

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rules) DOCKET NO. 931181-TP
25-24.700, .705, .710, .715,) ORDER NO. PSC-94-0609-NOR-TP
.720, .721, .725, .730, .735,) ISSUED: May 23, 1994
.740, .745, .747, F.A.C. and)
Amendment of Rules 25-4.002,)
25-4.0161, 25-9.001, 25-14.001,)
F.A.C.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF RULEMAKING

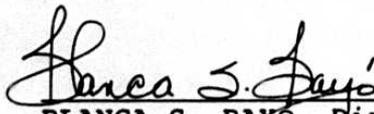
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt Rules 25-24.700, .705, .710, .715, .720, .721, .725, .730, .735, .740, .745, .747, F.A.C. and to amend Rules 25-4.002, 25-4.0161, 25-9.001, 25-14.001, F.A.C., relating to rules governing Alternative Access Vendor (AAV) Service Providers.

The attached Notice of Rulemaking will appear in the May 27, 1994 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Monday, July 25, 1994
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than June 17, 1994.

By Direction of the Florida Public Service Commission, this 23rd day of May, 1994.



BLANCA S. BAYO, Director
Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931181-TP

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Rules Governing Alternative

Access Vendor (AAV) Services

25-24

RULE TITLE:

RULE NO.:

Scope and Waiver

25-24.705

Terms and Definitions

25-25.710

Certificate of Public Convenience

and Necessity Required

25-24.715

Application for Certificate

25-24.720

Tariffs Not Required

25-24.721

Improper Use of a Certificate

25-24.725

Application for Approval of Sale,

Assignment, or Transfer of Certificate

25-24.730

Cancellation of a Certificate

25-24.735

AAV Service Provider Operations;

Rules Incorporated

25-24.740

Records and Reports; Rules Incorporated

25-24.745

Notification Requirements

25-24.747

PURPOSE AND EFFECT: The proposed new Rules, 25-24.700 through 25-24.747, F.A.C., Rules Governing Alternative Access Vendor Services (AAV Rules), codify Commission policy concerning Alternative Access Vendor (AAV) service as established in Order No.

24877 and affirmed, on reconsideration, in Order No. 25546. These Orders were issued after an extensive hearing in Docket No. 890183-TL, wherein the Commission investigated how AAVs operate and decided issues concerning the provision of AAV service. The Commission policy codified in these rules has the effect of regulating AAVs and the local exchange companies (LECs) with which they compete more symmetrically.

SUMMARY: The proposed Rule 25-24.705, F.A.C., "Scope and Waiver," provides that Chapters 25-4, 25-9 and 25-14 apply to AAVs only as provided in the AAV Rules; provides that AAVs are exempt from the statutory requirements of Chapter 364, Florida Statutes, to the extent that the rules contain either additional or inconsistent requirements from the statutory requirements; and provides that AAVs can petition for waiver of any provision of the AAV Rules and explains criteria relevant to disposition of a petition for waiver of the AAV Rules.

The proposed Rule 25-24.710, F.A.C., "Terms and Definitions," defines the terms "Affiliated Entity", "Alternate Access Vendor", "Alternate Access Vendor Service", "Private Line Service" and "Special Access Service".

The proposed Rule 25-24.715, F.A.C., "Certificate of Public Convenience and Necessity Required," subsections (1), (2) and (3), provides that AAVs shall obtain a Certificate of Public Convenience and Necessity. This certification authorizes the AAV to provide

AAV service statewide and interexchange private line service, but does not authorize the provision of interexchange switched service, shared tenant service, pay telephone service or any other telecommunications services requiring separate certification by the Commission. Subsection (4) prohibits applicants for an AAV certificate from providing service, collecting deposits or collecting payment for services prior to certification. This rule provision allows AAV certificate applicants to acquire equipment and facilities and advertise and engage in promotional activities, provided the applicant advises in the advertisements and in contacts with potential customers that certification has not and may never be granted by the Commission.

The proposed Rule 25-24.720, F.A.C., "Application for Certificate," sets forth the procedure to apply for an AAV certificate. The provision provides that an AAV certificate will be granted if the Commission determines that such is in the public interest.

The proposed Rule 25-24.721, F.A.C., "Tariffs Not Required," provides that AAVs are not required to file tariffs.

The proposed Rule 25-4.725, F.A.C., "Improper Use of a Certificate," provides that AAV certificates may not be sold, assigned or transferred by the holder without prior Commission approval. That section further provides that AAV certificates shall not be used as collateral for any purpose.

