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Public Service Commission

January 16, 2009

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COMMISSION  
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Mr. Scott Boyd, Executive Director  
Joint Administrative Procedures  
Committee  
Room 120 Holland Building  
Tallahassee, FL 32399-1300

RE: Docket No. 080641-TP – proposed amendment of Rules 25-4.002, 24-4.0185, 25-4.023, 25-4.066, 25-4.070, 25-4.071, 25-4.073, 25-4.074, 25-4.083, 25-4.107, 25-4.109, and 25-4.110, and proposed repeal of Rules 25-4.046, 25-4.067 and 25-4.108, pertaining to telecommunications

Dear Mr. Boyd:

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

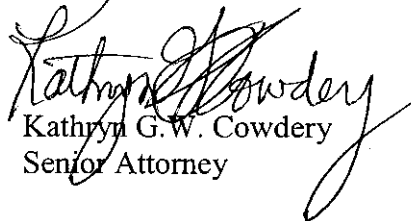
1. A copy of the rules.
2. A copy of Form PSC/SSC 28 (X/XX) which is incorporated by reference into Rule No. 25-4.0185.
3. A copy of Title 47, C.F.R., Part 64, Sec. 64.1190, rev. as of October 1, 2007, which is incorporated by reference into Rule 25-4.083.
4. A copy of Title 47, C.F.R., Part 64, Sec. 64.2400 and 64.2401, rev. as of October 1, 2007, which is incorporated by reference into Rule 25-4.110.
5. A copy of the F.A.W. notices.
6. A statement of facts and circumstances justifying the proposed rules.
7. A federal standards statement.
8. A statement of estimated regulatory costs.

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Mr. Scott Boyd, Executive Director  
Joint Administrative Procedures  
Committee  
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If there are any questions with respect to these rules, please do not hesitate to call me at 413-6216.

Sincerely,



Kathryn G.W. Cowdery  
Senior Attorney

Enclosures

cc: Office of Commission Clerk  
JAPC ltr2.kc.doc

1 **25-4.002 Application and Scope.**

2 (1) These rules are intended to define reasonable service standards that will promote  
3 the furnishing of adequate and satisfactory local and long distance service to the public, and to  
4 establish the rights and responsibilities of both the ~~utility~~company and the customer. The rules  
5 contained in Parts I-XI of this chapter apply to local exchange companies. ~~The rules contained~~  
6 ~~in Part II and Part V apply only to residential service.~~ The rules contained in Part X of Chapter  
7 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24,  
8 F.A.C., apply to any pay telephone service company. The rules in Part XII of Chapter 25-24,  
9 F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-  
10 24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The rules  
11 contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor  
12 Service Providers. The rules contained in Part XV of Chapter 25-24, F.A.C., apply to all  
13 competitive local exchange telecommunications companies.

14 (2) In addition to the rules contained in this part, any local exchange company that  
15 provides operator services in a call aggregator context shall also comply with the rules  
16 contained in Part XIII of Chapter 25-24, F.A.C.  
17 Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375,  
18 364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99,  
19 4-3-05.

20 **25-4.0185 Periodic Reports.**

21 Each local exchange telecommunications company shall file with the Commission's Division  
22 of Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement~~ the  
23 information required by Commission Form PSC/SSCCMP 28 (~~xx/xx4/05~~), which is  
24 incorporated into this rule by reference. Form PSC/SSCCMP 28, entitled "Engineering Data  
25 Requirements," may be obtained from the Commission's Division of Service, Safety and

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1 Consumer Assistance Competitive Markets and Enforcement.

2 (1) The information required by schedules 2, 3, 8, 11, and 15 ~~and 16~~ of Form  
3 PSC/SSC~~CMP~~ 28 shall be filed ~~reported~~ on a quarterly basis by the large LECs and  
4 semiannually by the small LECs ~~and shall be filed~~ on or before the end of the month following  
5 the reporting period.

6 (2) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to residential service  
7 only. ~~The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a~~  
8 ~~semiannual basis and shall be filed on or before the end of the month following the second and~~  
9 ~~fourth quarters.~~

10 Specific Authority 350.127(2) FS.

11 Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS.

12 History—New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05.

13 **25-4.023 Report of Interruptions.**

14 (1) The Commission shall be informed of any major interruptions to service which are  
15 the result of a tropical system named by the National Hurricane Center that affect 1,000 or  
16 ~~more subscribers for a period of 30 minutes or more as soon as it comes to the attention of the~~  
17 ~~utility.~~ On a daily basis, ~~The Company shall provide the time,~~ the location, the number of  
18 subscribers affected, and the expected estimated duration of the outage and when the  
19 ~~interruption is restored.~~

20 (2) ~~In addition, a copy of all Florida service interruption reports made to the Federal~~  
21 ~~Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of~~  
22 ~~Title 47; Code of Federal Regulations; Notification of Common Carriers of Service~~  
23 ~~Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's~~  
24 ~~Division of Competitive Markets and Enforcement, Bureau of Service Quality.~~

25 Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—

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1 Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05.

2 **25-4.066 Availability of Residential Service.**

3 (1) Each telecommunications company shall provide central office equipment and  
4 outside plant facilities designed and engineered in accordance with realistic anticipated  
5 customer demands for ~~basic~~ residential local telecommunications service within its certificated  
6 area in accordance with its filed tariffs, ~~or orders of the Commission, subject to its ability to~~  
7 ~~secure and provide, for reasonable expense, suitable facilities and rights for construction and~~  
8 ~~maintenance of such facilities.~~

9 (2) Where central office and outside plant facilities are readily available, at least 90  
10 percent of all requests for primary service ~~in any calendar month shall normally be satisfied~~  
11 installed in each exchange of at least 50,00 lines and quarterly in exchanges of less than  
12 50,000 lines within an interval of three working days after receipt of application when all tariff  
13 requirements relating thereto have been complied with, except those instances where a later  
14 installation date is requested by the applicant or when broadband or video services are  
15 requested in addition to the telecommunications service where special equipment or services  
16 are involved.

17 (3) If the applicant requests an installation date beyond three working days, the  
18 requested date shall be counted as day three for measurement purposes.

19 (4) ~~When an appointment is made in order for the company to gain access to the~~  
20 ~~customer's premises, the mutually agreed upon date will be day three for measurement~~  
21 ~~purposes. Failure of the customer to be present to afford the company representative entry to~~  
22 ~~the premises during the appointment period shall exempt the order for measurement purposes.~~  
23 ~~Whenever a company representative is unable to gain admittance to a customer's premises~~  
24 ~~during the scheduled appointment period, the company representative shall leave a notice,~~  
25 ~~stating the name of the company representative and the date and time the company~~

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1 representative was at the premises.

