~Visual ring signalers;~~

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1 (e) TDDs;

2 (d) ~~Volume control handsets.~~

3 Specific Authority 350.127(2) FS.

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

5 History--New 4-5-88, Amended 6-3-90, 5-8-05, \_\_\_\_\_.

6

7 25-4.116 Telephone Number Assignment Procedure.

8 Specific Authority 350.127(2) FS.

9 Law Implemented 364.03, 364.14, 364.16, FS.

10 History--New 2-9-87, Repealed \_\_\_\_\_.

11

12 25-4.215 Limited Scope Proceedings.

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

23 Specific Authority 350.127(2) FS.

24 Law Implemented 364.05, 364.052, 364.058 FS.

25 History--New 3-10-96, Amended \_\_\_\_\_.

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from existing law.

from raising factual matters it failed to raise before Commission. *International Telephone and Telegraph Corporation v. United Telephone Company of Florida*, 350 F. 2d 287 (5th Cir. 1977), aff'g 433 F. Supp. 352 (M. D. Fla. 1975).

**25-4.0041 Provision of Shared Service for Hire.**

(1) The provision for hire of shared telephone service within a local calling area by other than the certificated local exchange company is prohibited except in those cases in which the Commission determines that no duplicative or competitive local exchange service is being provided.

(2) The provision for hire of shared WATS Service shall be permitted only when the provider has been granted a certificate of public convenience and necessity by this Commission to do so.

(3) The foregoing notwithstanding, until July 1, 1987, any person who is providing shared telephone service, is sharing telephone service or who has placed orders for shared telephone service on or before November 4, 1985 may continue to receive that service. Persons affected by this rule shall be notified by the local exchange companies of the content of the rule within 30 days from the effective date of this rule.

*Specific Authority 350.127(2), 364.19 FS. Law Implemented 364.02, 364.33, 364.335, 364.337, 364.345 FS. History—New 12-22-85, Formerly 25-4.041, Amended 11-2-86.*

**ANNOTATIONS**

**Shared Tenant Services**

*Rule 25-4.041 [now Rule 25-4.0041] requires partitioning on both sides of PBX. Individuals "behind" PBX had to have separate trunks coming into PBX, prohibiting unaffiliated individuals from sharing LEC central office trunks. "Station" side of PBX must also be partitioned under rule, prohibiting tenants behind switch from intercommunicating with each other without accessing LEC central office. In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service, 87 FPSC 1:181 (1987).*

**25-4.005 Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Area.**

(1) Request for approval by the Commission of transfer of any certificate of public convenience and necessity (or portion thereof) shall be made by joint petition of the certificate holder and transferee after reasonable notice has been given to all subscribers affected by the proposed transfer. Requests for approval shall be accompanied by an affidavit that notice of intention to file the petition has been given:

(a) By mail or personal delivery to the governing bodies of the counties and municipalities affected, to the public counsel, and to the Commission,

(b) By a legal advertisement in a newspaper of general circulation in the area affected and published on two (2) separate occasions at least two (2) weeks prior to the filing of the joint petition on the proposed transfer, and

(c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition. A complete lists, by telephone number (numerical sequence), name, address, and class of service of all subscribers sent a written notice shall be furnished the Commission immediately following distribution.

(2) Upon approving a transfer of certificate, or portion thereof, the Commission will cancel same and reissue in the name of the transferee or amend the description of the service area or both.

(3) Such joint petitions shall include detailed descriptions of the affected boundaries; the number of subscribers, if any, in each petitioned area; changes in rates; service being provided by either petitioner in areas to be transferred; pending applications for service held by either petitioner; changes in calling scope; customers to be transferred; deposits and deposit interest; any financial exchange or consideration for the proposed change, and a list by name and telephone number of all customers who will be exempt from the proposed change.

(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory. After public hearing, if one is requested, the Commission may, on a finding of just cause, require such transfer and amend the existing certificates of the telephone companies involved or change the exchange service area maps to reflect any changes found justified.

(5) If a customer survey is conducted by a telephone company among customers affected by the proposed transfer, return postage shall be paid by the company serving the affected customer and survey ballots shall be returnable to the Public Service Commission, Attention: Communications Department, for tabulation.

*Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05.*

**25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.** If a certificate holder fails or refuses to provide reasonably adequate service to any territory embraced within its certificate after notice and hearing and a reasonable opportunity to do so, the Commission may issue a certificate to any other person willing and able to provide reasonably adequate service to such territory.

*Specific Authority 364.20 FS. Law Implemented 364.39 FS. History—Revised 12-1-68, Formerly 25-4.06.*

**25-4.007 Reference to Commission.** In the event of any question involving the interpretation of any of these rules and regulations, any party in interest may apply in writing to the Commission for interpretation.

*Specific Authority 364.20 FS. Law Implemented 364.28 FS. History—New 12-1-68, Formerly 25-4.07.*

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procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

*Specific Authority 364.17, 364.20 FS. Law Implemented 364.17, 364.20 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93.*

**ANNOTATIONS**

**Validity**

*Pursuant to Rule 1S-1, F.A.C., a document that is incorporated by reference must be filed along with the rule which incorporates the document. Although no copy of Part 42 of the Federal Communications Commission (FCC) Rules (which Rule 25-4.020(3), F.A.C., incorporates by reference) is on file at the Secretary of State's office, it can be reasonably presumed that, when subject F.A.C. rule was accepted as filed and published, FCC Part 42 was filed in conjunction with it; otherwise, Secretary of State would have rejected it as improperly filed. Accordingly, Petitioner's challenge to the validity of Rule 25-4.020(3) was rejected by Public Service Commission. In re: GTE Florida, Inc., 91 FPSC 4:6 (1991).*

**Waiver**

*A waiver of Rule 25-4.020(3) is granted to United Telephone Company of Florida. United will be allowed to retain source documents using a computer assisted retrieval system. In re: Petition for Waiver of Rule 25-4.020(3)(a), F.A.C., Requiring Retention of Source Documents in Their Original Form, by United Telephone Company of Florida, 94 FPSC 2:51 (1994).*

**25-4.021 System Maps and Records.** Each telephone company shall maintain suitable maps and/or records to show the location and description of its toll and exchange plant facilities and the extent of area served by the company.  
*Specific Authority 364.17, 364.20 FS. Law Implemented 364.17, 364.20 FS. History—Revised 12-1-68, Formerly 25-4.21.*

**25-4.022 Complaint — Trouble Reports, Etc.**

(1) Each telephone company shall maintain for at least six (6) months a record of all signed written complaints made by its subscribers regarding service or errors in billing, as well as a record of each case of trouble or service interruption that is reported to repair service. This record shall include the name and/or address of the subscriber or complainant, the date (and for reported trouble, the time) received, the nature of the complaint or trouble reported, the result of any investigation, the disposition of the complaint or service problem, and the date (and for reported trouble, the time) of such disposition.

(2) Each signed letter of complaint shall be acknowledged in writing or by contact by a representative of the company.  
*Specific Authority 364.17, 364.20 FS. Law Implemented 364.17, 364.20 FS. History—Revised 12-1-68, Formerly 25-4.22.*

**25-4.0222 Customer Premises Equipment and Station Connections.**

*Specific Authority 350.127(2) FS. Law Implemented 364.17 FS. History—New 3-23-82, Repealed 12-13-82, Formerly 25-4.222.*

**25-4.023 Report of Interruptions.** The Commission shall be informed of any major

interruptions to service affecting an entire community or a substantial portion of a community as soon as they come to the attention of the utility and a report made after restoration of service.

*Specific Authority 364.20 FS. Law Implemented 364.03, 364.17, 364.20 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23.*

**25-4.024 Held Applications for Service.**

(1) Each telephone company shall accept and shall maintain a record of each application for:

- (a) Main station change telephone service.
- (b) A change in grade of line.

(2) During periods when a telephone company is unable to supply telephone service to applicants or upgrade existing subscribers within thirty (30) days after the date applicant desires service, the telephone company shall keep a record, by exchanges, showing the name and address of each applicant for service or upgrade, the applicant location, i.e., inside or outside the base rate area, the date of application, date service desired, date service was promised, the class and grade of service applied for and the reason for the inability to provide the new service or higher grade of service to the applicant.

(3) Upon request, each company shall prepare and furnish to the Commission a report, by exchanges, of such held applications.