The proposed Rule 25-24.730, F.A.C., "Application for Approval of

Sale, Assignment or Transfer of Certificate," sets forth the procedure to petition for Commission approval of sale, assignment or transfer of an AAV certificate. That section further provides that an AAV certificate may be sold, assigned or transferred only as a whole.

The proposed Rule 25-24.735, F.A.C., "Cancellation of a Certificate," establishes criteria for Commission cancellation of an AAV certificate. That section sets forth the procedure for an AAV certificate holder's request for cancellation of its certificate.

The proposed Rule 25-24.740, F.A.C., "AAV Service Provider Operations; Rules Incorporated," subsection (1), incorporates rules relating to operations by reference and applies these rules to AAVs. Subsection (2) provides that an AAV may act as an agent of its customer in obtaining service from the local exchange company (LEC), provided the LEC bills the customer directly for the service rendered. Subsection (3), prohibits AAVs from reselling local exchange company private line service or foreign exchange (FX) service. Subsection (4) provides that AAVs shall require their customers to provide in writing, at least once every 12 months, the intrastate percentage of the customer's traffic carried over the AAV's facilities.

The proposed Rule 25-24.745, F.A.C., "Records and Reports; Rules Incorporated," subsection (1), incorporates rules relating to

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records and reports and applies these rules to AAVs. Subsection (2) requires AAVs to file updated information regarding change of address or regulatory liaison.

The proposed Rule 25-24.747, F.A.C., requires AAVs to provide to each customer, before the AAV provides service, information regarding charges, penalties and description of service being provided.

RULEMAKING AUTHORITY: 350.127(2), 350.127, 366.05(1), 367.121, F.S.

LAW IMPLEMENTED: 350.113, 350.127(1), 364.01, 364.02, 364.32, 364.33, 364.285, 364.335, 364.337(1), (2), 364.345, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Monday, July 25, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

TELEPHONE COMPANIES

CHAPTER 25-24

PART XIV

RULES GOVERNING ALTERNATIVE ACCESS VENDOR (AAV) SERVICES

25-24.700 Reserved

25-24.705 Scope and Waiver

25-24.710 Terms and Definitions

25-24.715 Certificate of Public Convenience and Necessity Required

25-24.720 Application for Certificate

25-24.721 Tariffs Not Required

25-24.725 Improper Use of a Certificate

25-24.730 Application for Approval of Sale, Assignment, or Transfer
of Certificate

25-24.735 Cancellation of a Certificate

25-24.740 AAV Service Provider Operations; Rules Incorporated

25-24.745 Records and Reports; Rules Incorporated

25-24.747 Notification Requirements

25-24.700 Reserved

25-24.705 Scope and Waiver.

(1) This part applies to every person or company providing
Alternative Access Vendor (AAV) service. Chapters 25-4, 25-9 and
25-14, Florida Administrative Code, shall apply to Alternative
Access Vendor service only as provided in this part.

(2) To the extent that these rules are inconsistent with

provisions of Chapter 364, Florida Statutes, regarding Alternative Access Vendor service. Alternative Access Vendor providers are exempt from such inconsistent statutory requirements.

(3) An AAV service provider may petition for a waiver of any provision of this part. The Commission may grant a waiver to the extent that it determines that a waiver is in the public interest. The Commission may grant the petition in whole or in part and may prescribe different requirements than are set forth in this part. In disposing of a petition, the Commission shall consider the factors enumerated in Section 364.337(2), Florida Statutes (1991). Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.337(1), (2), F.S.

History: New XX/XX/XX

25-24.710 Terms and Definitions.

For purposes of this part the following definitions apply:

(1) "Affiliated Entity." An entity (whether corporation, partnership, proprietorship or other form of business organization) is affiliated with another entity if one has a majority ownership interest in the other.

(2) "Alternative Access Vendor (AAV)." A provider, other than a local exchange telecommunications company, of Alternative Access Vendor Service.

(3) "Alternative Access Vendor Service." The provision of local private line service between an entity and its own facilities

or the facilities of an affiliated entity at another location or the provision of special access service between an end-user and an interexchange company.

(4) "Private line service." Any point-to-point or point-to-multipoint service dedicated to the exclusive use of the end-user for the transmission of any telecommunications service.

(5) "Special Access Service." Private line service which is connected from the end user's premises to an interexchange company.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.02, 364.337, F.S.

History: New XX/XX/XX.

25-24.715 Certificate of Public Convenience and Necessity Required.

(1) No person shall provide Alternative Access Vendor Service without first obtaining a Certificate of Public Convenience and Necessity from the Commission.

(2) A certificate authorizes the vendor to provide Alternative Access Vendor Service statewide as well as authority to provide interexchange private line service.