2 ~~(5) Each telecommunications company shall establish as its objective the satisfaction~~  
3 ~~of at least 95 percent of all applications for new service in each exchange within a 30-day~~  
4 ~~maximum interval and, further, shall have as its objective the capability of furnishing service~~  
5 ~~within each of its exchanges to applicants within 60 days after date of application; except~~  
6 ~~those instances where a later installation date is requested by the applicant or where special~~  
7 ~~equipment or services are involved.~~

8 ~~(6) Whenever, for any reason, the service installation cannot be made at the time~~  
9 ~~requested by the applicant or within the prescribed interval, the applicant shall be notified~~  
10 ~~promptly of the delay and the reason therefor.~~

11 ~~(7) Where facility additions are required to make service available, the applicant shall~~  
12 ~~be further advised as to the circumstances and conditions under which service will be provided~~  
13 ~~and as soon as practicable an estimated date when service will be furnished. With respect to~~  
14 ~~applications aged over six months all service dates that result in a further delay due to the~~  
15 ~~company's inability to meet the original estimated date of service shall be identified in the~~  
16 ~~appropriate section of the report of held applications filed with the Commission and shall~~  
17 ~~include an explanation of the reasons therefor.~~

18 ~~(8) Each company shall report primary residential installation performance pursuant~~  
19 ~~to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to~~  
20 ~~the availability of service requirements, as outlined in Form PSC/CMP 28 (4/05), incorporated~~  
21 ~~into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive~~  
22 ~~Markets and Enforcement. Each company shall explain the reasons for all service orders that~~  
23 ~~are not completed within 30 calendar days.~~

24 Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15,  
25 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66,

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1 Amended 3-10-96, 4-3-05, 4-3-05.

2 **25-4.070 Customer Trouble Reports for Residential Service.**

3 (1) Each telecommunications company shall make all reasonable efforts to minimize  
4 the extent and duration of trouble conditions that disrupt or affect residential customer  
5 telephone service. Trouble reports will be classified as to their severity on a service  
6 interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with  
7 non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to  
8 a service affecting report; however, a service affecting report shall be upgraded to a service  
9 interruption if changing trouble conditions so indicate.

10 (a) Companies shall make every reasonable attempt to restore service on the same day  
11 that the interruption is reported to the serving repair center.

12 (b) In the event a subscriber's service is interrupted other than by a negligent or willful  
13 act of the subscriber and it remains out of service in excess of 24 hours after being reported to  
14 the company, an appropriate adjustment or refund shall be made to the subscriber  
15 automatically, pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time  
16 will be computed on a continuous basis, Sundays and holidays included. Also, if the company  
17 finds that it is the customer's responsibility to correct the trouble, it must notify or attempt to  
18 notify the customer within 24 hours after the trouble was reported.

19 ~~(c) If service is discontinued in error by the telephone company, the service shall be~~  
20 ~~restored without undue delay, and clarification made with the subscriber to verify that service~~  
21 ~~is restored and in satisfactory working condition.~~

22 (2) Sundays and Holidays:

23 (a) Except for emergency service providers, such as the military, medical, police, and  
24 fire, companies are not required to provide normal repair service on Sundays. Where any  
25 repair action involves a Sunday or holiday, that period shall be excepted when computing

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1 service ~~standards~~objectives, but not refunds for ~~OOS conditions~~: service interruptions.

2 (b) Service interruptions occurring on a holiday not contiguous to Sunday will be  
3 treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another  
4 holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by  
5 a subscriber.

6 (3) Service ~~Objectives~~ Standards:

7 (a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure  
8 ~~insure~~ at least 90~~95~~ percent shall be cleared within 24 hours of the report. ~~in each exchange~~  
9 ~~that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that~~  
10 ~~contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any~~  
11 ~~exchange failing to meet this objective, the company shall provide an explanation with its~~  
12 ~~periodic report to the Commission.~~

13 (b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled  
14 to ensure ~~insure~~ at least 90~~95~~ percent of such reports are cleared within 72 hours of the report.  
15 ~~in each exchange which contains at least 50,000 lines and will be measured on a monthly~~  
16 ~~basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a~~  
17 ~~quarterly basis.~~

18 (e4) If the customer requests that the service be restored on a particular day beyond the  
19 ~~objectives outlined~~ service standards in paragraphs (a) and (b) subsection (3) above, the  
20 trouble report shall be counted as having met the service standards objective if the requested  
21 date is met.

22 (45) Priority shall be given to service interruptions that affect public health and safety  
23 that are reported to and verified by the company and such service interruptions shall be  
24 corrected as promptly as possible on an emergency basis.

25 (5) ~~Repeat Trouble: Each telephone company shall establish procedures to insure the~~

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1 prompt investigation and correction of repeat trouble reports such that the percentage of repeat  
2 troubles will not exceed 20 percent of the total initial customer reports in each exchange when  
3 measured on a monthly basis. A repeat trouble report is another report involving the same item  
4 of plant within 30 days of the initial report.

5 (6) The service standards objectives of this rule shall not apply to subsequent customer  
6 reports; or (not to be confused with repeat trouble reports), emergency situations, such as  
7 unavoidable casualties where at least 10 percent of an exchange is out of service.

8 (7) ~~Reporting Criteria:~~ Each company shall report pursuant to periodically report the  
9 data specified in Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company  
10 with respect to customer trouble reports on Form PSC/CMP-28 (4/05), incorporated into Rule  
11 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and  
12 Enforcement.

13 (8) This rule shall apply to residential service only.

14 Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17,  
15 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70,  
16 Amended 6-24-90, 3-10-96, 4-3-05.

#### 17 **25-4.071 Adequacy of Service.**

18 (1) ~~Each telecommunications company shall provide switching equipment, trunking,~~  
19 ~~and associated facilities within its operating territory for the handling of local and toll traffic,~~  
20 ~~designed and engineered on the basis of realistic forecasts of growth so that during the average~~  
21 ~~busy season busy hour at least 97 percent of all calls offered to any trunk group (toll~~  
22 ~~connecting, inter office, extended area service) shall not encounter an all-trunk busy~~  
23 ~~condition.~~

24 (12) Telephone calls to valid numbers shall ~~should~~ encounter a ring-back tone, line  
25 busy signal, or non-working number intercept facility (~~operator or recording~~) after completion

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1 of dialing. The call completion standards established for such calls by category of call is as  
2 follows:

3 (a) ~~Intra office Calls—95 percent,~~

4 (b) ~~Inter office Calls—95 percent,~~

5 (c) ~~Extended Area Calls—95 percent, and~~

6 (d) ~~Intra LATA DDD Calls—95 percent.~~

7 (3) ~~All telephone calls to invalid telephone numbers shall encounter an operator or~~  
8 ~~suitable recorded intercept facility, preferably a recording other than the non-working number~~  
9 ~~recording used for valid number calls.~~

10 (4) ~~Intercept service shall be as outlined in Rule 25-4.074, F.A.C.~~

11 (25) A line busy signal (60 impulse per minute tone) shall not be used for any  
12 signaling purpose except to denote that a subscriber's line, other valid terminal, centrex or  
13 PBX trunks, or equipment where the quantity is controlled by the customer is in use.