*Specific Authority 364.17 FS. Law Implemented 364.17 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 24-4.24.*

**25-4.0245 Rate of Return Report.**

*Specific Authority 350.127(2) FS. Law Implemented 364.03(1), 350.117(1) FS. History—New 11-18-82, Formerly 25-4.245, Amended 8-21-90, Repealed 6-9-94.*

**ANNOTATIONS**

**Monthly reports**

*Small telephone companies expressed that having to file monthly surveillance reports caused them undue hardship in terms of personnel man-hours to prepare data. Companies requested permission to file quarterly surveillance reports in place of monthly reports. Quarterly surveillance reports could be beneficial because companies will have more review-time to create more accurate and more consistent reports. However, if such quarterly reports are not filed timely or are inaccurate or incomplete, waiver will be revoked and monthly surveillance report requirement will be reinstated. In re: Petition by Vista-United Telephone Company, 87 FPSC 6:106 (1987).*

**Subpart B Toll Settlement Agreements**

**25-4.026 Application and Scope.**

*Specific Authority 350.127(2) FS. Law Implemented 364.07(2) FS. History—New 5-4-81, Formerly 25-4.26, Repealed 11-1-93.*

**ANNOTATIONS**

**Authority**

*Commission has power to regulate telephone service contracts between companies and their customers, and may require filing of contracts related to service or lines, but it had no statutory authority to regulate contractual division of long distance toll revenues between telephone companies, and its refusal to do so in this case was not improper. Florida Telephone Corporation v. Mayo, 350 So. 2d 775 (1977).*

opinion, rendered by an independent certified public accountant or auditor, on the reasonableness and accuracy of the allocation procedures employed. The expense of this audit shall be separately identified and shall not be chargeable to expense for ratemaking purposes. The Commission may, upon sufficient showing by a telephone company, modify or waive these requirements.

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

*Specific Authority 350.127(2) FS. Law Implemented 364.03 FS. History—New 12-13-82, Amended 9-30-85, Formerly 25-4.345, Amended 4-16-90.*

#### ANNOTATIONS

##### Annual audit

*Telephone company allowed to waive application to them of Rule 25-4.0345(4)(e), which requires annual audits and independent certification of reasonableness of allocation procedures, where non-regulated income before taxes for year was \$127,195.00 compared to regulated income of \$1,556,299.00, and where independent audit would have cost \$15,000.00. In re: Quincy Telephone Co., 88 FPSC 4:161 (1988).*

##### 25-4.035 Rate Area Boundaries.

(1) The boundaries of base rate and zone rate areas in each exchange service area which have been established in accordance with an order or tariff authorization by the Commission are approved and no change shall be made in any such boundaries except under authority granted by the Commission.

(2) At periodic intervals not to exceed three (3) years, each telephone utility shall undertake an examination of the existing base rate area boundary locations in each of its exchanges to evaluate compliance with Commission Rule 25-4.003(2). Upon completion of such surveys each company shall file with the Commission a report setting forth the results of its review.

*Specific Authority 364.20 FS. Law Implemented 364.04, 364.05, 364.17 FS. History—Revised 12-1-68, Formerly 25-4.35.*

##### 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 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.

*Specific Authority 350.127(2) FS. Law Implemented 364.03 FS. History—Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94.*

##### 25-4.037 Telephone Lines Crossing Railroads.

*Specific Authority 364.20 FS. Law Implemented 364.03 FS. History—Revised 12-1-68, Repealed 5-9-76, Formerly 25-4.37.*

**25-4.038 Safety.** Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities.

*Specific Authority 364.20 FS. Law Implemented 364.03 FS. History—New 12-1-86, Formerly 25-4.38.*

##### 25-4.039 Traffic.

(1) Suitable practices shall be adopted by each telephone company concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers.

(2) Telephone operators and service observing personnel shall be instructed to comply with the provisions of applicable statutes in maintaining the secrecy of communications.

(3) Operator-handled calls shall be carefully supervised and disconnects made promptly. A check of the calculagraph or other timing clock will be made at least once each twenty four (24) hours to insure that the clocks are synchronized and that the time is correct.

