

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: November 13, 2012

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Gervasi) *PG SML*
Office of Telecommunications (Bates) *JB*
Division of Economics (McNulty) *WNV*

RE: Docket No. 120265-TP – Proposed amendment of Rule 25-4.034, F.A.C., Tariffs, proposed adoption of Rule 25-4.0341, F.A.C., Filing of Service Schedules, and proposed repeal of Rule 25-24.825, F.A.C., Price List.

AGENDA: 11/27/12 – Regular Agenda – Rule Proposal – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Balbis

RULE STATUS: Proposal May Be Deferred

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\120265.RCM.DOC

Case Background

Rule 25-4.034, Florida Administrative Code (F.A.C), Tariffs, requires incumbent local exchange companies (ILECs) to maintain tariffs on file with the Commission setting forth all rates and charges for customer services, the classes and grades of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company. The rule also requires ILECs to make their tariffs available for public inspection and specifies tariff filing conventions.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Consistent with the 2011 changes to Chapter 364, Florida Statutes (F.S.), staff is recommending that Rule 25-4.034, F.A.C., be amended to require ILECs to file tariffs for network access service only, rather than for all services. The recommended changes to the rule include filing conventions for network access tariffs and provide the option of filing tariffs either in hard copy format or electronically, via e-mail.

Staff is recommending that new Rule 25-4.0341, F.A.C., Filing of Service Schedules, be adopted to provide administrative guidance to telecommunications companies choosing to file service schedules with the Commission for services other than those required under Rule 25-4.034, F.A.C. The recommended rule includes a directive that each telecommunications company choosing not to file service schedules with the Commission notify the Commission of the location where such service schedules are available to its customers.

Rule 25-24.825, F.A.C., Price List, requires each competitive local exchange company (CLEC) to maintain on file with the Commission its pricing details and other information for the provision of residential dial tone, single-line business dial tone, and dial tone provided with any combination of services included as part of basic local telecommunications service. Consistent with the 2011 changes to Chapter 364, F.S., staff is recommending that this rule be repealed.

The Commission's Notices of Development of Rulemaking were published on November 10, 2011, in Volume 37, Number 45, and on October 26, 2012, in Volume 38, Number 59, of the Florida Administrative Register. A rule development workshop was conducted on December 5, 2011. Various interested persons participated, including representatives of several telecommunications companies and Florida Cable Telecommunications Association, which provides digital home phone service in addition to cable and internet. Post-workshop comments were submitted on December 19, 2011, from tw telecom of florida l.p. (TWTC). The Commission has jurisdiction pursuant to Sections 120.54, 350.127(2), 364.01, 364.04, and 364.163, F.S.

Discussion of Issues

Issue 1: Should the Commission propose the amendment of Rule 25-4.034, F.A.C., Tariffs, the adoption of Rule 25-4.0341, F.A.C., Filing of Service Schedules, and the repeal of Rule 25-24.825, F.A.C., Price List?

Recommendation: Yes, the Commission should propose the amendment of Rule 25-4.034, F.A.C., the adoption of Rule 25-4.0341, F.A.C., and the repeal of Rule 25-24.825, F.A.C., as set forth in Attachment A of this recommendation. (Gervasi, Bates)

Staff Analysis:

Rule 25-4.034, F.A.C., Tariffs

Rule 25-4.034, F.A.C., Tariffs, requires ILECs to maintain tariffs on file with the Commission setting forth all rates and charges for customer services, the classes and grades of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company. Moreover, the rule requires ILECs to file, as an integral part of their tariffs, maps defining their exchange service areas, specifies tariff filing conventions, and requires ILECs to make their tariffs available for public inspection.

Consistent with the 2011 changes to Chapter 364, F.S., staff is recommending that Rule 25-4.034, F.A.C., be amended to require ILECs to file tariffs for network access service only, rather than for all services.¹ Section 364.163, F.S., requires that “[e]ach [ILEC] shall maintain tariffs with the [C]ommission containing the terms, conditions, and rates for each of its network access services.” The recommended changes to the rule include filing conventions for network access tariffs (Attachment A, page 8, lines 3-25), and provide the option of filing network access tariffs either in hard copy format or electronically (Attachment A, page 7, lines 14-21). The instructions for electronic filing are set forth in the “E-Tariff Filings User Notes,” which are included in Attachment A on pages 14-17 of this recommendation, and are incorporated in the recommended rule amendment by reference and contained on the Commission’s website (Attachment A, page 7, lines 17-21). No comments were filed with respect to the recommended changes to this rule.