14 Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17,  
15 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly  
16 25-4.71, Amended 6-24-90, 3-10-96.

17 **25-4.073 Answering Time for Residential Service.**

18 (1) Each telephone ~~utility company~~ shall provide equipment designed and engineered  
19 on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide  
20 adequate personnel so as to meet the following service standards ~~criteria~~ under normal  
21 operating conditions:

22 (a) At least 90 percent of all calls directed ~~to repair services and 80 percent of all calls~~  
23 ~~to business and repair offices~~ for residential service shall be answered within ~~30~~ 90 seconds  
24 after the last digit is dialed when no menu driven system is utilized.

25 (b) When a company utilizes a menu driven, automated, interactive answering system

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1 (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent  
2 of the calls offered shall be answered within ~~45~~30 seconds after the last digit is dialed. The  
3 initial recorded message presented by the system to the customer shall include the option of  
4 transferring to a live attendant within the first ~~360~~ seconds of the message.

5 (c) For subscribers who ~~either~~ select the option of transferring to a live assistant, ~~or do~~  
6 ~~not interact with the system for twenty seconds,~~ the call shall be transferred by the system to a  
7 live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared  
8 to give immediate assistance within ~~55~~90 seconds of being transferred to the attendant.

9 (d) The terms "answered" as used in paragraphs (a) and (c) above, shall be construed  
10 to mean more than an acknowledgment that the customer is waiting on the line. It shall mean  
11 that the service representative is ready to render assistance.

12 ~~(2) Answering time studies using actual data or any statistically valid substitute for~~  
13 ~~actual data shall be made to the extent and frequency necessary to determine compliance with~~  
14 ~~this rule.~~

15 ~~(23)~~ All telecommunications companies are expected to answer their main published  
16 telephone number on a 24 hour a day basis. Such answering may be handled by a special  
17 operator at the toll center or directory assistance facility when the company offices are closed.  
18 Where after hours calls are not handled as described above, at least the first published business  
19 office number will be equipped with a telephone answering device which will notify callers  
20 after the normal working hours of the hours of operation for that business office. Where  
21 recording devices are used, the message shall include the telephone number assigned to handle  
22 urgent or emergency calls when the business office is closed.

23 ~~(34)~~ Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports,  
24 the performance of the company with respect to answer time, ~~as outlined in Form PSC/CMP~~  
25 ~~28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the~~

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1 ~~Division of Competitive Markets and Enforcement.~~

2 (4) This rule shall apply to residential service only.

3 Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS.

4 History--New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05.

5 **25-4.074 Intercept Service.**

6 ~~(1) Intercept service shall be engineered to provide a 90 percent completion for~~  
7 ~~changed numbers (with the exception of the 30 day period immediately following an inter-~~  
8 ~~office transfer with directory) and for vacant or non-working numbers.~~

9 ~~(2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall~~  
10 ~~be placed on intercept (preferably operator intercept).~~

11 ~~(3) All private branch exchanges and In-Dial Paging Systems, whether provided by the~~  
12 ~~company or customer and which are equipped for direct in dialing and installed after the~~  
13 ~~effective date of these rules, shall meet the service requirements outlined herein prior to the~~  
14 ~~assignment of a number block by the telephone company.~~

15 ~~(1)(4) With the exception of n~~Numbers that are changed coincident with the issuance  
16 of a new directory, are not subject to the requirements of this rule. ~~intercept service shall be~~  
17 ~~provided by each telephone company in accordance with the following:~~

18 ~~(2a) Intercept service shall be provided for non-working, non assigned, and changed~~  
19 ~~numbers until assigned, re-assigned, or no longer listed in the directory.~~

20 ~~(3) Subscriber lines which are temporarily disconnected for nonpayment of bills shall~~  
21 ~~be placed on intercept.~~

22 ~~(4) Intercept service shall be provided for calls to invalid numbers.~~

23 ~~(5b) Any 7 digit number (or other number serving a public safety or other emergency~~  
24 ~~agency) when replaced by the universal emergency number "911" shall be intercepted by~~  
25 ~~either a telecommunications company assistance or a public safety agency operator or special~~

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1 ~~recorded announcement for at least one year or until the next directory issue. Also, Intercept~~  
2 service or alternative routing to a default number shall be provided for the universal  
3 emergency telephone number "911" ~~shall be provided~~ in central offices where the number is  
4 inoperable. The intercept service may be automated with a message indicating the "911"  
5 emergency number is inoperable in that area and to consult the directory for the appropriate  
6 emergency number or if a directory is not available to dial operator for assistance.

7 Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History—  
8 New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96.

9 **25-4.083 Preferred Carrier Freeze.**

10 (1) A local provider shall make available a PC-Freeze upon a subscriber's request.

11 ~~(2) (1) A PC-Freeze shall not be imposed or removed on a subscriber's account~~  
12 ~~without the subscriber's authorization and shall not be required as a condition for obtaining~~  
13 ~~service.~~

14 ~~(3) (2) A PC-Freeze shall be implemented or removed at no charge to the subscriber.~~

15 ~~(3) The subscriber's authorization shall be obtained for each service for which a PC~~  
16 ~~Freeze is requested. Procedures implemented by local exchange providers must clearly~~  
17 ~~distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC~~  
18 ~~Freeze.~~

19 ~~(4) All notification material regarding PC Freezes must include:~~

20 ~~(a) An explanation of what a PC Freeze is and what services are subject to a freeze;~~

21 ~~(b) A description of the specific procedures necessary to lift a PC Freeze and an~~  
22 ~~explanation that the subscriber will be unable to make a change in provider selection unless~~  
23 ~~the subscriber authorizes lifting of the PC Freeze; and~~

24 ~~(c) An explanation that there are no charges for implementing or removing a PC~~  
25 ~~Freeze.~~

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1           ~~(5) A local provider shall not solicit, market, or induce subscribers to request a PC\_~~  
2 ~~Freeze. A local provider is not prohibited, however, from informing an existing or potential~~  
3 ~~new subscriber who expresses concerns about slamming about the availability of a PC\_Freeze.~~

4           ~~(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's~~  
5 ~~request to impose a freeze has first been confirmed in accordance with one of the following~~  
6 ~~procedures:~~

7           ~~(a) The local exchange provider has obtained the subscriber's written or electronically~~  
8 ~~signed authorization in a form that meets the requirements of subsection (7);~~

9           ~~(b) The local exchange provider has obtained the subscriber's electronic authorization,~~  
10 ~~placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic~~  
11 ~~authorization should confirm appropriate verification data (e.g., the subscriber's date of birth~~  
12 ~~or the last four digits of the subscriber's social security number) and the information required~~  
13 ~~in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze~~  
14 ~~orders electronically shall establish one or more toll free telephone numbers exclusively for~~  
15 ~~that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or~~  
16 ~~similar mechanism that records the required information regarding the PC Freeze request,~~  
17 ~~including automatically recording the originating automatic numbering identification; or~~

18           ~~(c) An independent third party has obtained the subscriber's oral authorization to~~  
19 ~~submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's~~  
20 ~~date of birth or the last four digits of the subscriber's social security number) and the~~  
21 ~~information required in paragraphs (7)(a) through (d). The independent third party must not be~~  
22 ~~owned, managed, or directly controlled by the provider or the provider's marketing agent;~~  
23 ~~must not have any financial incentive to confirm PC Freeze requests for the provider or the~~  
24 ~~provider's marketing agent; and must operate in a location physically separate from the~~  
25 ~~provider or the provider's marketing agent. The content of the verification must include clear~~

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1 and conspicuous confirmation that the subscriber has authorized a PC Freeze.

