

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

#### **RULE NO: RULE TITLE**

25-9.001: Application and Scope

25-9.002: Definitions

25-9.005: Information to Accompany Filings

25-9.008: Telephone Utility Tariffs

25-9.009: Numbering and General Data Required for Each Sheet

25-9.022: Table of Contents

25-9.027: Rules and Regulations

25-9.029: Index of Rate or Exchange Schedules

25-9.032: Telephone Utility Exchange Schedules

**PURPOSE AND EFFECT:** Rules in Chapter 25-9 are amended so that the Chapter no longer applies to incumbent local exchange companies (ILECs), and so that applicable tariff and tariff filing requirements for ILECs are located in Rule 25-4.034. Docket No. 080641-TP.

**SUMMARY:** Rule 25-9.001 is amended to exclude ILECs and CLECs from Chapter 25-9, F.A.C. The applicable tariff and tariff filing requirements related to ILECs are being rewritten and included in rule 25-4.034. Chapter 25-9 does not currently apply to CLECs so the rule is amended to make this clear. Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029 are amended to remove all references to telephone companies, consistent with the amendment of Rule 25-9.001. Rules 25-9.008 and 25-9.032, which apply only to telephone companies, are repealed consistent with the amendment of Rule 25-9.001. 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:** There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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.

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**SPECIFIC AUTHORITY:** 350.127, 366.05, 367.121, FS

**LAW IMPLEMENTED:** 364.03, 364.04, 364.05, 364.08, 364.337, 366.04(2)(b), 366.05, 366.06, 367.021, 367.041, 367.081, 367.091, 367.101, 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:** Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6216.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

DOCUMENT NUMBER-DATE

10785 NOV 19 8

FPSC-COMMISSION CLERK

25-9.001 Application and Scope.

(1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, or Alternative Access Vendor Service Providers, Competitive Local Exchange Companies or Local Exchange Companies.

(2) – (5) No Change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.03, 364.04, 364.05, 364.08, 364.337, 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS.~~ History–Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-95, \_\_\_\_\_.

25-9.002 Definitions.

For the purposes of these regulations the following definitions shall apply:

(1) No Change.

(2) Except where a different meaning clearly appears from the context, the word or words “utility” or “public utility” as used in these rules shall mean and include all electric and gas utilities, water systems, and wastewater systems, ~~telephone companies and telegraph companies~~ which are, or may hereafter be, subject to the jurisdiction of this Commission.

(3) – (8) No Change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04, 366.05(1), 367.021 FS.~~ History–Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02, Amended \_\_\_\_\_.

25-9.005 Information to Accompany Filings.

(1) No Change.

(2) In addition to the foregoing, ~~Telephone Companies,~~ Electric utilities and gas utilities shall provide the following:

(a) – (c) No Change.

(d) A company may request a waiver of any of the requirements of this subsection upon a written application showing that the requirement is inordinately burdensome or unnecessary for analysis of its filing. The directors of the Divisions of Economic Regulation ~~and Competitive Markets and Enforcement, respectively,~~ will dispose of any such request. A company may request Commission review of a denial of a waiver.

~~(3)(a) When a local exchange telephone company whose annual revenues from regulated telecommunications operations are \$100,000,000 or more files a tariff to introduce a new service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates for the service are not below incremental cost. When a local exchange telephone company whose annual revenues from regulated telecommunications services are less than \$100,000,000 files a tariff for a new service, it shall provide incremental cost data, if available, or otherwise demonstrate that the proposed rates for the service are not below that local exchange company’s incremental cost.~~

(3)(b) Where the change involves a rate or charge and the electric, ~~or gas,~~ or telephone utility elects to make a cost study, the utility shall file a cost information statement containing a summary of the cost study performed, including:

1. – (5) No Change.

~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~

Specific Authority 350.127(2) FS. Law Implemented ~~364.05, 364.3381, 366.06, 367.081 FS.~~ History–Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05, Amended 5-24-94, \_\_\_\_\_.

25-9.008 Telephone Utility Tariffs.

Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.08, Repealed.

25-9.009 Numbering and General Data Required for Each Sheet.

The numbering and general data required by this rule and listed below shall appear on each sheet in the rate book excepting the front and back covers and the individual sheets of special contracts.

(1) – (a) No Change.

~~(b) Telephone and telegraph utilities covered by Rule 25-9.008, F.A.C., should continue the presently effective section and sheet numbering system which is uniformly employed by all such utilities, the size and construction of whose tariffs require such division.~~

~~(b)~~(c) renumbered as (b) No Change.

(2) – (5) No Change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented ~~364.04~~, 366.05, 367.041 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09, Amended.

25-9.022 Table of Contents.

(1) No Change.

(2) In the larger rate books the major sections will be individually indexed in accordance with Rules 25-9.007 ~~and 25-9.008~~, F.A.C. In these larger rate books the table of contents will serve as an index or guide to the separate sections as set out in ~~said two rules~~ Rule 25-9.007, F.A.C.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.22, Amended.

25-9.027 Rules and Regulations.

(1) This section shall include all rules, regulations, practices, services, classifications, exceptions and conditions made or observed relative to the utility service furnished which are general and apply to all or many of the rate schedules ~~or exchange areas served~~.

(2) No Change.

(3) If a general regulation does not apply to a particular schedule, ~~or classification or exchange~~, that fact should be clearly stated.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.27, Amended.

25-9.029 Index of Rate ~~or Exchange~~ Schedules.

(1) This section shall provide an index to facilitate prompt reference to any particular rate schedule ~~or to any given exchange~~.

(2) In cases where the rate sections for which this index is provided contain less than twelve (12) sheets, this section may be omitted.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.29, Amended.

25-9.032 Telephone Utility Exchange Schedules.

Specific Authority 350.127(2), FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75, Formerly 25-9.32, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Office of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39,  
September 26, 2008.

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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
6473700	11/18/2008	FPSC	Meeting	11/26/2008 Vol. 34/48	11/19/2008
✓ 6450808	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	Proposed	11/26/2008 Vol. 34/48	11/19/2008
6449547	25-4.019,...	Records and Reports in General, Location and Preservation of Records, Complaint - Trouble Reports, Etc, Tariffs, Maintenance of Plant and Equipment, Termination of Service by Customer, Directory Assistance, 800 Service, Application and Scope	Proposed	11/26/2008 Vol. 34/48	11/19/2008
6463418	11/18/2008	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	11/26/2008 Vol. 34/48	11/19/2008
6463224	11/18/2008	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	11/26/2008 Vol. 34/48	11/19/2008

### Notices Confirmed by ACW

None.

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