Rule 25-4.0341, Filing of Service Schedules

Staff is recommending that new Rule 25-4.0341 be adopted to implement section 364.04, F.S. Section 364.04(1), F.S., requires every telecommunications company to “publish through electronic or physical media schedules showing the rates, tolls, rentals, and charges of that company for service to be offered within the state.” The 2011 Legislature eliminated from section 364.04(1), F.S., the Commission’s authority “over the content or form or format of such published schedules.”

¹ “‘Network access service’ is defined as any service provided by a [LEC] to a telecommunications company certificated under [Ch. 364] or licensed by the [FCC] to access the local exchange telecommunications network, excluding local interconnection, resale, or unbundling pursuant to s. 364.16.” § 364.163, F.S. (2011).

New Rule 25-4.0341(1) provides limited guidance for filing service schedules for services other than those required under Rule 25-4.034, F.A.C., either in hard copy format or electronically (Attachment A, page 11, lines 2-16). The instructions for electronic filing are set forth in the "E-Tariff Filings User Notes," which are included in Attachment A on pages 14-17 of this recommendation, are incorporated in the recommended new rule by reference, and are contained on the Commission's website (Attachment A, page 11, lines 7-10).

New Rule 25-4.0341(2) requires all LECs that elect not to file service schedules with the Commission to notify the Office of Telecommunications of the location where such service schedules are available to their customers (Attachment A, page 11, lines 17-19).

TWTC's comments with respect to recommended Rule 25-4.0341 are that the instructions and requirements for the LECs to electronically file service schedules should be available for review and comment by interested persons prior to the implementation of the rule, and that the implementation of Rule 25-4.0341 and the repeal of Rule 25-24.825 should be synchronized and contemporaneous to avoid regulatory gaps and confusion. Since the time of the workshop, staff has included the instructions and requirements for electronically filing service schedules to the Commission's website under "E-Tariff Filings User Notes" (Attachment A, pages 14-17), and has incorporated the "E-Tariff Filings User Notes" in the recommended new rule by reference. Moreover, the proposed repeal of Rule 25-24.825 is included within this recommendation, such that the proposal to adopt Rule 25-4.0341 will be filed contemporaneously with the proposal to repeal Rule 25-24.825, F.A.C., if the Commission agrees with staff's recommendation on both rule proposals.

Rule 25-24.825, F.A.C., Price List

Section 364.04, F.S., now permits telecommunications companies to either file their published schedules of rates, tolls, rentals, and charges with the Commission or to publish them through other reasonably publicly accessible means, including on a website. Rule 25-24.825, F.A.C., requires CLECs to maintain current price lists with the Commission, setting forth prices, charges, billing and payment arrangements, and service quality levels for basic local telecommunication services. Consistent with the statutory changes to section 364.04, F.S., staff recommends that this rule should be repealed.

For those telecommunications companies that elect to maintain on file with the Commission their pricing details and other information for the provision of services, recommended Rule 25-4.0341, F.A.C., includes filing conventions to allow for their pricing details and other information to be filed in hard copy format, or electronically, via e-mail.

Statement of Estimated Regulatory Costs

The Florida Administrative Procedure Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). Section 120.54(3)(b), F.S. An agency must prepare a SERC if the proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year after implementation of the rule, and shall consider the impact of the rule on small businesses, small counties, and small cities. Id.

Section 120.541(2)(a), F.S., requires a SERC to include an economic analysis showing whether the rule, directly or indirectly, is likely to: 1) have an adverse impact on economic growth, private sector job creation, employment, or investment; 2) have an adverse impact on business competitiveness; or 3) increase regulatory costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule. Section 120.541(3), F.S., requires that if the adverse impact or regulatory costs of the rule exceed any of those criteria, the rule shall be submitted to the President of the Senate and Speaker of the House, and may not take effect until it is ratified by the Legislature.