2 ~~(7) A local exchange provider shall accept a subscriber's written and signed~~  
3 ~~authorization to impose a PC Freeze on a preferred provider selection. A written authorization~~  
4 ~~shall be printed in a readable type of sufficient size to be clearly legible and must contain clear~~  
5 ~~and unambiguous language that confirms:~~

6 ~~(a) The subscriber's billing name and address and the telephone number(s) to be~~  
7 ~~covered by the PC Freeze;~~

8 ~~(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a~~  
9 ~~PC Freeze will be imposed.;~~

10 ~~(c) That the subscriber understands that to make a change in provider selection, the~~  
11 ~~subscriber must lift the PC Freeze; and~~

12 ~~(d) That there will be no charge to the subscriber for a PC Freeze.~~

13 ~~(8) All local exchange providers shall, at a minimum, offer subscribers the following~~  
14 ~~procedures for lifting a PC Freeze:~~

15 ~~(a) Acceptance of a subscriber's written or electronically signed authorization; and~~

16 ~~(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows~~  
17 ~~the submitting provider to conduct a three way conference call between the provider~~  
18 ~~administering the PC Freeze and the subscriber. The provider administering the PC Freeze~~  
19 ~~shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four~~  
20 ~~digits of the subscriber's social security number) and the subscriber's intent to lift a specific~~  
21 ~~PC Freeze.~~

22 ~~(9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by~~  
23 ~~the provider for a period of one year.~~

24 ~~(10) A PC Freeze shall not prohibit a local provider from changing wholesale services~~  
25 ~~when serving the same end user.~~

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1           ~~(11) Local providers shall make available an indicator on the customer service record~~  
2 ~~that identifies whether the subscriber currently has a PC Freeze in place.~~

3           ~~(12) Local providers shall make available the ability for the subscriber's new local~~  
4 ~~provider to initiate a local PC Freeze using the local service request.~~

5           (4) In addition to the requirements listed in subsections (1) through (3) above, a local  
6 provider shall meet the requirements as prescribed by the Federal Communications  
7 Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred  
8 Carrier Freeze, revised as of October 1, 2007, which is incorporated into this rule by  
9 reference.

10 Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS.

11 History—New 9-9-04.

12 **25-4.107 Information to Residential Customers; Installment Plan.**

13           ~~(1) Each company shall provide such information and assistance as is reasonable to~~  
14 ~~assist any customer or applicant in obtaining telephone service adequate to his~~  
15 ~~communications needs. At the time of initial contact, each local exchange telecommunications~~  
16 ~~company shall advise the person applying for or inquiring about residential or single line~~  
17 ~~business service of the rate for the least expensive one party basic local exchange telephone~~  
18 ~~service available to him unless he requests specific equipment or services. At the time of~~  
19 ~~initial contact, eEach company shall inform all persons applying for residential service of the~~  
20 ~~availability of the company's installment plan for the payment of service connection charges.~~  
21 ~~The information will be provided at the time of initial contact and shall include, but not be~~  
22 ~~limited to, information on rate amounts and installment time periods and procedures. Each~~  
23 ~~company shall permit residential customers to pay service connection charges in equal~~  
24 ~~monthly installments over a period of at least 3 months. A company may charge a monthly~~  
25 ~~service fee of \$1.00 to applicants who elect to pay the service connection charge in~~

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1 installments.

2 (2) Upon customer request, the person shall also be given an 800 number to call to  
3 receive information on the "No Sales Solicitation" list offered through the Department of  
4 Agriculture and Consumer Services, Division of Consumer Services.

5 (3) In any discussion of enhanced or optional services, each service shall be identified  
6 specifically, and the price of each service shall be given. ~~Such person shall also be informed of~~  
7 ~~the availability of and rates for local measured service, if offered in his exchange. Local~~  
8 ~~exchange telecommunications companies shall submit copies of the information provided to~~  
9 ~~customer service representatives to the Division of Competitive Markets and~~  
10 ~~Enforcement for prior approval.~~

11 ~~(2) At the earliest time practicable, the company shall provide to that customer the~~  
12 ~~billing cycle and approximate date he may expect to receive his monthly billing.~~

13 (4) This rule shall apply to residential service only.

14 Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03,  
15 364.04, 364.051, 364.15, 350.127 FS. History—New 7-5-79, Amended 11-30-86, 11-28-89, 3-  
16 31-91, 10-30-91.

17 **25-4.109 Residential Customer Deposits.**

18 (1) Deposit required; establishment of credit. Each local exchange company's (LEC)  
19 tariff shall contain their specific criteria for determining the amount of initial deposit. Each  
20 LEC may require an applicant for service to satisfactorily establish credit, but such  
21 establishment of credit shall not relieve the customer from complying with the company's  
22 rules for prompt payment of bills. Credit will be deemed so established if:

23 (a) The applicant for service has been a customer of any LEC within the last two years  
24 and during the last twelve (12) consecutive months of service did not have more than one  
25 occasion in which a bill was paid after becoming delinquent and has never had service

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1 disconnected for non-payment.

2 (b) The applicant for service furnishes a satisfactory guarantor to secure payment of  
3 bills for the service requested. A satisfactory guarantor shall, at the minimum, be a customer  
4 of the company with a satisfactory payment record. A guarantor's liability shall be terminated  
5 when a residential customer whose payment of bills is secured by the guarantor meets the  
6 requirements of subsection (4) of this rule. Guarantors providing security for payment of  
7 residential customers' bills shall only be liable for bills contracted at the service address  
8 contained in the contract of guaranty.

9 (c) The applicant pays a cash deposit.

10 (d) The applicant for service furnishes an irrevocable letter of credit from a bank or a  
11 surety bond.

12 (2) Amount of deposit. The amount of the initial required deposit shall not exceed an  
13 amount equal to the charges for one month's local exchange service plus two months  
14 estimated toll service provided by or billed by the LEC. If, after ninety (90) days service, the  
15 actual deposit is found to be greater than an amount equal to one month's local service plus  
16 two months actual average toll service provided by or billed by the LEC, the company shall,  
17 upon demand of the subscriber to the Company, promptly refund the difference. These deposit  
18 rules apply to local exchange service and toll service provided by or billed by the LEC only  
19 and do not apply to special arrangement agreements covering termination equipment  
20 installations for which the telephone company may require a reasonable deposit.

