

ORIGINAL

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;

- APP _____
- CAF _____ or
- CMP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC
- SER _____
- OTH _____

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

FILED
JUN 16 1998
DEPARTMENT OF STATE

DOCUMENT NUMBER-DATE
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the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

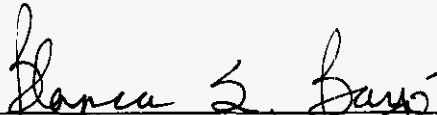
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.
25-4.003
25-4.110
25-4.113

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MAY 15 1975
03:00
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Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

DWC

1 **25-4.003 Definitions.**

2 For the purpose of Chapter 25-4, the definitions to the
3 following terms apply:

4 (1) No Change.

5 (2) "Alternative Local Exchange Telecommunications Company
6 (ALEC)." Any ~~telecommunications~~ company, ~~as defined in Section~~
7 ~~364.02(1), Florida Statutes~~ certificated by the commission to
8 provide local exchange telecommunications services in Florida on or
9 after July 1, 1995.

10 (3) No Change.

11 (4) "Billing Party." Any telecommunications company that bills
12 an end user consumer on its own behalf or on behalf of an
13 originating party.

14 (45) (4) through (17) renumbered (5) through (18) No Change.

15 (19) "Information Service." Telephone calls made to 900 or 976
16 type services, but does not include Internet services.

17 (~~18~~20) No Change.

18 (~~19~~21) "Interexchange Company (IXC)." Any telecommunications
19 company, as defined in Section 364.02(12), Florida Statutes, which
20 provides telecommunications service between local calling areas as
21 those areas are described in the approved tariffs of individual
22 LECs. IXC includes, but is not limited to, MLDA as defined in
23 subsection (~~37~~35) of these definitions.

24 (~~20~~2) (20) through (37) renumbered (22) through (39) No
25 Change.

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1 (40) "Originating Party." Any person, firm, corporation, or
2 other entity, including a telecommunications company or a billing
3 clearinghouse, that provides any telecommunications service or
4 information service to a customer or bills a customer through a
5 billing party, except the term "originating party" does not include
6 any entity specifically exempted from the definition of
7 "telecommunications company" as provided in s. 364.02(12).

8 (3841) (38) through (56) renumbered (41) through (59) No
9 Change.

10 Specific Authority: 350.127(2) FS.

11 Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337,
12 364.3375, 364.3376, 364.602 FS.

13 History Revised 12-01-68, Amended 03-31-76, formerly 25-4.03,
14 Amended 02-23-87, 03-04-92, 12-21-93, 03-10-96, 07-20-98, 12/28/98,
15 02/01/99, XX/XX/XX.

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1 | 25-4.110 Customer Billing for Local Exchange Telecommunications
2 | Companies.

3 | (1) Each company shall issue bills monthly or may offer
4 | customers a choice of billing intervals that includes a monthly
5 | billing interval.

6 | (2) Six months after the effective date of this rule, each
7 | billing party shall set forth on the bill all charges, fees, and
8 | taxes which are due and payable.

9 | (a) There shall be a heading for each originating party which
10 | is billing to that customer account for that billing period. The
11 | heading shall clearly and conspicuously indicate the originating
12 | party's name. If the originating party is a certificated
13 | telecommunications company, the certificated name must be shown. If
14 | the originating party has more than one certificated name, the name
15 | appearing in the heading must be the name used to market the
16 | service.

17 | (b) The toll-free customer service number for the service
18 | provider or its customer service agent must be conspicuously
19 | displayed in the heading, immediately below the heading, or
20 | immediately following the list of charges for the service provider.
21 | For purposes of this subparagraph, the service provider is defined
22 | as the company which provided the service to the end user. If the
23 | service provider has a customer service agent, the toll-free number
24 | must be that of the customer service agent and must be displayed
25 | with the service provider's heading or with the customer service

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1 agent's heading, if any. For purposes of this subparagraph, a
2 customer service agent is a person or entity that acts for any
3 originating party pursuant to the terms of a written agreement. The
4 scope of such agency shall be limited to the terms of such written
5 agreement.

6 (c) Each charge shall be described under the applicable
7 originating party heading.

8 (d) 1. Taxes, fees, and surcharges related to an originating
9 party heading shall be shown immediately below the charges
10 described under that heading. The terminology for Federal Regulated
11 Service Taxes, Fees, and Surcharges must be consistent with all FCC
12 required terminology.

13 2. The billing party shall either:

14 a. Identify Florida taxes and fees applicable to charges on
15 the customer's bill as (including but not limited to) "Florida
16 gross receipts tax," "Franchise fees," "Municipal utility tax," and
17 "Sales tax," and identify the assessment base and rate for each
18 percentage based tax, fee, and surcharge, or

19 b. (i) Provide a plain language explanation of any line item
20 and applicable tax, fee, and surcharge to any customer who contacts
21 the billing party or customer service agent with a billing question
22 and expresses difficulty in understanding the bill after discussion
23 with a service representative.