The SERC prepared by staff is included as Attachment B to this recommendation. It indicates that economic growth, private job sector employment, investment, and business competitiveness are not expected to be adversely impacted during the five-year period following implementation of the rules because the recommended amendment of Rule 25-4.034, F.A.C., reduce regulatory requirements imposed on ILECs consistent with the changes made to Chapter 364, F.S., and because the filings referenced in recommended new Rule 25-4.0341 are optional. Based on the SERC, the recommended rules will not require legislative ratification.

Attachment B also contains the estimated number of individuals and entities likely to be required to comply with the rules, the estimated cost of implementing and enforcing the rules, the estimated transactional costs likely to be incurred by individuals and entities required to comply with the rules, and an analysis of the impact on small businesses, small counties, and small cities. Section 120.541(2)(b)-(e), F.S., requires that a SERC include these considerations.

Conclusion

Based on the foregoing, staff recommends that the Commission propose the amendment of Rule 25-4.034, the adoption of Rule 25-4.0341, and the repeal of Rule 25-24.825, F.A.C., as set forth in Attachment A of this recommendation.

Docket No. 120265-TP
Date: November 13, 2012

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the amendment of Rule 25-4.034, adoption of Rule 25-4.0341, and repeal of Rule 25-24.825, as proposed, should be filed for adoption with the Secretary of State and the docket should be closed.

Staff Analysis: Unless comments or requests for hearing are filed, the amendment of Rule 25-4.034, adoption of Rule 25-4.0341, and repeal of Rule 25-24.825, as proposed, may be filed with the Secretary of State without further Commission action. The docket may then be closed.

1 **25-4.034 Network Access Tariffs.**

2 (1) Pursuant to Section 364.163, F.S., ~~Except to the extent otherwise permitted by~~
3 ~~Section 364.051(5)(a), F.S., each local exchange telecommunications company shall maintain~~
4 on file with the Commission tariffs which shall set forth all intrastate rates, terms and
5 conditions and charges for network access customer services, ~~the classes and grades of~~
6 ~~service available to subscribers, the conditions and circumstances under which service will be~~
7 ~~furnished, and all general rules and regulations governing the relation of customer and~~
8 ~~company. The rates and charges for contract service arrangements for an individual customer~~
9 ~~need not be filed where the company's tariff provides a description of the circumstances under~~
10 ~~which such arrangements are offered for specified tariffed services.~~

11 (2) Filing shall mean received by the Office of Telecommunications ~~office of the~~
12 ~~Division of Regulatory Analysis~~ during normal business hours. Any tariff received by the
13 Office of Telecommunications ~~Division of Regulatory Analysis~~ after 5:00 p.m. shall be
14 considered filed on the next regular business day. All proposed changes to an existing tariff
15 shall either be filed that are submitted by hard copy with ~~shall be directed to~~ the Director of
16 the Office of Telecommunications, Division of Regulatory Analysis, Florida Public Service
17 Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or shall be filed
18 electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes," which
19 are incorporated herein by reference and which are available at: [hyperlink]. These
20 instructions can also be accessed from the Commission's website at
21 <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. ~~Hard copy filings and~~
22 shall include an original and one (1) copy ~~two (2) copies~~ of each revised tariff sheet. A letter
23 of transmittal shall accompany each tariff filing, which lists the included sheets; by sheet
24 number and revision level as specified in paragraphs ~~(3 6)~~(c)-(e), and gives a brief description
25 of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal

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1 shall be sent in duplicate with a request that the duplicate be returned and a postage paid
2 envelope shall be provided for that purpose.

3 (3) Network access tariffs shall comply with the following conventions:

4 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must
5 be clear and legible. Tariffs shall be in loose leaf form on 8 1/2" × 11" sheets, typewritten on
6 white paper, using one side of the paper only.

7 (b) Each sheet shall bear the name of the company, as certificated with the
8 Commission and the effective date of the sheet.

9 (c) Every sheet in the tariff shall be numbered.

10 (d) Each sheet in the tariff shall be marked "Original Sheet" in the upper right-hand
11 corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

12 (e) Revised sheets in the tariff shall be marked with the number of the revision in the
13 upper right-hand corner and the number of the sheet it replaces. As an example: First Revised
14 Sheet No. 4, Cancels Original Sheet No. 4.