21 (3) New or additional deposits. A company may require upon reasonable written notice  
22 of not less than 15 days, a new deposit, where previously waived or returned, or an additional  
23 deposit, in order to secure payment of current bills. Provided, however, that the total amount  
24 of required deposit should not exceed twice the actual average monthly toll provided by or  
25 billed by the LEC plus one month's local service charge, for the 90-day period immediately

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1 prior to the date of notice. In the event the customer has had service less than 90 days, then the  
2 company shall base its new or additional deposit upon the actual average monthly billing  
3 available. ~~When the company has a good reason to believe payment by a nonresidential~~  
4 ~~customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above~~  
5 ~~normal for that customer, the company may request a new or additional deposit. If the deposit~~  
6 ~~requested is not paid within 48 hours, the company may discontinue service.~~

7 (4) Refund of deposit. After a customer has established a satisfactory payment record  
8 and has had continuous service for a period of 23 months, the company shall refund the  
9 residential customer's deposits ~~and shall, at its option, either refund or pay the higher rate of~~  
10 ~~interest specified below for nonresidential deposits~~, providing the customer has not, in the  
11 preceding 12 months:

- 12 (a) Made more than one late payment of a bill (after the expiration of 15 days from the  
13 date of mailing or delivery by the company);
- 14 (b) Paid with a check refused by a bank;
- 15 (c) Been disconnected for nonpayment, or at any time; and
- 16 (d) Used service in a fraudulent or unauthorized manner.
- 17 (5) Interest on deposit.

18 (a) Each telephone company which requires deposits to be made by its customers shall  
19 pay a minimum interest on such deposits of 6 percent per annum. ~~The company shall pay an~~  
20 ~~interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under~~  
21 ~~subsection (4) when the utility elects not to refund such deposit after 23 months.~~

22 (b) The deposit interest shall be simple interest in all cases and settlement shall be  
23 made annually, either in cash or by credit on the current bill. This does not prohibit any  
24 company paying a higher rate of interest than required by this rule. No customer depositor  
25 shall be entitled to receive interest on their deposit until and unless a customer relationship and

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1 the deposit have been in existence for a continuous period of six months. Then he or she shall  
2 be entitled to receive interest from the day of the commencement of the customer relationship  
3 and the placement of deposit. Nothing in this rule shall prohibit a company from refunding at  
4 any time a deposit with an accrued interest.

5 (6) Record of deposits. Each company having on hand deposits from customers or  
6 hereafter receiving deposits from them shall keep records to show:

7 (a) The name of each customer making the deposit;

8 (b) The premises occupied by the customer when the deposit was made;

9 (c) The date and amount of deposit; and

10 (d) Each transaction concerning the deposit such as interest payment, interest credited  
11 or similar transactions.

12 (7) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each  
13 customer and means provided so that the customer may claim the deposit if the certificate is  
14 lost. The deposit receipt shall contain notice that after ninety (90) days service, the subscriber  
15 is entitled to refunds of any deposit over and above an amount equal to one month's local  
16 service plus two months' average toll service provided by or billed by the LEC.

17 (8) Refund of deposit when service is discontinued. Upon termination of service, the  
18 deposit and accrued interest may be credited against the final account of the LEC and the  
19 balance, if any, shall be returned promptly to the customer but in no event later than forty-five  
20 (45) days after service is discontinued.

21 (9) This rule shall apply to residential service only.

22 Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History--  
23 New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-  
24 89, 4-25-94.

25 **25-4.110 Customer Billing for Local Exchange Telecommunications Companies.**

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

3 (2) ~~Each billing party shall set forth on the bill all charges, fees, and taxes which are~~  
4 ~~due and payable.~~

5 (a) ~~There shall be a heading for each originating party which is billing to that customer~~  
6 ~~account for that billing period. The heading shall clearly and conspicuously indicate the~~  
7 ~~originating party's name. If the originating party is a certificated telecommunications~~  
8 ~~company, the certificated name must be shown. If the originating party has more than one~~  
9 ~~certificated name, the name appearing in the heading must be the name used to market the~~  
10 ~~service.~~

11 (b) ~~The toll-free customer service number for the service provider or its customer~~  
12 ~~service agent must be conspicuously displayed in the heading, immediately below the heading,~~  
13 ~~or immediately following the list of charges for the service provider. For purposes of this~~  
14 ~~subparagraph, the service provider is defined as the company which provided the service to~~  
15 ~~the end user. If the service provider has a customer service agent, the toll-free number must be~~  
16 ~~that of the customer service agent and must be displayed with the service provider's heading~~  
17 ~~or with the customer service agent's heading, if any. For purposes of this subparagraph, a~~  
18 ~~customer service agent is a person or entity that acts for any originating party pursuant to the~~  
19 ~~terms of a written agreement. The scope of such agency shall be limited to the terms of such~~  
20 ~~written agreement.~~

21 (c) ~~Each charge shall be described under the applicable originating party heading.~~

22 (d) ~~Taxes, fees, and surcharges related to an originating party heading shall be shown~~  
23 ~~immediately below the charges described under that heading. The terminology for Federal~~  
24 ~~Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required~~  
25 ~~terminology.~~

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from existing law.

1           2. The billing party shall either:

2           a. Identify Florida taxes and fees applicable to charges on the customer's bill and

3 identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

4           b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and

5 surcharge to any customer who contacts the billing party or customer service agent with a

6 billing question and expresses difficulty in understanding the bill after discussion with a

7 service representative.

8           (ii) If the customer requests or continues to express difficulty in understanding the

9 explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing

10 party shall provide an explanation of the state, federal, or local authority for each tax, fee, and

11 surcharge; the line items which comprise the assessment base for each percentage based tax,

12 fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent

13 with the customer's concern. The billing party or customer service agent shall provide this

14 information to the customer in writing upon the customer's request.

15           (2e) If each recurring charge due and payable is not itemized, each bill shall contain

16 the following statement: "Further written itemization of local billing available upon request."

17 In addition, the billing party will provide a plain language explanation to any customer who

18 contacts the billing party.

19           (3) Each LEC shall provide an itemized bill for local service:

20           (a) With the first bill rendered after local exchange service to a customer is initiated or

21 changed; and

22           (b) To every customer at least once each twelve months.