24 (ii) If the customer requests or continues to express
25 difficulty in understanding the explanation of the authority,

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1 assessment base or rate of any tax, fee or surcharge, the billing
2 party shall provide an explanation of the state, federal, or local
3 authority for each tax, fee, and surcharge; the line items which
4 comprise the assessment base for each percentage based tax, fee,
5 and surcharge; or the rate of each state, federal, or local tax,
6 fee, and surcharge consistent with the customer's concern. The
7 billing party or customer service agent shall provide this
8 information to the customer in writing upon the customer's request.

9 (e) If each recurring charge due and payable is not itemized,
10 ~~Each bill shall show the delinquent date, set forth a clear~~
11 ~~listing of all charges due and payable, and~~ contain the following
12 statement:

13 "Further ~~W~~ritten itemization of local billing available upon
14 request."

15 ~~(a)~~ (3) Each LEC shall provide an itemized bill for local
16 service:

17 ~~1-~~ (a) With the first bill rendered after local exchange
18 service to a customer is initiated or changed; and

19 ~~2-~~ (b) To every customer at least once each twelve months.

20 ~~(b)~~ (4) The annual itemized bill shall be accompanied by a bill
21 stuffer which explains the itemization and advises the customer to
22 verify the items and charges on the itemized bill. This bill
23 stuffer shall be submitted to the Commission's Division of
24 Telecommunications for prior approval. The itemized bill provided
25 to residential customers and to business customers with less than

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1 | ~~10~~ ten access lines per service location shall be in easily
2 | understood language. The itemized bill provided to business
3 | customers with ~~10~~ ten or more access lines per service location may
4 | be stated in service order code, provided that it contains a
5 | statement that, upon request, an easily understood translation is
6 | available in written form without charge. An itemized bill shall
7 | include, but not be limited to the following information,
8 | separately stated:

9 | ~~1.~~(a) 1. through 8. renumbered (a) through (h) No Change.

10 | ~~(e)~~(5) ~~Each~~ All bills rendered by a local exchange company
11 | shall clearly:

12 | ~~1.~~ Separately state the following items:

13 | ~~a.~~(a) Any discount or penalty, ~~if applicable~~ The originating
14 | party is responsible for informing the billing party of all such
15 | penalties or discounts to appear on the bill, in a form usable by
16 | the billing party;

17 | ~~b.~~(b) Past due balance;

18 | ~~e.~~(c) Unregulated charges, identified as unregulated items for
19 | which nonpayment will result in disconnection of the customer's
20 | basic local service, including a statement of the consequences of
21 | nonpayment;

22 | ~~d.~~(d) Long-distance monthly or minimum charges, if included in
23 | the bill;

24 | ~~e.~~(e) Franchise fee, if applicable; and Long-distance usage
25 | charges, if included in the bill;

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1 f. ~~(f)~~ Taxes, as applicable on purchases of local and long
2 distance service; and Usage-based local charges, if included in the
3 bill;

4 (g) Telecommunications Access System Surcharge, per Rule 25-
5 4.160(3);

6 (h) "911" fee per Section 365.171(13), Florida Statutes; and

7 (i) Delinquent date.

8 ~~2. Contain a statement that nonpayment of regulated charges~~
9 ~~may result in discontinuance of service and that the customer may~~
10 ~~contact the business office (at a stated number) to determine the~~
11 ~~amount of regulated charges in the bill.~~

12 ~~(2)-(6)~~ (2) through (9) renumbered (6) through (13) No Change.

13 ~~(10)-(14)~~ After January 1, 1999, or six months after the
14 effective date of this rule, whichever is later, aAll bills
15 produced shall clearly and conspicuously display the following
16 information for each service billed in regard to each company
17 claiming to be the customer's presubscribed provider for local,
18 local toll, or toll service:

19 (a) - (c) No Change.

20 ~~(11)-(15)~~ No Change.

21 (a) - (g) No Change.

22 ~~(12)-(16)~~ The customer must be notified Companies that bill for
23 local service must provide notification with the customer's first
24 bill or via letter, or on the customer's first bill and annually
25 thereafter that a PC Freeze is available. Existing customers must

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1 | be notified by ~~January 1, 1999, or six months after the effective~~
2 | ~~date of this rule, whichever is later, and annually thereafter~~ that
3 | a PC Freeze is available.

4 | ~~(13)(17) By January 1, 1999, or six months after the effective~~
5 | ~~date of this rule, whichever is later, t~~The customer must be given
6 | notice on the first or second page of the customer's next bill in
7 | conspicuous bold face type when the customer's presubscribed
8 | provider of local, local toll, or toll service has changed.