15 (f) The network access tariffs shall contain at a minimum the following:

16 1. Table of Contents and Index. All network access tariffs shall have a table of contents
17 identifying the page location of each section in the tariff.

18 2. Symbols Used in Tariff Filings. All symbols shall be defined in the network access
19 tariff. Symbols used to indicate rate changes shall appear on the right hand side of each rate
20 change sheet on the same line(s) in which any change has been made. If three or more
21 consecutive lines of text are affected, one symbol shall be placed on the right hand margin on
22 the first and last lines with a vertical line connecting the two symbols. Two or more symbols
23 shall be placed next to each other on any line with multiple types of changes.

24 3. Technical Terms and Abbreviations. This section shall contain all company-specific
25 technical and special terms and abbreviations used in the network access tariff. ~~Each company~~

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

4 ~~(4) Each telecommunications company shall make available for public inspection upon~~
5 ~~request, either a printed copy or an electronic copy of its retail tariffs.~~

6 ~~(5) Companies shall charge only the rates and credits contained in their tariff. If a~~
7 ~~company desires to deviate temporarily from its normal tariffed rates and credits, the company~~
8 ~~shall file a single tariff change reflecting the conditions of the temporary tariff change. Such~~
9 ~~tariff provision shall include the heading "Promotion," and shall state the name of the~~
10 ~~promotion, a specific description of the tariffed service(s) involved, including all applicable~~
11 ~~rates, benefits, terms, and conditions, and the beginning and ending dates of the promotion.~~

12 ~~(6) Tariffs shall comply with the following conventions:~~

13 ~~(a) Each sheet shall have a left hand margin of at least 3/4". All sheets and copies must~~
14 ~~be clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2"~~
15 ~~× 11" sheets, typewritten on white paper, using one side of the paper only.~~

16 ~~(b) Each sheet shall bear the name of the company, as certificated with the~~
17 ~~Commission, the name and title of the issuing officer, and the effective date of the sheet.~~

18 ~~(c) Every sheet in the tariff shall be numbered.~~

19 ~~(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the~~
20 ~~upper right hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet~~
21 ~~No. 5.2.~~

22 ~~(e) Revised sheets in the tariff shall be marked with the number of the revision in the~~
23 ~~upper right hand corner and the number of the sheet it replaces. As an example:~~

24 ~~First Revised Sheet No. 4~~

25 ~~Cancels Original Sheet No. 4~~

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1 ~~(f) The tariffs shall contain at a minimum the following:~~
2 ~~1. Table of Contents and Index. All tariffs shall have a table of contents identifying the~~
3 ~~page location of each section in the tariff. Each section shall also be individually indexed by~~
4 ~~subject.~~
5 ~~2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the~~
6 ~~existing tariff shall appear on the right hand side of each sheet on the same line(s) in which~~
7 ~~any change has been made. If three or more consecutive lines are affected, one symbol shall~~
8 ~~be placed on the first and last lines with a vertical line connecting the two symbols. Two or~~
9 ~~more symbols shall be placed next to each other on any line with multiple types of changes.~~
10 ~~The symbol page shall identify all symbols used in the tariff.~~
11 ~~3. Technical Terms and Abbreviations. This section shall contain all technical and~~
12 ~~special terms and abbreviations used in the tariff.~~
13 ~~(7) With each filing, the company shall provide a coded copy of each tariff sheet filed~~
14 ~~showing changes to the existing tariff sheet. Changes shall be indicated by inserting and~~
15 ~~underlining new words; words to be deleted shall be lined through with hyphens.~~
16 *Rulemaking Authority 350.127(2), 364.01 FS. Law Implemented 364.01, 364.04, 364.163 FS.*
17 *History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-*
18 *10-96, 1-25-09, XX-XX-XX.*
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1 **25-4.0341 Filing of Service Schedules.**
2 (1) Telecommunications companies electing to file service schedules with the Florida
3 Public Service Commission shall either file an original and one (1) hard copy of all new
4 service schedules and proposed changes to existing service schedules with the Director of the
5 Office of Telecommunications, Florida Public Service Commission, 2540 Shumard Oak
6 Boulevard, Tallahassee, Florida 32399-0850, or shall file electronically pursuant to the
7 instructions set forth in the “E-Tariff Filings User Notes,” which are incorporated herein by
8 reference and which are available at: (hyperlink). These instructions can also be accessed
9 from the Commission’s website at
10 <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Any schedule received by
11 the Office of Telecommunications after 5:00 p.m. shall be considered filed on the next regular
12 business day. A letter of transmittal shall accompany each filing, which lists the included
13 sheets by sheet number and revision level and gives a brief description of all changes. If
14 acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in
15 duplicate with a request that the duplicate be returned and a postage paid envelope shall be
16 provided for that purpose.

