

STATE OF FLORIDA

COMMISSIONERS:
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OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

December 17, 2012

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RECEIVED FPSC
12 DEC 17 PM 1:20
COMMISSION
CLERK

RE: Docket No. 120238-TP; Rules 25-24.585, 25-24.835, and 25-4.0051, F.A.C.

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rules:

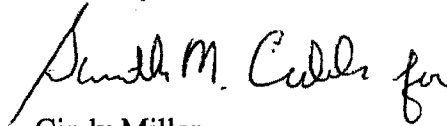
1. A copy of the proposed rules.
2. A copy of the F.A.R. notices.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. Statement of Estimated Regulatory Costs for the rules.

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JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE
5 21 350 17180
FPSC-COMMISSION CLERK

Mr. Kenneth J. Plante
December 17, 2012
Page 2

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6082.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy M. Miller for". The signature is written in a cursive style with a large initial "C" and "M".

Cindy Miller
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 25-24.585 Rules Incorporated.

2 ~~(1) The following rules are incorporated herein by reference and apply to shared tenant service~~
3 ~~companies:~~

| 4 | <u>Section</u> | <u>Title</u> | <u>Portions Applicable</u> |
|----|---------------------|---|-----------------------------------|
| 5 | 25-4.019 | Records and Reports in General | All |
| 6 | 25-4.020 | Location and Preservation of Records | All except (1) and (3) |
| 7 | 25-4.036 | Design and Construction of Plant | All |
| 8 | 25-4.043 | Response to Commission Staff Inquiries | All |
| 9 | 25-4.0161 | Regulatory Assessment Fees; Telecommunication | All |
| 10 | | Companies | |
| 11 | 25-4.110 | Customer Billing | Subsections (11) and (12) |
| 12 | 25-4.160 | Operation of Telecommunications Relay Service | All |

13 ~~(2) Each shared tenant service company shall file with the Commission's Office of~~
14 ~~Commission Clerk updated information for the following items within ten days after either~~
15 ~~such change occurs:~~

16 ~~(a) The mailing address of the certificate holder.~~

17 ~~(b) Name, title, and phone number of individual responsible for Commission contacts.~~

18 *Rulemaking Authority 350.127(2), 427.704(8) FS. Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183,*
19 *364.185, 364.339 FS. History—New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, 4-8-98, 12-23-02, 11-16-0,*

20 Repealed

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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 25-24.835 Rules Incorporated.

2 ~~(1) The following rules are incorporated herein by reference and apply to competitive local~~
3 ~~exchange companies.~~

| <u>Section</u> | <u>Title</u> | <u>Portions</u> |
|------------------------|---|-------------------|
| | | <u>Applicable</u> |
| 6 25-4.0161 | Regulatory Assessment Fees | All |
| 7 25-4.020 | Location and Preservation of Records | (2) |
| 8 25-4.043 | Response to Commission Staff Inquiries | All |
| 9 25-4.036 | Design and Construction of Plant | All |
| 10 25-4.038 | Safety | All |
| 11 25-4.160 | Operation of Telecommunications Relay | All |
| 12 | Service | |

13
14 ~~(2) Each company shall file updated information for the following items with the Office of~~
15 ~~Commission Clerk within 10 days after any changes to the following:~~

16 ~~(a) The address of the certificate holder's main corporate and Florida offices (if any) including~~
17 ~~street name and address and post office box, city, state and zip code; or~~

18 ~~(b) Telephone number, name, and address of the individual who is to serve as primary liaison~~
19 ~~with the Commission in regard to the ongoing Florida operations of the certificated company.~~

20 ~~Rulemaking Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented 364.016,~~
21 ~~364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-99, 8-25-05,~~
22 ~~Repealed.~~

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25-4.0051 Current Certificate Holder Information.

(1) Each company shall file updated information for the following items with the Office of Commission Clerk within 10 days after any changes to the following:

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.

Rulemaking Authority 350.127(2), 427.704(8), FS. Law implemented 364.016, 364.183, 364.336, 364.3375, FS. History-New xx-xx-xx.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-24.585: Rules Incorporated

25-24.835: Rules Incorporated

PURPOSE AND EFFECT: To repeal the rules because under the Regulatory Reform Act of 2011, the Commission no longer has authority to treat shared tenant service providers and competitive local exchange carriers differently.

Docket No. 120238-TP

SUMMARY: Rule 25-24.585 sets out rules that apply to shared tenant service companies. Rule 25-24.835 sets out rules which apply to competitive local exchange companies. Both rules are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 364.18(1), 364.335, FS

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.585 Rules Incorporated.

Rulemaking Authority 350.127(2), 427.704(8) FS. Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS. History—New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, 4-8-98, 12-23-02, 11-16-0, Repealed.

25-24.835 Rules Incorporated.

Rulemaking Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented 364.016, 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-99, 8-25-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 35, August 31, 2012.

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-4.0051: Certificate Holder Information

PURPOSE AND EFFECT: To require current contact information from each telecommunications certificate holder. This centralizes the requirement in accord with the 2011 Regulatory Reform Act.