(3) A certificate to provide Alternative Access Vendor Service does not authorize provision of interexchange switched service, shared tenant service, pay telephone service or any other telecommunications services requiring certification by this Commission. A separate application must be made for such

authority.

(4) Applicants for a certificate shall not provide service, collect deposits or collect payment for services until a certificate becomes effective. However, at their own risk, applicants may acquire equipment and facilities and may advertise and engage in promotional activities before a certificate becomes effective. In contacts with potential customers or advertisements before certification, applicants shall advise the potential customer that certification has not and may never be granted.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.337, F.S.

History: New XX/XX/XX

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMU 43 (7/92), entitled "Application Form For Authority To Provide Alternative Access Vendor service within the State of Florida," which is incorporated into this rule by reference. The form may be obtained from the Division of Communications. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and 12 copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.337, 364.345, F.S.

History: New XX/XX/XX

25-24.721 Tariffs Not Required.

Alternative Access Vendors are not required to file tariffs.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.337, F.S.

History: New XX/XX/XX

25-4.725 Certificates Not Transferrable.

Certificates of public convenience and necessity authorizing Alternative Access Vendor service may not be sold, assigned or transferred by the holder without prior Commission approval. Certificates shall not be used as collateral for any purpose.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.337, 364.345, F.S.

History: New XX/XX/XX.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMU 43 (7/92) (entitled "Application Form for Authority to Provide

Alternative Access Vendor Service"). The application form may be obtained from the Division of Communications. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and 12 copies of the application shall be filed with the Division of Records and Reporting.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New XX/XX/XX

25-24.735 Cancellation of a Certificate.

(1) The Commission may cancel an AAV service provider's certificate for any of the following reasons:

(a) violation of the terms and conditions under which the authority was originally granted;

(b) violation of Commission rules or orders;

(c) violation of Florida statutes; or

(d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following information with its request:

- (a) the date the final Regulatory Assessment Fee was paid;
- (b) a statement of the reasons for cancellation;
- (c) a statement on the treatment of customer deposits and final bills; and
- (d) a representative copy of a customer notice regarding discontinuance of service.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.113, 350.127(1), 364.285, 364.337, 364.345, F.S.

History: New XX/XX/XX.

25-24.740 AAV Service Provider Operations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to Alternative Access Vendor service companies:

<u>Section</u>	<u>Title</u>
<u>25-4.022</u>	<u>Complaint - Trouble Reports, Etc.</u>
<u>25-4.036</u>	<u>Design and Construction of Plant</u>
<u>25-4.038</u>	<u>Safety</u>
<u>25-4.041</u>	<u>Courtesy</u>

(2) An AAV service provider may act as an agent of its customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for

the service rendered.

(3) An AAV service provider shall not resell local exchange company private line or foreign exchange (FX) service.

(4) Each AAV service provider shall require each customer to provide in writing, at least once every 12 months, the intrastate percentage of the customer's traffic carried over the AAV's facilities.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.337, F.S.

History: New XX/XX/XX

25-24.745 Records and Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to Alternative Access Vendor service companies:

<u>Section</u>	<u>Title</u>
<u>25-4.019</u>	<u>Records & Reports in General</u>
<u>25-4.020(1), (2)</u>	<u>Location & Preservation of Records</u>
<u>25-4.043</u>	<u>Inquiries</u>
<u>25-4.0161</u>	<u>Regulatory Assessment Fees</u>

(2) Each AAV service provider shall file with the Commission's Division of Communications updated information for the following items within 10 days after any such change occurs:

- (a) mailing address of the certificate holder; and
- (b) name, title and phone number of the individual responsible for Commission contacts.

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Specific Authority: 350.127(2), F.S.

Law Implemented: 364.337, F.S.

History: New XX/XX/XX

25-24.747 Notification Requirements.

Each AAV service provider shall provide the following to each customer before providing service:

- (1) amount of nonrecurring charge;
- (2) amount of recurring charge;
- (3) terms of agreement;
- (4) penalties for violating service arrangements;
- (5) description of service being provided;
- (6) quality of service to be provided; and
- (7) applicable charges for termination of service.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.337, F.S.

History: New XX/XX/XX

NAME OF PERSON ORIGINATING PROPOSED RULES: Stan Greer, Division of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES: Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: May 3, 1994.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must

ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931181-TP

RULE TITLE:

RULE NO.:

Application and Scope

25-4.002

Regulatory Assessment Fees;

Telecommunications Companies

25-4.0161

PURPOSE AND EFFECT: These rule amendments make applicable to Alternative Access Vendor (AAV) Service Providers the requirements of existing rules which currently apply to other types of telecommunications service providers. The amendments codify existing Commission requirements which the AAVs currently follow.