17 (2) Each local telecommunications company that elects not to file service schedules
18 with the Commission shall notify the Office of Telecommunications at the address listed in (1)
19 of the location where such service schedules are available to its customers.

20 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.04 FS. History—New XX-XX-XX.*

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1 ~~25-24.825 Price List.~~

2 ~~(1) Prior to providing service, each company subject to these rules shall file and~~
3 ~~maintain with the Commission a current price list which clearly sets forth the following~~
4 ~~information for the provision of residential dial tone, single-line business dial tone, and dial~~
5 ~~tone with any combination of the services included as part of basic local telecommunications~~
6 ~~services, as defined in Section 364.02(2), F.S. If residential dial tone, single-line business dial~~
7 ~~tone, or dial tone with any combination of the services included as part of basic local~~
8 ~~telecommunications service is offered on a package basis, the following information must be~~
9 ~~provided for each package:~~

10 ~~(a) Current prices;~~

11 ~~(b) Customer connection charges;~~

12 ~~(c) Billing and payment arrangements; and~~

13 ~~(d) Levels of service quality which the company holds itself out to provide for each~~
14 ~~service.~~

15 ~~(2) At the company's option, price list information in subsection (1) above and other~~
16 ~~information concerning the terms and conditions of service may be filed for services other~~
17 ~~than basic local telecommunication services.~~

18 ~~(3) A price list revision must be physically received by the Commission's Division of~~
19 ~~Regulatory Analysis at least one day prior to its effective date.~~

20 ~~(4) Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an~~
21 ~~ongoing page identification system which will allow for the identification of inserted and~~
22 ~~removed pages. The color of paper on which price lists are filed must be amenable to being~~
23 ~~clearly photocopied on standard photocopy equipment.~~

24 ~~(5) Complete information concerning a company's service offerings, rates and charges;~~
25 ~~conditions of service, service quality, terms and conditions, service area, and subscribership~~

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1 ~~information identified by local exchange company exchange must be made available to~~
2 ~~Commission staff upon request.~~
3 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—New*
4 *12-27-95, Amended 4-8-98, Repealed XX-XX-XX.*

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E-Tariff Filings User Notes

Companies may voluntarily submit their filings either electronically using the following instructions or via hard-copy submission. The Commission strongly encourages the use of its e-filing system and may transition to mandatory e-filing in the future.

“Tariff filing” is the generic term to describe all price list, service schedule, and tariff-related filings made by incumbent and competitive local exchange companies. They are tracked using the Telecommunications Filing Information System (TFIS).

Prior to filing your revisions electronically, you will need to coordinate directly with Commission staff to set your company up for e-filing tariffs. Contact Jeff Bates at 850-413-6538 for details and testing requirements.

Filing and Submission Format

- Companies should address all price list, service schedule, and tariff-related filings to **telephone.tariffs@psc.state.fl.us**
- Each company must provide a specific e-mail address from which they will originate filings and will receive automatic receipt confirmation/rejection of the filing(s). Experience has shown the preferred e-mail address is one which is not assigned to a specific individual, e.g., pscfilings@yourcompany.com. This can be done through your IT department or e-mail provider.
- Each company should provide the Commission with the specific location or web address where company publishes its current, complete tariff or service schedule. (This link will be included with the company information located in the Master Commission Directory and will be available at the Commission website.)