23           (4) The annual itemized bill shall be accompanied by a bill insert or bill message

24 ~~stuffer~~ which explains the itemization and advises the customer to verify the items and charges

25 on the itemized bill. This bill insert or bill message ~~stuffer~~ shall be submitted to the

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1 Commission's Division of Regulatory Compliance ~~Competitive Markets and Enforcement~~ for  
2 prior approval. ~~The itemized bill provided to residential customers and to business customers~~  
3 ~~with less than ten access lines per service location shall be in easily understood language. The~~  
4 ~~itemized bill provided to business customers with ten or more access lines per service location~~  
5 ~~may be stated in service order code, provided that it contains a statement that, upon request, an~~  
6 ~~easily understood translation is available in written form without charge.~~ An itemized bill shall  
7 include, but not be limited to the following information, separately stated:

8 (a) Number and types of access lines;

9 (b) Charges for access to the system, by type of line;

10 ~~(c) Touch-tone service charges;~~

11 ~~(cd) Charges for each custom calling features, separated by feature or package;~~

12 ~~(de) Unlisted number charges;~~

13 ~~(ef) Local directory assistance charges;~~

14 ~~(fg) Other tariff charges; and~~

15 ~~(gh) Other nontariffed, regulated charges contained in the bill.~~

16 (5) All bills rendered by a local exchange company shall clearly state the following  
17 items:

18 (a) Any discount or penalty. The originating party is responsible for informing the  
19 billing party of all such penalties or discounts to appear on the bill, in a form usable by the  
20 billing party;

21 (b) Past due balance;

22 (c) Amounts or items for which nonpayment will result in disconnection of the  
23 customer's basic local service, including a statement of the consequences of nonpayment;

24 (d) Long-distance monthly or minimum charges, if included in the bill;

25 (e) Long-distance usage charges, if included in the bill;

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(f) Usage-based local charges, if included in the bill;

(g) Telecommunications Access System Surcharge, per subsection 25-4.160(3),

F.A.C.;

(h) "911" fee per Section 365.171(13), F.S.; and

(i) Delinquent date.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. ~~However, the company may demand immediate payment under the following circumstances:~~

~~1. Where service is terminated or abandoned;~~

~~2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or~~

~~3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.~~

~~(b) The demand for immediate payment shall be accompanied by a bill which itemizes~~

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1 the charges for which payment is demanded, or, if the demand is made orally, an itemized bill  
2 shall be mailed or delivered to the customer within three days after the demand is made.

3 (c) If the company cannot present an itemized bill, it may present a summarized bill  
4 which includes the customer's name and address and the total amount due. However, a  
5 customer may refuse to make payment until an itemized bill is presented. The company shall  
6 inform the customer that he may refuse payment until an itemized bill is presented.

7 (8) Each telephone company shall include a bill insert or bill message advising each  
8 subscriber of the directory closing date and the subscriber's opportunity to correct any error or  
9 make changes as the subscriber deems necessary in advance of the closing date. It shall also  
10 state that at no additional charge and upon the request of any residential subscriber, the  
11 exchange company shall list an additional first name or initial under the same address,  
12 telephone number, and surname of the subscriber. The notice shall be included in the billing  
13 cycle closest to 60 days preceding the directory closing date.

14 (9) Annually, each telephone company shall include a bill insert or bill message  
15 advising each residential subscriber of the option to have the subscriber's name placed on the  
16 "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer  
17 Services, Division of Consumer Services, and the 800 number to contact to receive more  
18 information.

19 (10) Where any undercharge in billing of a customer is the result of a company  
20 mistake, the company may not backbill in excess of 12 months. ~~Nor may the company recover~~  
21 ~~in a ratemaking proceeding any lost revenue which inures to the company's detriment on~~  
22 ~~account of this provision.~~

23 ~~(11) Local Communications Services Tax.~~

24 ~~(a) The Local Communications Services Tax is comprised of the discretionary~~  
25 ~~communications services tax levied by the governing authority of each municipality and~~

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from existing law.

1 county authorized by Chapter 202, F.S.

2 ~~(b) When a municipality or county levies the Local Communications Services Tax~~  
3 ~~authorized by Chapter 202, F.S., the local exchange company may collect that tax only from~~  
4 ~~its subscribers receiving service within that municipality or county.~~

5 ~~(c) A local exchange company may not incorporate any portion of the Local~~  
6 ~~Communications Services Tax into its other rates for service.~~

7 ~~(12) State Communications Services Tax:~~

8 ~~(a) The State Communications Services Tax is comprised of the Gross Receipts Tax~~  
9 ~~imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202,~~  
10 ~~F.S., and any local option sales tax.~~

11 ~~(b) A local exchange company may not incorporate any portion of the State~~  
12 ~~Communications Services Tax into its other rates for service.~~

13 ~~(113)~~ Each LEC shall apply partial payment of an end user/customer bill first towards  
14 satisfying any unpaid regulated charges. The remaining portion of the payment, if any, shall be  
15 applied to nonregulated charges.

16 ~~(14) All bills produced shall clearly and conspicuously display the following~~  
17 ~~information for each service billed in regard to each company claiming to be the customer's~~  
18 ~~presubscribed provider for local, local toll, or toll service:~~

19 ~~(a) The name of the certificated company;~~

20 ~~(b) Type of service provided, i.e., local, local toll, or toll; and~~

21 ~~(c) A toll free customer service number.~~

22 ~~(15) This section applies to LECs that provide transmission services or bill and collect~~  
23 ~~on behalf of Pay Per Call providers. Pay Per Call services are defined as switched~~  
24 ~~telecommunications services between locations within the State of Florida which permit~~  
25 ~~communications between an end use customer and an information provider's program at a per~~

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1 call charge to the end user/customer. Pay Per Call services include 976 services provided by  
2 the LECs and 900 services provided by interexchange carriers.

3 (a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for  
4 regular long distance or local charges by appearing separately under a heading that reads as  
5 follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be  
6 clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service  
7 (900 or 976) charges:

8 1. ~~Nonpayment of Pay Per Call service (900 or 976) charges will not result in~~  
9 ~~disconnection of local service;~~

10 2. ~~End users/customers can obtain free blocking of Pay Per Call service (900 or 976)~~  
11 ~~from the LEC;~~

12 3. ~~The local or toll free number the end user/customer can call to dispute charges;~~

13 4. ~~The name of the IXC providing 900 service; and~~

14 5. ~~The Pay Per Call service (900 or 976) program name.~~

15 (b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or  
16 contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per  
17 Call transmission service or billing services, unless the provider does each of the following:

18 1. ~~Provides a preamble to the program which states the per minute and total minimum~~  
19 ~~charges for the Pay Per Call service (900 and 976); child's parental notification requirement is~~  
20 ~~announced on preambles for all programs where there is a potential for minors to be attracted~~  
21 ~~to the program; child's parental notification requirement in any preamble to a program~~  
22 ~~targeted to children must be in language easily understandable to children; and programs that~~  
23 ~~do not exceed \$3.00 in total charges may omit the preamble, except as provided in~~  
24 ~~subparagraph (11)(b)3.;~~

25 2. ~~Provides an 18 second billing grace period in which the end user/customer can~~

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1 ~~disconnect the call without incurring a charge; from the time the call is answered at the Pay~~  
2 ~~Per Call provider's premises, the preamble message must be no longer than 15 seconds. The~~  
3 ~~program may allow an end user/customer to affirmatively bypass a preamble;~~