SUMMARY: The proposed amendment to Rule 25-4.002, F.A.C., provides that the rules contained in Part XIV of Chapter 25-24 apply to AAVs. In addition, this proposed amendment provides that the rules contained in Part XII of Chapter 25-24 apply to Shared Tenant

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Service (STS) Companies and provides that the rules contained in Part XIII of Chapter 25-24 apply to Operator Service Provider (OSP) Companies.

The proposed amendment to Rule 25-4.0161, F.A.C., requires AAVs to remit regulatory assessment fees and file assessment fee return forms.

RULEMAKING AUTHORITY: 350.127, F.S.

LAW IMPLEMENTED: 350.113, 364.01, 364.336, 364.337, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Monday, July 25, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULES ARE:

25-4.002 Application and Scope.

(1) These rules and regulations are intended to define reasonable service standards which will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both

the utility and the customer. The rules contained in Parts I-IX of this Chapter apply to any Local Exchange Company as defined in Section 25-4.003(26). The rules contained in Part X of Chapter 25-24 apply to any Interexchange Company as defined in Section 25-4.003(18). The rules in Part XI of Chapter 25-24 apply to any pay telephone service company as defined in Section 25-4.003(36). ~~F.S.~~ The rules in Part XII of Chapter 25-24 apply to all Shared Tenant Service Companies as defined in Section 25-24.560(10). The rules in Part XIII of Chapter 25-24 apply to all Operator Service Provider Companies as defined in Section 25-24.610(1)(f). The rules contained in Part XIV of Chapter 25-24 apply to all Alternative Access Vendor Service Providers as defined in Section 25-24.710(2).

(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, written application may be made to the Commission for modification of the rule or for temporary exemption from its requirements.

(3) The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion or upon the application of any utility, upon due notice and opportunity for hearing, from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, or from making such modifications with

respect to the application as may be found necessary to meet exceptional conditions.

(4) Except as provided in Parts X and XI of Chapter 25-24, the adoption of these rules shall not in any way relieve any utility from any of its duties under the laws of this State.

Specific Authority: 350.127, F.S.

Law Implemented: 364.01, 364.337, F.S.

History: Revised 12/1/68, formerly 25-4.02, Amended 2/23/87.

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. s. 364.336, F.S., and s. 364.337(4), F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each interexchange telecommunications company and each pay telephone company shall deduct from gross operating revenues amounts paid for use of the local network to a telecommunications company providing local service. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) Regulatory assessment fees and the applicable regulatory assessment fee return form are due each January 30 for the preceding period or any part of the period from July 1 until December 31, and on July 30 for the preceding period or any part of the period from January 1 until June 30. Commission Form PSC/CMU 25 (1/91), entitled "Communication Company Regulatory Assessment Fee Return," applicable to local exchange telecommunications companies; Form PSC/CMU 26 (12/91), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return;" Form PSC/CMU 34 (12/91), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return;" ~~and~~ Form PSC/CMU 153 (12/91), entitled "Interexchange Company Regulatory Assessment Fee Return;" and Form PSC/CMU 1 (5/94), entitled "Alternative Access Vendor Regulatory Assessment Fee Return." are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration. Each company shall have up to and including the due date in which to submit the applicable form and:

- (a) Remit the total amount of its fee, or
- (b) Remit an amount which the company estimates is its full fee, or
- (c) Seek and receive from the Commission a 30-day extension of its due date.

(3) Where the company remits less than its full fee pursuant to subsection (2)(b) of this rule, the remainder of the full fee

shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by subsection (5)(b) of this rule.

(4) Where a company receives a 30-day extension of its due date pursuant to subsection (2)(c) of this rule, then the company shall remit a charge in addition to the regulatory assessment fees, as set out in s. 350.113(5), F.S.

(5) The delinquency of any amount due to the Commission from the company pursuant to the provisions of s. 350.113, F.S., and this rule, begins with the first day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

(a) A penalty, as set out in s. 350.113, F.S., shall apply to any such delinquent amounts.

(b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.113, 364.336, 364.337(4), F.S.

History: New 5/18/83, formerly 25-4.161, Amended 10/16/86, 1/1/91, 12/29/91,_____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Stan Greer, Division of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:

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Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: May 3, 1994.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931181-TP

RULE TITLE:

RULE NO.:

Application and Scope

25-9.001

PURPOSE AND EFFECT: The proposed amendment to Rule 24-9.001, F.A.C., provides that the provisions of Chapter 25-9, concerning filing tariffs, do not apply to Shared Tenant Service (STS) Companies, Operator Service Provider (OSP) Companies or Alternative Access Vendor Service (AAV) Providers except as provided in Chapter 25-24, Parts X through XIV. The amendments codify existing

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Commission requirements which the STS Companies, OSP Companies and AAVs currently follow.