To be accepted by our servers, e-filings addressed to the Commission tariff server will:

- originate from the preferred e-mail address specified by the company, as indicated above.
- include a subject line in the e-mail which will begin with the company code of the specific company – two letters and three numbers (beginning with TL, TX, TA, or TY). The first five digits of the subject line must be the company code or the filing will be rejected by the e-tariff server and will not be “received and on file.”
- the body of the e-mail will be in the form of the traditional transmittal letter.
- have only ONE attachment which will consist of one set of the revised tariff or price list pages. An e-mail with more than one attachment will be rejected.
- have the attachment in PDF Text + Image format.

- not have any spaces in the attachment filename.

E-tariff filings from unrecognized e-mail addresses will be rejected.

Notifications/Response Confirmation

- Received filings will generate an automated response with a unique tracking number.
- The receipt will be forwarded to the company-provided e-mail address; it is the responsibility of the company to verify the status of their e-filing;
- In addition, a receipt notice will be sent to an e-mail box accessible to designated Commission staff.
- The date and time on the receipt will determine the filing date and, in most cases, the effective date.
- E-mail receipts will replace the Commission tariff letter for company participating in the E-Tariff program. These letters are normally sent to the company once a filing has been reviewed and inserted in the tariff on file at the FPSC.
- The standard language for the e-tariff receipt is:
 1. "Acknowledged" filings:

"Thank you for filing your tariff or price list electronically on _____
at _____. Tracking number: _____.

Your e-mail and its attached electronic filing will be opened, printed, and entered into the Telecommunications Filing Information System (TFIS).

If your filing was received no later than 5:00 P.M. Eastern Time on a normal Commission workday, it will be considered "filed" on that day. If the filing was received after 5:00 P.M. Eastern Time, or on a weekend or State of Florida holiday, it will be considered as filed on the next business day.

You are reminded that, pursuant to Rule 28-106.104(7)(b), F.A.C., if you elect to file any document by electronic transmission, you are responsible for any delay, disruption, or interruption of the electronic signals and accept the full risk that the document may not be properly filed as a result.

Do not reply to this automated response."

2. The basic "rejected" filings language will include:

"This E-mail is an automated response to your Electronic Tariff filing. Your electronic tariff filing was rejected automatically on _____ at _____ because _____.

You are reminded that, pursuant to Rule 28-106.104(7)(b), F.A.C., if you elect

to file any document by electronic transmission, you are responsible for any delay, disruption, or interruption of the electronic signals and accept the full risk that the document may not be properly filed as a result.

Do not reply to this automated response.”

3. Reasons for automatic rejection of filings include:
 - a. The filing did not include an attachment;
 - b. The attached file was not in PDF format;
 - c. The file name contained a space;
 - d. The filing contained more than one attachment;
 - e. The company code is not valid for the originating e-mail address or is not present as the first five letters of the subject line; and
 - f. The e-tariff filing did not originate from the Commission recognized e-mail address authorized by the company; in this instance, a rejection notice is not sent.
4. All automated responses will be forwarded to designated Commission staff members and will be maintained for future reference.

Posting of E-Tariff filing to Commission Website

The procedure for processing tariff filings electronically is essentially the same as with hard-copy filings, only with less paper. When companies file electronically, the procedures will be:

- The company will e-mail the tariff filing to the tariff e-mail address;
- The tariff server will generate an automated, numbered receipt for the e-filing made (this will note whether the filing is accepted or rejected);
- The Tariff Clerk will log the accepted tariff filing into Telecommunications Filing Information System (TFIS);
- The TFIS system database is available on the Commission Website, thus making the filings available on the Internet.
- Tariff query summaries include a link to the e-tariff filing.

Handling of replacement sheets or filings

Filings which require replacement sheets must be replaced in their entirety on the e-tariff server. This means that if only one page must be corrected for the filing to be correct, the complete electronic file (consisting of the transmittal letter, legislative format if necessary and one set of the revised sheets) must be replaced. The reason the complete package has to be resubmitted is so the electronic file available on the Commission network and web site is always complete and accurately reflects the filing on file with the Commission.

- The Commission will contact the company contact and request the filing be replaced

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- *****IMPORTANT*****The replacement file will be e-mailed to the Tariff Clerk or designated staff, **NOT** the e-tariff e-mail address:
 - The subject line of the e-mail must include “Replacement File for [tariff filing number]
 - The attached file will follow the same format as all e-tariff filings
- The Tariff Clerk or designated staff will replace the file associated with the tariff number, which will in turn be available for download from the FPSC website

EFF: 10/2102
Rules 25-4.034, 25-4.0341, F.A.C.