*Specific Authority 364.20 FS. Law Implemented 364.03 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.39.*

#### ANNOTATIONS

##### Damages

*Physician who was omitted from defendant's yellow pages listing of "Physicians" and subheading of "Gynecology and obstetrics" for two successive years, despite his request for such listing, was entitled to have his case submitted to jury for recovery of both nominal and punitive damages; affirmative defense of compromise and settlement, for two years' free telephone service, did not bar his claim, but should have been sent to jury for resolution also. Hanft v. Southern Bell Telephone & Telegraph Company, App., (3rd) 402 So. 2d 453 (1981).*

##### 25-4.040 Telephone Directories; Directory Assistance.

(1) Each local exchange telecommunications company shall normally publish updated telephone directories once every 12 months and shall publish updated directories at least once every 15 months. The directories shall normally alphabetically list the name, address, and telephone number of all subscribers located in the exchange(s) contained in the directory except the telephone numbers for public telephones or a name, address, number/address unlisted or unpublished at the subscriber's request. Also listed alphabetically shall be a listing designated "Poison Information Center" and the local telephone number, where the exchange served by the directory 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

(12) Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges billed to a line for calls which originated from that line through the use of 10XXX+0, 10XXX+01, 950-1/0XXX+0, or 1-800 access code, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications services or local exchange services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the incoming call screening order.

(c) Any calls billed through the local exchange company or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (a) and (b) above, must be removed from any pay telephone provider's bill after the pay telephone provider gives notice of the fraudulent charges to the billing party. Such notice shall be provided to the LEC and IXC in writing no later than the due date of the bill.

(d) The LEC is responsible for charges described in paragraph (c) that are associated with the failure of the LEC's screening services.

(e) The IXC is responsible for charges described in paragraph (c) that are associated with its failure to properly validate calls via the appropriate local exchange company data base.

(f) Definitions: For purposes of this rule the term "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.

(g) Any charges accrued to a subscriber's line when the subscriber has paid the local exchange company to screen calls described in paragraphs (a) and (b) above shall not be the basis for discontinuance of local or intrastate service.

(13) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.

*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.*

ANNOTATIONS

**Exemption**

*Under Rule 25-4.076(6), pay telephones must receive incoming calls. GTE filed a request for exemption from this rule for three of its phones. The cause for the exemption is the belief by the location owner and police that the phones are being used for illegal activity. In re: Petition for exemption from Rule 25-4.076(6), F.A.C., respecting certain pay telephone locations, by GTE Florida Incorporated, 94 FPSC 3:706 (1994).*

**Waiver**

*Permission is granted to allow an exemption from Rule 25-4.076(6) to block incoming calls on pay phones which are believed to be used for illegal activity. GTEFL must provide prominent notice that incoming calls are blocked. In re: Petition for Waiver from Rule 25-4.076(6), Respecting Certain Pay Telephone Locations, by GTE Florida Incorporated, 94 FPSC 2:56 (1994).*

**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(s) 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 utility or an approved organization equipped for such testing.

(3) Each utility shall provide, or have access to, the necessary facilities, instruments, and equipment for testing its metering and recording equipment and shall adopt appropriate practices for the periodic testing and maintenance of such devices to insure the integrity of their operation. Such practices shall include specific instruction for verifying with National Standard Time, Boulder, Colorado area code 303-499-7111, including the frequency of such verification, the time of day reflected on the operator calculagraphs and/or DDD ticketing equipment.

(4) Operator-handled calls shall be carefully supervised and disconnects made promptly. A check of the timing clock shall be made at least once each twenty-four (24) hours to insure that the clocks are synchronized and that the time is correct. Clock deviations shall not be in excess of 12 seconds.

(5) 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 should be not less than 97 percent.

*Specific Authority 350.127(2) FS. Law Implemented 364.03 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.77, Amended 6-24-90.*

**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 will be set within the time frames of A.M., 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

amount than the bill, the remainder of the credit shall be carried forward until the refund is completed. If the customer so requests, a check for any negative balance must be sent to the customer within ten (10) days of the request.

For customers entitled to a refund but no longer on the system, the company shall mail a refund check to the last known billing address except that no refund for less than \$1.00 will be made to these customers.

