

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed amendment to) DOCKET NO. 920740-TI
Rule 25-4.003(18), F.A.C.,) ORDER NO. PSC-93-1571-NOR-TI
Definitions, Pertaining to) ISSUED: October 27, 1993
Multiple Location Discount)
Aggregators (MLDAs).)
_____)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.003(18), F.A.C., relating to definitions.

The attached Notice of Rulemaking will appear in the October 29, 1993, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Tuesday, December 14, 1993
Room 122, Fletcher Building
101 East Gaines Street

Written requests for hearing and written comments or suggestions on the rule 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 November 19, 1993.

By ORDER of the Florida Public Service Commission this 27th day of October, 1993.

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)
WEW

by: Kay Hines
Chief, Bureau of Records

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920740-TI

RULE TITLE:	RULE NO.:
Definitions	25-4.003(18), (31)

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the Commission's regulatory jurisdiction over Multiple Location Discount Aggregators (MLDAs) so that these entities have clear notice that they should seek certification with the Commission. The effect would be that MLDAs would become subject to the jurisdiction of the Commission which ensures that telecommunications companies operate in the public interest.

SUMMARY: The amendment defines Multiple Location Discount Aggregator (MLDA), lists the types of activities that an MLDA engages in, and specifies that an MLDA is a type of Interexchange Company.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.01, 364.02, 364.32, 364.335, 364.337, 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., Tuesday, December 14, 1993

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:

25-4.003 Definitions.

(18) "Interexchange Company" means any telephone company, as defined in Section 364.02(7 ~~4~~), F.S., which provides telecommunication service between local calling exchange areas as those areas are described in the approved tariffs of individual local exchange companies. "Interexchange Company" includes, but is not limited to, Multiple Location Discount Aggregators (MLDA) as defined in subsection (31) of these definitions.

(19) No change.

(20) No change.

(21) No change.

(22) No change.

(23) No change.

(24) No change.

(25) No change.

(26) No change.

(27) No change.

(28) No change.

(29) No change.

(30) No change.

(31) "Multiple Location Discount Aggregator (MLDA)" is an entity that offers discounted long distance telecommunications services from an underlying interexchange company to unaffiliated entities. An entity is an MLDA if one or more of the following criteria applies:

(a) It collects fees related to interexchange telecommunications services directly from subscribers, or

(b) It bills for interexchange telecommunications services in its own name, or

(c) It is responsible for an end user's unpaid interexchange telecommunications bill, or

(d) A customer's bill cannot be determined by applying the tariff of the underlying interexchange company to the customer's individual usage.

(32 ~~31~~) "Multi-party (Line) Service." A classification of exchange service which provides that more than two (2) main stations may be served by the same central office circuit. Although two-party lines might be considered as multi-party, they are excluded from this classification. (See Party-Line Service.)

(33 32) "Normal Working Days." The normal working days for installation and construction will be all days except Saturdays, Sundays and holidays. The normal working days for repair service will be all days except Sundays and holidays. Holidays will be the days which are observed by each individual telephone utility.

(34 33) "Optional Calling Plan." An optional service furnished under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

(35 34) "Outside Plant." The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices of the same or different exchanges.

(36 35) "Party Line Service." A classification of exchange service which provides that two or more main stations may be served by the same central office circuit.

(37 36) "Pay Telephone Service Company" means any telephone company, as defined in Section 364.02(4), F.S., other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.

(38 37) "Preferred Classes of Service." The classes of service (as specified in approved tariffs) which the company

undertakes to furnish at any point within the base rate area at a rate common to all subscribers for the same class. Preferred classes of service may be furnished at points outside the base rate area at base rates plus applicable zone or mileage charges, except as provided by Rule 4.68(2)(b).

(39 ~~38~~) "Primary Interexchange Company." The pre-subscribed interexchange company for a given customer/subscriber.

(40 ~~39~~) "Primary Service." Individual line service or party line service.

(41 ~~40~~) "Rural (service) Area." That area within the exchange service area which is sparsely developed and lies beyond the base rate and suburban rate areas.

(42 ~~41~~) "Service Interruption." The term "service interruption" shall mean the inability to complete calls over the subscriber's line either incoming or outgoing or both due to facility malfunctions or human errors; except that the term as used in these rules shall not include service difficulties such as slow dial tone, circuits busy or other network and/or switching capacity shortages, nor shall it be construed to apply where service is interrupted by the negligence or willful act of the subscriber, emergency situations, unavoidable casualties and acts of God, or nonservice affecting reports, or where the company, pursuant to approved provisions of its tariff, suspends or terminates service

because of non-payment of bills due to the company, unlawful or improper use of the facilities or service or any other proper reason covered by filed and approved tariffs or rules of the Commission.

(43 42) "Service Objective." The term "service objective" as used in these rules represents a quality of service which is desirable to be achieved under normal conditions, but failure to fully meet such objectives should not be considered to be a governing factor in determining whether a company is providing adequate service for ratemaking purposes.

(44 43) "Service Standard." The term "service standard" as used in these rules and regulations represents a level of service which a telephone utility, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(45 44) "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.

(46 45) "Subscriber." "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.

(47 46) "Subscriber Line." The circuit or channel used to connect the subscriber station with the central office equipment.

(48 47) "Suburban (Service) Area." That area within the exchange service area which is partially developed and lies immediately beyond the base rate area.

(49 48) "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

(50 49) "Toll Connecting Trunk." A trunk which connects a local central office with its toll operating office.

(51 50) "Toll Message." A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(52 51) "Toll Station." A telephone station connected directly to the toll switchboard installed for the convenience of the public or of a subscriber in a location where the company does not generally furnish exchange service and from which established toll rates are charged for all messages sent over company lines.

(53 52) "Traffic Study." The process of recording usage measurements which can be translated into required quantities of equipment.

(54 53) "Trouble Report." Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(55 54) "Trunk." A communication channel between central office units or entities, or private branch exchanges.

(56 55) "Valid Number." A number for a specific telephone terminal in an assigned area code and working central office which is equipped to ring and connect a calling party to such terminal number.

(57 56) "Zone Charge." Similar to mileage charge except that the portion of exchanges service area located beyond the base rate area is divided into zones or bands within which rates common to all subscribers for the same class are provided for individual line and two-party line service.

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

Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337, F.S.

History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.03, Amended 2/23/87, 3/4/92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses, Division of Communications.

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

DATE PROPOSED RULE APPROVED: October 12, 1993

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).