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Public Service Commission

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DATE: November 7, 2012
TO: Rosanne Gervasi, Senior Attorney, Office of the General Counsel
FROM: William B. McNulty, Economic Analyst, Division of Economic Regulation
RE: Statement of Estimated Regulatory Costs for Proposed Rule Amendment to Rule 25-4.034, F.A.C., Tariffs; Proposed Rule 25-4.0341, F.A.C., Filing of Service Schedules; and Proposed Deletion of Rule 25-24.825, F.A.C. Price List

Summary of Rules

Rule 25-4.034, F.A.C., Tariffs, currently requires each local exchange company (LEC) to maintain on file with the Commission tariffs setting forth all rates and charges for services, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of the customer and the company. The rule also requires LECs to make their tariffs available for public inspection, allows them to charge only the rates and credits contained in their respective tariffs, and specifies tariff filing conventions. Rule 25-24.825, F.A.C., Price List, currently requires each competitive local exchange company to maintain on file with the Commission its pricing details and other information for the provision of residential dial tone, single-line business dial tone, and dial tone provided with any combination of services included as part of basic local telecommunications service.

Draft changes to Rule 25-4.034, F.A.C. (draft amended rule), require LECs to file tariffs for only network access service rather than all services, consistent with the 2011 changes to Chapter 364, F.S. The draft changes also include the option of filing tariffs either in hard copy format or electronically on a publicly available website, unlike the current rule which allows for only the hard copy filing option. The draft changes include filing conventions for network access tariffs.

Draft Rule 25-4.0341, F.A.C., Filing of Service Schedules (draft rule), provides administrative guidance to telecommunications companies choosing to file service schedules with the Commission. The draft rule includes a directive that each telecommunications

company choosing to not file service schedules with the Commission notify the Commission of the location where such service schedules are available to its customers.

The draft changes to Rule 25-4.034, draft Rule 25-4.0341, and the repeal of Rule 25-24.825, F.A.C., will not have an adverse impact on small business, nor are they likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within one year after implementation of the rule. Therefore, the Commission is not required to prepare a Statement of Estimated Regulatory Costs (SERC) for these rule changes under subsections a. and b. of section 120.54(3)(b)1., F.S. Nevertheless, because section 120.54(3)(b)1., F.S., encourages agencies to prepare a SERC before adopting, amending, or repealing any rule other than an emergency rule, this SERC has been prepared to address draft Rules 25-4.034 and 25-4.0341, F.A.C. This SERC does not address Rule 25-24.825, F.A.C., except insofar as it may impact draft Rule 25-4.0341, F.A.C., because the repeal of Rule 25-24.825, F.A.C., will clearly lower required regulatory costs given that competitive local exchange companies will no longer be required to file service schedules.

Economic Analysis Showing Whether the Rules Are Likely to Have an Adverse Impact on Either Economic Growth or Business Competitiveness In Excess of \$1 Million Within 5 Years.

Subparagraph 120.541(2)(a)1, Florida Statutes (F.S.), requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule. Similarly, Subparagraph 120.541(2)(a)2, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, production, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule. The draft changes to Rule 25-4.034, F.A.C., reduce regulatory requirements imposed on LECs, consistent with 2011 changes to Chapter 364, Florida Statutes. The proposed reduction in regulatory requirements is not expected to adversely impact economic growth, private job sector employment, private sector investment, or business competitiveness during the five year period identified in the statutes. Draft Rule 25-4.0341, F.A.C., does not adversely impact these four measures of the economy either because the filings referenced in the rule are optional.

Economic Analysis Showing Whether the Rules Are Likely to Increase Regulatory Costs In Excess of \$1 Million Within 5 Years

Subparagraph 120.541(2)(a)3, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to increase regulatory cost, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule. Since draft amended Rule 25-4.034, F.A.C., reduces LEC's regulatory filing requirements, regulatory costs are expected to be reduced during the five

year period. In addition, LECs may achieve lower regulatory costs under the draft amended rule by filing electronically rather than filing hard copies, and if LECs do choose to file hard copies, they are required only to file one copy instead of two copies as is currently required.