(6) Security for Money Collected Subject to Refund. In the case of money being collected subject to refund, the money shall be secured by a bond unless the Commission specifically authorizes some other type of security such as placing the money in escrow, approving a corporate undertaking, or providing a letter of credit. The Commission may require the company to provide a report by the 10th of each month indicating the monthly and total amount of money subject to refund as of the end of the preceding month. The report shall also indicate the status of whatever security is being used to guarantee repayment of the money.

(7) Refund Reports. During the processing of the refund, monthly reports on the status of the refund shall be made by the 10th of the following month. In addition, a preliminary report shall be made within thirty (30) days after the date the refund is completed and again 90 days thereafter. A final report shall be made after all administrative aspects of the refund are completed. The above reports shall specify the following:

- (a) The amount of money to be refunded and how that amount was computed;
- (b) The amount of money actually refunded;
- (c) The amount of any unclaimed refunds; and
- (d) The status of any unclaimed amounts.

(8) With the last report under subsection (7) of this Rule, the company shall suggest a method for disposing of any unclaimed amounts. The Commission shall then order a method of disposing of the unclaimed funds.

*Specific Authority 350.127(2) FS. Law Implemented 364.05(4), 364.055(2) FS. History—New 8-18-83.*

#### 25-4.115 Directory Assistance.

(1) Directory assistance service provided by any telephone company shall be subject to the following:

(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and shall apply to the end-user.

(b) The tariff shall state the number of telephone numbers that may be requested by a customer per directory assistance call.

(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call and shall be subject to the following:

(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. As used in this rule

subpart and subpart (3)(a) thereof, "disability" means, with respect to an individual — A physical or mental impairment that prohibits a customer from using the telephone directory. The local exchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.

(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.

(c) The tariff shall state the number of calls per billing month per individual line or trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no charges will apply. The local exchange company shall charge for each local directory assistance call in excess of this allowance. The charge shall not apply for calls from pay stations.

(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (904) 555-1212).

(3) Charges for intrastate calls to directory assistance outside of the caller's HNPA shall be at rates prescribed in the general services tariff of the interexchange companies and shall be subject to the following:

(a) There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. See subpart (2)(a) of this rule for the definition of "disability". The interexchange carrier shall charge its prevailing tariff rates for every call in excess of 50 within a billing cycle.

*Specific Authority 350.127 FS. Law Implemented 364.03, 364.04 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93.*

#### ANNOTATIONS

##### Waiver

*PSC granted to all carriers, LECs and IXC's, a waiver of Rule 25-4.115(3)(a) and approved revision of AT&T's General Services Tariff placing a monthly limit of 50 handicapped-initiated directory assistance calls. Commission found that certain businesses had violated intent of the rule by contracting with handicapped persons to make long distance directory assisted calls from their homes. In re: Proposed tariff to make text changes and place a limit on exemptions for handicapped initiated directory assistance inquiries by AT&T Communications of the Southern States, 92 FPSC 5:423 (1992).*

**25-4.116 Telephone Number Assignment Procedure.** Each company shall maintain written standard operating procedures for the assignment of telephone numbers. ~~The standard operating procedure shall be applied in a non-discriminatory manner to requests for assignment of telephone numbers.~~

*Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.14 FS. History—New 2-9-87.*

**25-4.117 800 Service.** Telephone companies are prohibited from billing to or collecting from the originating caller any charges for calls to an 800 service subscriber.

*Specific Authority 350.127(2) FS. Law Implemented 364.03 FS. History—New 3-5-90.*

Rules 25-4.003, 25-4.006, 25-4.007, 25-4.017  
25-4.0174, 25-4.0175, 25-4.0178, 25-4.021,  
25-4.024, 25-4.039, 25-4.040, 25-4.077, 25-4.079  
25-4.116, 25-4.215  
Docket No. 080159-TP

## SUMMARY OF RULE

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 25-4.006, 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 25-4.017 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 25-4.021, 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 25-4.040, 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 25-4.077, 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 25-4.079, 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 25-4.116, Telephone Number Assignment Procedure is repealed because it adds little to the requirements of the North American Numbering Plan Administrator; 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 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 HEARINGS ON THE RULE

No hearing was requested and none was held.