9 | (18) If a customer notifies a billing party that they did not
10 | order an item appearing on their bill or that they were not
11 | provided a service appearing on their bill, the billing party shall
12 | promptly provide the customer a credit for the item and remove the
13 | item from the customer's bill, with the exception of the following:

14 | (a) Charges that originate from:

- 15 | 1. Billing party or its affiliates;
16 | 2. A governmental agency;
17 | 3. A customer's presubscribed intraLATA or interLATA
18 | interexchange carrier; and

19 | (b) Charges associated with the following types of calls:

- 20 | 1. Collect calls;
21 | 2. Third party calls;
22 | 3. Customer dialed calls; and
23 | 4. Calls using a 10-10-xxx calling pattern.

24 | (19) (a) Within one year of the effective date of this rule
25 | and upon request from any customer, a billing party must restrict

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1 charges in its bills to only:

2 1. Those charges that originate from the following:

3 a. Billing party or its affiliates;

4 b. A governmental agency;

5 c. A customer's presubscribed intraLATA or interLATA
6 interexchange carrier; and

7 2. Those charges associated with the following types of calls:

8 a. Collect calls;

9 b. Third party calls;

10 c. Customer dialed calls; and

11 d. Calls using a 10-10-xxx calling pattern.

12 (b) Customers must be notified of this right by billing
13 parties annually and at each time a customer notifies a billing
14 party that the customer's bill contained charges for products or
15 services that the customer did not order or that were not provided
16 to the customer.

17 (c) Small local exchange telecommunications companies as
18 defined in Section 364.052(1), F.S., are exempted from this
19 subsection.

20 (20) Nothing prohibits originating parties from billing
21 customers directly, even if a charge has been blocked from a
22 billing party's bill at the request of a customer.

23 Specific Authority 350.127, 364.604(5) FS.

24 Law Implemented 364.17, 350.113, 364.03, 364.04, 364.05, 364.052,
25 364.19, 364.602, 364.604 FS.

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1 | History New 12-01-68, Amended 03-31-76, 12-31-78, 01-17-79, 07-28-
2 | 81, 09-08-81, 05-03-82, 11-21-82, 04-13-86, 10-30-86, 11-28-89, 03-
3 | 31-91, 11-11-91, 03-10-96, 07-20-97, 12/28/98, XX/XX/XX.
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1 **25-4.113 Refusal or Discontinuance of Service by Company.**

2 (1) (a) - (e) No Change.

3 (f) For nonpayment of bills for telephone service, including
4 the telecommunications access system surcharge referred to in Rule
5 25-4.160(3), provided that suspension or termination of service
6 shall not be made without 5 working days' written notice to the
7 customer, except in extreme cases. The written notice shall be
8 separate and apart from the regular monthly bill for service. A
9 company shall not, however, refuse or discontinue service for
10 nonpayment of a dishonored check service charge imposed by the
11 company, nor discontinue a customer's Lifeline local service if the
12 charges, taxes, and fees applicable to dial tone, local usage, dual
13 tone multifrequency dialing, emergency services such as "911," and
14 relay service are paid. No company shall discontinue service to any
15 customer for the initial nonpayment of the current bill on a day
16 the company's business office is closed or on a day preceding a day
17 the business office is closed.

18 (g) - (5) No Change.

19 Specific Authority 350.127, 427.704(8), FS.

20 Law Implemented 364.03, 364.19, 364.604, 427.704, FS.

21 History New 08-01-55, Amended 12-01-68, 03-31-76, 10-25-84,

22 86, 01-01-91, 09-17-92, 01-11-93, 01-25-95, XX/XX/XX.

FILED
JUN 15 10:30
TALLAHASSEE, FLORIDA

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SUMMARY OF RULE

Revisions to Rule 25-4.003, F.A.C., include definitions for billing party, information service, and originating party as provided in Section 364.602, F.S., Definitions. Amendments to Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies, require a billing party to clearly identify on its bill the name and toll-free customer service number of the originating party; the telecommunications service or information service billed; and the specific charges, taxes and fees associated with each telecommunications or information service. The proposed rule amendments require that charges on the customer's bill be identified by standard and uniform labels for the telecommunications industry in Florida and that the terminology for Federal regulated taxes, fees, and surcharges must be consistent with the FCC's required terminology. As an alternative to companies providing the Florida standard labels, companies must provide a plain language explanation of any fine items and applicable tax, fee and surcharge. The proposed amendments also include requirements to state the TASA surcharge and 911 fee on all bills rendered. Additionally, the proposed rule amendments require a billing party to provide credit and remove the charge from a customer's bill if the customer notifies the billing party that he did not order an item or was not

provided a service appearing on the bill. Originating parties are not prohibited from direct billing customers. The proposed rule amendments will give customers the right to restrict the types of charges that can be placed on their bills and requires billing parties to notify customers of this right. Proposed amendments to Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company prevents telecommunication companies from discontinuing a customer's Lifeline local service if the charges, taxes, and fees applicable to dial tone, local usage, dual tone multi-frequency dialing, "911", and relay services are paid.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

In 1998, the Legislature passed the Telecommunications Consumer Protection Act. The rules proposed implement this Act.

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REGISTRAR OF THE STATE
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