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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-4.004: Certificates of Necessity or Authority; Application

25-4.005: Transfer of Certificate of Necessity or Authority

PURPOSE AND EFFECT: To update and clarify the application form and process for obtaining a certificate to provide telecommunications service or the transfer of the certificate.

Docket No. 20170262-TP

SUMMARY: The amendments streamline Rule 25-4.004, F.A.C., so that applicants are clearly on notice of the procedures and requirements for filing an application to provide telecommunications service or the transfer of such certificate. Rule 25-4.005, F.A.C., would be repealed and its provisions included in Rule 25-4.004, F.A.C.

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 SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment and repeal will not have an adverse impact on economic growth, business competitiveness, or small business and that there may be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

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: 350.113, 364.32, 364.33, 364.335, 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: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6214, phpage@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.004 Application for Original Certificates Necessity or Transfer of Certificate of Authority; Application.

(1) ~~In order to No person shall~~ provide telecommunications service services to the public without either a certificate of necessity issued prior to July 1, 2011, or a certificate of authority issued after July 1, 2011, is required. ~~Service Services~~ may not be provided, nor may deposits or payment for service services be collected, until the effective date of a certificate or transfer of a certificate. However, marketing and development activities may begin prior to the effective date of the certificate at the applicant's risk that the certificate may not be granted. Prior to certification, the applicant must advise the public in any customer contacts or advertisements that certification has not and may not be granted.

(2) ~~Each An applicant for a certificate of authority shall apply by using submit an application on~~ Form PSC 1020 (4/18) PSC/TEL 162 (12/12), entitled "Application Form for Original Authority or Transfer of Authority to Provide Telecommunications Company Service In Within the State of Florida.;" The application which is

incorporated into this rule by reference and which is available at [Dept. of State hyperlink], <http://www.flrules.org/Gateway/reference.asp?No=Ref-02034>, and from the Florida Public Service Commission's website at www.floridapsc.com/utilities/TelecomCLECApplication/ www.floridapsc.com/utilities/telecomm/, or from by contacting the Florida Public Service Commission's Office of Industry Development and Market Analysis Telecommunications. Except as provided in Section 364.33, F.S., a certificate holder and the person seeking to obtain the certificate by transfer from the holder shall submit a joint application using form PSC 1020 (4/18). A non-refundable application or transfer fee of \$500.00 must accompany the filing of each application. The Commission's acceptance of the application fee does not imply that the application or transfer of a certificate will be granted.

(3) The company transferring the certificate shall pay to the Florida Public Service Commission all regulatory assessment fees owed pursuant to Section 364.336, F.S., and Rule 25-4.0161, F.A.C.

(4)(3) The An application for certificate of authority or transfer shall be filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(4) Each holder of a certificate of necessity or authority shall file with the Commission's Office of Commission Clerk updated information for the following items within ten days after a change occurs:

(a) The street address of the certificate holder including number, street name, city, state and zip code, and the mailing address if it differs from the street address.

(b) Name, title, and phone number of the individual responsible for contact with the Commission.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113 350.127(1), 364.32, 364.33, 364.335, FS. History—New 12-1-68, Formerly 25-4.04, Amended 12-16-12, _____.

25-4.005 Transfer of Certificate of Necessity or Authority.

(1) Except as provided in Section 364.33, F.S., a certificate holder and the person seeking to obtain the certificate by transfer from the holder shall submit a joint application on Commission Form PSC/TEL 162 (12/12), entitled "Application Form for Authority to Provide Telecommunications Company Service Within the State of Florida," incorporated by reference into Rule 25-4.004, F.A.C. The application shall be filed with the Office of Commission Clerk. A nonrefundable application fee of \$500.00 must accompany the filing of each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for transfer of a certificate will be granted.

(2) The company transferring the certificate shall pay to the Commission all regulatory assessment fees owed pursuant to Sections 350.113 and 364.336, F.S. and Rule 25-4.0161, F.A.C.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 364.335, 364.336 FS. History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended 9-16-99, 12-16-12, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogleman.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 196, October 10, 2017.

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20350714	25-4.004,...	Certificates of Necessity or Authority; Application, Transfer of Certificate of Necessity or Authority	Proposed	4/30/2018 Vol. 44/84	4/27/2018

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
None					

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