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## FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

There are provisions that are obsolete and there are rules that need clarification as to when the rules only apply to rate-of-return regulated local exchange telecommunications companies. In addition, some of the rules are redundant of other rules.

A number of rules have been amended to clarify that the rules only apply to rate-of-return regulated companies. Pursuant to law enacted in 1995, local exchange telecommunications companies were given the option to elect price cap regulation. Companies that opt for price cap regulation are exempt from Commission rules pertaining to rate-of-return regulation. However, a number of Commission rules do not expressly indicate that they apply only to rate-of-return regulated companies. To clarify that the rules apply only to rate-of-return regulated companies, a number of rules have been amended.

Rule 25-4.003, Definitions – language is added to the rule to define “price regulated local exchange telecommunications company” and “rate-of-return regulated local exchange telecommunications company.” The current rules use the term “rate-of-return” but there is no definition. This amendment should help clarify which rules apply only to rate-of-return regulated companies.

Rule 25-4.006, Issuance of Certificate in the Event of Failure to Furnish Adequate Service, is repealed. The rule is no longer needed because it is obsolete as it assumes there is only one certificate holder per territory.

Rule 25-4.007, Reference to Commission, is not needed. Rule 25-4.007 allows any party in interest to apply in writing to the Commission for an interpretation of the Commission’s rules and regulations. In effect, this rule allows interested persons to request a declaratory statement from the Commission on its rules. Section 120.565, F.S., and Chapter 28-105, F.A.C., already address the procedure for requesting a declaratory statement from the Commission. Thus, Rule 25-4.007 is repealed because it is redundant of the declaratory statement provisions.

Rule 25-4.017, Uniform System of Accounts – the title of the rule is amended to refer to “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 25-4.021, System Maps and Records, requires a company to keep maps and records to show the location and description of its toll and exchange plant facilities and the extent of area served by the company. However, Rule 25-4.034, which pertains to tariffs, requires each company to file, as an integral part of its tariff, maps defining the exchange service areas. Thus,

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Rule 25-4.021 is repealed because it requires companies to keep information which the Commission already has on file.

Rule 25-4.024, Held Applications for Service, requires companies to maintain a record of each application for access lines received during periods when a company is unable to supply initial or additional telephone service to applicants within 30 days of the date the applicant wants service. This rule requires similar information required by Rule 25-4.066, which pertains to the availability of service for a telecommunications company. Thus, Rule 25-4.024 is repealed.

Rule 25-4.039, Traffic, requires companies to adopt operating methods to provide efficient service to customers and instructs telephone operators and service observing personnel to comply with applicable statutes in maintaining secrecy of communications. Section 364.24, F.S., sets out penalties for disclosing the contents or substance of any message or communication by customers and customer account information. Rule 25-4.039 is repealed because it is redundant of Section 364.24, F.S.

Also Rule 25-4.040 - Telephone Directories; Directory Assistance contains language about starting dates by which companies must begin complying with the rule. These dates have passed and are no longer relevant. Thus, the language is deleted from the rule.

There is also language in Rule 25-4.040 regarding what a company must do when "911" service is not provided in an exchange. "911" service is now provided in all exchanges. Thus, this provision of the rule is deleted because it is obsolete.

A sentence is added to Rule 25-4.040 to allow companies to identify customer payment locations by listing a website and a toll-free number. If companies choose to list payment locations on a website, they also are required to list a toll-free number in their directory for customers to call to identify the payment locations.

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 25-4.079 - Hearing/Speech Impaired Persons. The rule currently requires companies to provide specialized customer equipment for lease or sale to hearing/speech impaired persons. The Florida Telecommunications Relay, Inc. (FTRI) provides equipment for hearing/speech impaired persons at no cost. The rule is amended to reflect this current practice of the FTRI. The rule is also amended to require each LEC to inform persons inquiring about hearing/speech impaired equipment about the FTRI.

Rule 25-4.116, Telephone Number Assignment Procedure, requires each company to maintain written standard operating procedures for the assignment of telephone numbers and requires that the procedures be applied in a non-discriminatory manner to requests for assignment. Currently, the North American Numbering Plan Administrator (NANPA) sets forth the procedure the companies must follow when assigning telephone numbers. Rule 25-4.116 is repealed because it adds little to NANPA's requirements.

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.

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