Docket 120238-TP

SUMMARY: The rule requires each company to file updated contact information with the Commission Clerk.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 427.704(8), FS

LAW IMPLEMENTED: 364.183, 364.336, FS

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0051 Current Certificate Holder Information.

(1) Each company shall file updated information for the following items with the Office of Commission Clerk within 10 days after any changes to the following:

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.

Rulemaking Authority 350.127(2), 427.704(8), FS. Law implemented 364.016, 364.183, 364.336, 364.3375, FS. History-New xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number
35, August 31, 2012.

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Rules 25-24.585, 25-24.835, and 25-4.0051, F.A.C.
Docket No. 120238-TP

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

The Florida legislature enacted the Regulatory Reform Act of 2011 which reduced requirements on telecommunication companies and provides for telecommunication companies to be treated similarly. Thus, separate rules are no longer needed for shared tenant service providers, as in Rule 25-24.585, F.A.C., and for competitive local exchange companies, as in Rule 25-24.835, F.A.C. Thus, these rules are being repealed. Instead, Rule 25-4.0051, F.A.C., is created to require contact information from all the telecommunication companies.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for these rules.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: November 15, 2012
TO: Cindy B. Miller, Senior Attorney, Office of the General Counsel
FROM: Laura V. King, Economic Analyst, Division of Economics *JWD EDD*
RE: Statement of Estimated Regulatory Costs for Proposed Repeal of Rules 25-24.585 and 25-24.835, Florida Administrative Code (F.A.C.), Rules Incorporated; and Adoption of Rule 25-4.0051, F.A.C, Certificate Holder Information.

Summary of Proposed Rule Revisions

Rules 25-24.585 and 25-24.835, F.A.C., Rules Incorporated, apply to shared tenant service (STS) providers and competitive local exchange companies (CLEC) respectively. These rules contain almost identical provisions. Subsection 1 of each rule lists regulations that are incorporated by reference and Subsection 2 outlines what information must be kept current with the Office of Commission Clerk, including the providers address, telephone number, and/or changes to its Commission liaison.

The above rules are recommended for repeal because of changes to Chapter 364, F.S., made by the Regulatory Reform Act of 2011. Specifically, the legislation changed the definition of "telecommunications company" so that it now encompasses several types of providers, including STS and CLEC, and separate rule provisions are no longer necessary. As such, proposed Rule 25-4.0051, F.A.C., does not include any new regulatory requirements, but instead combines existing requirements found in Rules 25-24.585 and 25-24.835 F.A.C., into one rule applicable to all "telecommunications companies."

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 5 years after the implementation of the rule. 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, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The draft rules were evaluated for the potential for having adverse impacts on measures of economic activity noted above.

The proposed rule repeals and revisions are intended to streamline regulations in the telecommunications industry as specified by the Regulatory Reform Act of 2011. Existing regulatory requirements found in Rules 25-24.585 and 25-24.835, F.A.C., are now being combined into proposed Rule 25-4-0051, F.A.C., applicable to all “telecommunications companies.” This streamlining measure is consistent with the ongoing review of all telecommunications rules to determine those that should be consolidated and or repealed to achieve one set of rules applicable to all telecommunications companies. Since the proposed rule does not include new regulatory requirements, it is not expected to impact economic growth, private sector job creation, private sector investment, or adversely impact business competitiveness, productivity, or innovation.

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 costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The proposed revisions are meant to consolidate existing requirements into one rule applicable to all telecommunications companies. As such, it will not result in additional regulatory requirements or changes to industry business practices, nor introduce any new transactional costs.

Estimated Number of Entities Required to Comply and General Description of the Types of Individuals Likely to be Affected

Paragraph 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 likely to be affected by the rule. The proposed rule revisions would affect 19 STS companies and 296 CLEC. Customers of these companies are not excepted to be affected by the draft rule amendments, if adopted.

Rule Implementation and Enforcement Costs to the Agency and State and Local Government Entities, and Effect on State or Local Revenues

Paragraph 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 proposed revisions are not expected to cause increases in costs related to their implementation or enforcement, nor are they expected to have any effect on state or local revenues.

Estimated Transactional Costs to Individuals and Entities Including Local Governments

Paragraph 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. The draft language in Rule 25-4.0051, F.A.C., identifies what information must be kept current with the Office of the Commission Clerk, and

these regulatory requirements are the same as those currently found in Rules 25-24.585 and 25-24.835, F.A.C. (recommended for repeal). As such, the proposed rule does not create any new regulatory requirements and is not expected to introduce new transactional costs either to individuals or to local government entities.

Impact on Small Businesses, Small Cities, or Small Counties

Paragraph 120.541(2)(e), F.S., requires an analysis of the impact of the proposed changes on small businesses as defined in 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. The proposed rule does not create any new regulatory requirements but instead streamlines existing regulations. Therefore, the proposed rule will not cause adverse economic impacts to small businesses, small cities, or small counties.

Additional Information Deemed Useful by the Agency

No workshop has been requested in conjunction with the proposed revisions. No regulatory alternatives have been submitted pursuant to Paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in Paragraph 120.541(2)(a), F.S., will be exceeded as a result of the proposed revisions.

cc: Jim Dean
Beth Salak
ECR SERC File