4 ~~3. Provides on each program promotion targeted at children (defined as younger than~~  
5 ~~18 years of age) clear and conspicuous notification, in language understandable to children, of~~  
6 ~~the requirement to obtain parental permission before placing or continuing with the call. The~~  
7 ~~parental consent notification shall appear prominently in all advertising and promotional~~  
8 ~~materials, and in the program preamble. Children's programs shall not have rates in excess of~~  
9 ~~\$5.00 per call, and shall not include the enticement of a gift or premium;~~

10 ~~4. Promotes its services without the use of an autodialer or broadcasting of tones that~~  
11 ~~dial a Pay Per Call (900 or 976) number;~~

12 ~~5. Prominently discloses the additional cost per minute or per call for any other~~  
13 ~~telephone number that an end user/customer is referred to either directly or indirectly;~~

14 ~~6. In all advertising and promotional materials, displays charges immediately above,~~  
15 ~~below, or next to the Pay Per Call number, in type size that can be seen as clearly and~~  
16 ~~conspicuously at a glance as the Pay Per Call number. Broadcast television advertising~~  
17 ~~charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per~~  
18 ~~Call number is shown, each time the Pay Per Call number is shown. Oral representations shall~~  
19 ~~be equally as clear;~~

20 ~~7. Provides on Pay Per Call services that involve sales of products or merchandise~~  
21 ~~clear preamble notification of the price that will be incurred if the end user/customer stays on~~  
22 ~~the line, and a local or toll free number for consumer complaints; and~~

23 ~~8. Meets internal standards established by the LEC or IXC as defined in the applicable~~  
24 ~~tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and~~  
25 ~~the Pay Per Call (900 or 976) provider which when violated, would result in the termination of~~

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1 ~~a transmission or billing arrangement.~~

2 ~~(12)(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where~~  
3 ~~technically feasible of Pay Per Call service (900 and 976), at the request of the end~~  
4 ~~user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking~~  
5 ~~system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will~~  
6 ~~adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack~~  
7 ~~of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will~~  
8 ~~be made if necessary to reflect calls billed in the following month which were placed prior to~~  
9 ~~the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer~~  
10 ~~shall be notified of the availability of~~ may agree to ~~free blocking of Pay Per Call service (900~~  
11 ~~and 976).~~

12 ~~(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call~~  
13 ~~service (900 and 976) shall be automatically adjusted upon complaint that:~~

14 ~~1. The end user/customer did not receive a price advertisement, the price of the call~~  
15 ~~was misrepresented to the consumer, or the price advertisement received by the consumer was~~  
16 ~~false, misleading, or deceptive;~~

17 ~~2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900~~  
18 ~~or 976) advertisement;~~

19 ~~3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality~~  
20 ~~as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off~~  
21 ~~from the service;~~

22 ~~4. The Pay Per Call (900 and/or 976) service provided out of date information; or~~

23 ~~5. The end user/customer terminated the call during the preamble described in~~  
24 ~~subparagraph 25 4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or~~  
25 ~~976).~~

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1           (e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976)  
2 charge which is subsequently determined by the LEC to be valid, the LEC or IXC may  
3 implement Pay Per Call (900 and 976) blocking on that line.

4           (f) ~~Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges~~  
5 ~~to an end user/customer in Florida shall not:~~

6           1. ~~Collect or attempt to collect Pay Per Call service (900 or 976) charges which are~~  
7 ~~being disputed or which have been removed from an end user's/customer's bill; or~~

8           2. ~~Report the end user/customer to a credit bureau or collection agency solely for non-~~  
9 ~~payment of Pay Per Call (900 or 976) charges.~~

10           (g) ~~LECs and IXCs billing Pay Per Call service (900 and 976) charges to end~~  
11 ~~users/customers in Florida shall implement safeguards to prevent the disconnection of phone~~  
12 ~~service for non payment of Pay Per Call (900 or 976) charges.~~

13           (136) Companies that bill for local service must provide notification with the  
14 customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no  
15 charge. Existing customers must be notified annually that a PC-Freeze is available at no  
16 charge. Notification shall conform to the requirements of Rule 25-4.083.

17           ~~(17) The customer must be given notice on the first or second page of the customer's~~  
18 ~~next bill in conspicuous bold face type when the customer's presubscribed provider of local,~~  
19 ~~local toll, or toll service has changed.~~

20           (148) If a customer notifies a billing party that they did not order an item appearing on  
21 their bill or that they were not provided a service appearing on their bill, the billing party shall  
22 promptly provide the customer a credit for the item and remove the item from the customer's  
23 bill, with the exception of the following:

24           (a) Charges that originate from:

25           1. Billing party or its affiliates;

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from existing law.

- 1 2. A governmental agency;
- 2 3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and
- 3 (b) Charges associated with the following types of calls:
- 4 1. Collect calls;
- 5 2. Third party calls;
- 6 3. Customer dialed calls for; and
- 7 4. Calls using a 10-10-xxx calling pattern.

8 (159)(a) Upon request from any customer, a billing party must restrict charges in its

9 bills to only:

- 10 1. Those charges that originate from the following:
- 11 a. Billing party or its affiliates;
- 12 b. A governmental agency;
- 13 c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and
- 14 2. Those charges associated with the following types of calls:
- 15 a. Collect calls;
- 16 b. Third party calls;
- 17 c. Customer dialed calls; and
- 18 d. Calls using a 10-10-xxx calling pattern.

19 (b) Customers must be notified of this right by billing parties annually and at each time

20 a customer notifies a billing party that the customer's bill contained charges for products or

21 services that the customer did not order or that were not provided to the customer.

22 (c) Small local exchange telecommunications companies as defined in Section

23 364.052(1), F.S., are exempted from this subsection.

24 ~~(20) Nothing prohibits originating parties from billing customers directly, even if a~~

25 ~~charge has been blocked from a billing party's bill at the request of a customer.~~

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1           (16) In addition to the requirements listed in subsections (1) through (15) above, a  
2 local provider shall meet the requirements as prescribed by the Federal Communications  
3 Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401,  
4 Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which  
5 are incorporated into this rule by reference.

6 Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04,  
7 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-  
8 76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-  
9 91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03.

10  
11  
12 **25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.**

13           ~~(1) Incremental cost yields the appropriate price floor for pricing of individual~~  
14 ~~services. This rule sets forth requirements for incremental cost data submitted by local~~  
15 ~~exchange companies (LECs) to the Commission.~~

16           ~~(2) For each service for which an incremental cost study has been performed by or for~~  
17 ~~a LEC and the LEC submits incremental cost data based on the study the LEC shall provide:~~

18           ~~(a) An executive summary that includes, at a minimum:~~

19           ~~1. An overview of the incremental cost study(ies) performed, a description of all cost~~  
20 ~~models used, and a summary of the cost study results;~~

21           ~~2. A discussion which demonstrates that the cost study methodology employed~~  
22 ~~comports with accepted economic theory regarding incremental cost;~~

23           ~~3. A discussion demonstrating the reasonableness of the assumptions made regarding~~  
24 ~~the conditions projected to be in effect during the study's planning horizon; and~~

25           ~~4. A discussion demonstrating the manner in which the service will be provisioned~~

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from existing law.