SUMMARY: The proposed amendment to Rule 24-9.001, F.A.C., provides that the provisions of Chapter 25-9, concerning filing tariffs, do not apply to STS Companies, OSP Companies or AAV Service Providers except as provided in Chapter 25-24, Parts X through XIV.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), 367.121, F.S.

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 364.337, 366.04(2), 366.05(1), 367.041(2), 367.091, 367.101, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 A.M., Monday, July 25, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

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 Rule 25-9.02(2) and Parts IV and V of these rules shall only apply to

municipalities and cooperatives as defined in Rule 25-9.51(2). Except as provided by Parts X through XIV and ~~XI~~, Chapter 25-24, Florida Administrative Code, the provisions of this Chapter shall not apply to Interexchange Companies, ~~or~~ Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies or Alternative Access Vendor Service Providers.

(2) The following shall prescribe the procedures to be used by public utilities in filing:

- (a) Rules and Regulations
- (b) Rate Schedules
- (c) Standard Forms and Riders
- (d) Contracts and Agreements
- (e) Tariffs

(3) No rules and regulations, or schedules of rates and charges, or modifications or revisions of the same, shall be effective until filed with and approved by the Commission as provided by law.

(4) Upon acceptable showing by any utility, the Commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by Statute.

(5) No deviation from these rules shall be permitted unless authorized in writing by the Commission.

Specific Authority: 350.127(2), 366.05(1), 367.121, F.S.

Law Implemented: 364.03, 364.04, 364.05, 364.08, 364.337,

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366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101, F.S.

History: Repromulgated 1/8/75, 10/22/75, Amended 8/9/79, formerly
25-9.01, Amended 2/23/87,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Greer, Division
of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: May 3, 1994.

If any person decides to appeal any decision of the Commission with
respect to any matter considered at the rulemaking hearing, if
held, a record of the hearing is necessary. The appellant must
ensure that a verbatim record, including testimony and evidence
forming the basis of the appeal is made. The Commission usually
makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of
a physical impairment should call the Division of Records and
Reporting at (904) 488-8371 at least five calendar days prior to
the hearing. If you are hearing or speech impaired, please contact
the Florida Public Service Commission using the Florida Relay
Service, which can be reached at: 1-800-955-8771 (TDD).

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931181-TP

RULE TITLE:

In General

RULE NO.:

25-14.001

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PURPOSE AND EFFECT: The proposed amendment to Rule 25-14.001, F.A.C., provides that Chapter 25-14, which identifies policy determinations affecting the rates, charges and tariffs of all companies subject to the Commission's rate-setting jurisdiction, does not apply to Shared Tenant Service (STS) Companies, Operator Service Provider (OSP) Companies or Alternative Access Vendor (AAV) Service Providers except as provided in Chapter 25-24, Parts X through XIV. The amendment codifies existing Commission requirements which the STS Companies, OSP Companies and AAVs currently follow.

SUMMARY: The proposed amendment to Rule 25-14.001, F.A.C., provides that Chapter 25-14, which identifies policy determinations affecting the rates, charges and tariffs of all companies subject to the Commission's rate-setting jurisdiction, does not apply to Shared Tenant Service (STS) Companies, Operator Service Provider (OSP) Companies or Alternative Access Vendor (AAV) Service Providers except as provided in Chapter 25-24, Parts X through XIV.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), 367.121, F.S.

LAW IMPLEMENTED: 364.03, 364.05, 364.337, 366.04, 366.05, 366.041, 367.121, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS

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NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., Monday, July 25, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-14.001 In General.

The Commission is responsible for the setting of reasonable rates and charges of numerous utility companies. In determining reasonable charges to be paid by the customers of these companies, the Commission promulgates policy determinations affecting all companies subject to its jurisdiction. This chapter has been established to identify policy determinations affecting the rates, charges and tariffs of all companies subject to our rate-setting jurisdiction. Except as provided by Parts X through XIV, Chapter 25-24, Florida Administrative Code, the provisions of this Chapter shall not apply to Interexchange Companies, ~~or~~ Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies or Alternative Access Vendor Service Providers.

Specific Authority: 350.127(2), 366.05(1), 367.121, F.S.

Law Implemented: 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121, F.S.

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History: New 7/25/73, formerly 25-14.01, Amended
2/23/87,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Greer, Division
of Communications.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: May 3, 1994.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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