Since draft Rule 25-4.0341, F.A.C., references optional rather than mandatory telecommunications companies' filings, the rule is not expected to cause an increase in regulatory costs. Furthermore, if Rule 25-24.825, F.A.C., Price Lists, is repealed and if draft Rule 25-4.0341, F.A.C., Filing of Service Schedules, becomes effective, competitive local exchange companies will have lower required regulatory costs because they will no longer be required to file service schedules.

Estimated Number of Entities Required to Comply and General Description of Individuals Affected

Subparagraph 120.541.(2)(b), F.S., requires a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals anticipated to be affected by the rule. The number of entities which will be required to comply with draft amended Rule 25-4.034, F.A.C., include 10 LECs. The number of entities which will be required to comply with draft Rule 25-4.0341, F.A.C., include 321 telecommunications companies which consists of 10 LECs, 295 competitive local exchange companies, and 16 local service providers.

Rule Implementation and Enforcement Costs and Impact on Revenues For The Agency and Other State and Local Government Entities

Section 120.541(2)(c), F.S., requires a good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues. The FPSC expects to incur reduced costs of implementing and enforcing Rule 25-4.034, F.A.C., because the draft amended rule significantly reduces the volume of required documentation. Under the draft amended rule, the required tariff filing documentation by LECs containing rates, terms, and conditions is eliminated for various types of telecommunication services, such as local exchange service. This translates into less staff time reviewing and maintaining documents.

The FPSC expects to incur reduced cost of implementing and enforcing draft Rule 25-4.0341, F.A.C., relative to the costs required prior to the 2011 changes to Chapter 364, F.S., because filings by LECs will be significantly reduced. Also, filings currently required under Rule 25-24.825, F.A.C., if repealed, will no longer be required for telecommunications companies which are not LECs (i.e. CLECs and other local service providers).

Draft amended Rule 25-4.034, F.A.C. and draft Rule 25-4.0341, F.A.C., are not expected to impact the FPSC revenue since the tariffs are filed without filing fees. The other means by which the draft amendment and draft rule could impact FPSC revenue is via amendments to the telecommunications regulatory assessment fees (RAFs), which are identified in Rule 25-4.0161, F.A.C, Regulatory Assessment Fees; Telecommunications

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Companies (telecom RAF Rule). Telecommunications RAFs per the telecom RAF Rule were reduced effective December 4, 2011, based on the Commission's projected telecommunications expense for FY 2012/2013, taking into account many of the 2011 changes to Chapter 364, F.S., including expected reductions to tariff maintenance and reviews. Therefore, no further adjustments to telecommunications RAFs associated with the draft amended rule and draft rule are expected.

In addition, the draft amended Rule 25-4.034, F.A.C., and draft Rule 25-4.0341, F.A.C., are not expected to result in any implementation or enforcement costs to other state and local governmental entities. The draft amended rule and the draft rule are not expected to impact state or local revenues.

Estimated Transactional Costs to Individuals and Entities

Section 120.541(2)(d), F.S., requires a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. Since draft changes to Rule 25-4.034, F.A.C., reduce regulatory filing requirements, LEC regulatory costs associated with the rule are expected to be reduced. Since draft Rule 25-4.0341, F.A.C., references filings which are optional rather than mandatory, the draft rule is not expected to result in an increase in regulatory costs to the telecommunications companies subject to the draft rule.

Impact On Small Businesses, Small Cities, Or Small Counties

Section 120.541.(2)(e), F.S., requires an analysis of the impact of the proposed changes on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined in Section 120.52, F.S. Since the draft changes to Rule 25-4.034, the draft Rule 25-4.0341, and the repeal of Rule 25-24.825, F.A.C., are expected to reduce regulatory costs, the rules are expected to have no impact on small businesses, small counties, and small cities; however, to the extent reduced regulatory costs are passed on to customers in the form of reduced rates for services, the rules may have a slight positive impact on these entities.

Additional Information Deemed Useful By The Agency

None.

cc: Beth Salak
Jim Dean