1 during the planning horizon.

2 ~~(b) A list of all factors and their values used in the study including, but not limited to,~~  
3 ~~utilization factors, annual charge factors, expense factors and supporting structures factors. At~~  
4 ~~Commission staff's request, supporting work papers showing the derivation of all factors used~~  
5 ~~in the study shall be provided on 5 days' notice.~~

6 ~~(c) Where identifiable, the amount of any group specific costs shall be identified but~~  
7 ~~not added into the results for an individual service. Group specific costs are those costs related~~  
8 ~~to the provision of a group of services but not causally attributable to any specific service;~~

9 ~~(d) The amount and types of costs that are causally apportioned (as opposed to directly~~  
10 ~~assigned) to individual services shall be identified and the LEC shall describe and provide~~  
11 ~~support for the method of apportionment used; and~~

12 ~~(e) For new services which may have a significant revenue impact or where a rate~~  
13 ~~restructure of an existing service is being proposed that may have either significant customer~~  
14 ~~or revenue impact, a narrative or flowchart indicating the sequence of analyses performed .~~  
15 ~~leading to the cost results shall be provided. At Commission staff's request, all relevant work~~  
16 ~~papers supporting the cost study shall be provided on 5 days' notice.~~

17 ~~(3) For each service for which a LEC submits incremental cost data not based on an~~  
18 ~~incremental cost study performed by or for that LEC, the LEC shall provide a discussion~~  
19 ~~demonstrating the reasonableness of using the surrogate cost data as the price floor for its~~  
20 ~~service.~~

21 Specific Authority 350.127(2) FS.

22 Law Implemented 364.3381 FS.

23 History—New 5-24-95, Repealed \_\_\_\_\_.

24  
25 **25-4.067 Extension of Facilities - Contributions in Aid of Construction.**

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

1           ~~(1) Each telecommunications company shall make reasonable extensions to its lines~~  
2 ~~and service and shall include in its tariffs filed with the Commission a statement of its~~  
3 ~~standard extension policy setting forth the terms and conditions under which its facilities will~~  
4 ~~be extended to serve applicants for service within its certificated area.~~

5           ~~(2) This line extension policy shall have uniform application and shall provide the~~  
6 ~~proportion of construction expense to be borne by the utility in serving the immediate~~  
7 ~~applicant shall be not less than five times the annual exchange revenue of the applicants.~~

8           ~~(3) If the cost which the servicing utility must bear under subsection (2) above (or has~~  
9 ~~provided in its tariff) equals or exceeds the estimated cost of the proposed extension, the~~  
10 ~~utility shall construct it without cost to the subscribers initially served. If the estimated cost of~~  
11 ~~the proposed extension exceeds the amount which the utility is required to bear, the excess~~  
12 ~~cost may be distributed equitably among all subscribers initially served by the extension.~~  
13 ~~However, no portion of construction shall be assessed to the applicant for the provision of new~~  
14 ~~plant where the new plant parallels and reinforces existing plant or is constructed on or along~~  
15 ~~any public road or highway and is to be used to serve subscribers in general except in those~~  
16 ~~instances where the applicant requests that facilities be constructed by other than the normal~~  
17 ~~serving method.~~

18           ~~The company's tariffs shall provide that such excess may be paid in cash in a lump~~  
19 ~~sum or as a surcharge over a period of five years or such lesser period as the subscriber and~~  
20 ~~company may mutually agree upon.~~

21           ~~(4) Line extension tariffs shall also contain provisions designed to require that all~~  
22 ~~subscribers served by a line extension during the first five years after it is constructed shall~~  
23 ~~pay their pro rata share of the costs assignable to them.~~

24           ~~(5) No company shall be required to extend facilities for new service unless the right-~~  
25 ~~of-way necessary for the construction of line extension is provided by the applicant or group~~

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1 of applicants. Where pole attachments may be made in lieu of new construction costs, the  
2 company may charge the subscriber the expense or rental charges for such attachments,  
3 provided that the applicant may elect to pay excess construction costs as though the service  
4 were provided without the use of attachments.

5 (6) Except as provided in filed tariffs, the ownership of all facilities constructed as  
6 herein provided shall be vested in the telecommunications company and no portion of the  
7 expense assessed against the applicant shall be refundable by the company.

8 (7) Nothing in this rule shall be construed as prohibiting any utility from establishing  
9 an extension policy more favorable to customers as long as no undue discrimination is  
10 practiced between customers under the same or substantially the same circumstances and  
11 conditions.

12 (8) In the event that a company and applicant are unable to agree in regard to an  
13 extension, either party may appeal to the Commission for a review.

14 Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07,  
15 364.08, 364.15 FS. History--Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended  
16 3-10-96, Repealed.

#### 17 **25-4.108 Initiation of Service.**

18 Any applicant for telephone service may be required to make application in writing in  
19 accordance with standard practices and forms prescribed by the utility, provided that the  
20 policy adopted by the utility for the initiation of service shall have uniform application and  
21 shall be set forth in its filed tariff. Such application shall be considered as notice to the utility  
22 that the applicant desires service and upon compliance by the applicant with such other  
23 provisions governing utility service as may be in effect, the utility shall undertake to initiate  
24 service without unreasonable delay. Each company shall permit residential customers to pay  
25 service connection charges in equal monthly installments over a period of at least 3 months. A

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from existing law.

1 ~~company may charge a monthly service fee of \$1.00 to applicants who elect to pay the service~~  
2 ~~connection charge in installments.~~

3 Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04,  
4 364.051, 364.08, 364.15 FS. History—New 12-1-68, Amended 10-30-91, Repealed\_\_\_\_\_.

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## PERIODIC REPORTS

## ENGINEERING DATA REQUIREMENTS

<u>SCHEDULE</u>	<u>TITLE</u>	<u>SUBMISSION</u> <u>Large LECs/Small LECs</u>
2	<del>Summary of Completed</del> <u>New Primary Service Orders</u>	Quarterly/Semiannually
3	Summary of Held Applications	Quarterly/Semiannually
8	Access Line Data	Quarterly/Semiannually
11	Repair Service-Trouble Reports	Quarterly/Semiannually
15	Answer Time- <del>Repair Service</del>	Quarterly/Semiannually
<del>16</del>	<del>Answer Time Business Office</del>	<del>Quarterly/Semiannually</del>
<del>19</del>	<del>Central Office NXX Data</del>	<del>Semiannually with Monthly Updates</del>

NAME OF COMPANY (a) \_\_\_\_\_

RULE 25-4.066, F.-A.-C.

SCHEDULE 2

COMPLETED NEW PRIMARY SERVICE ORDERS

QUARTER ENDING MONTH (b) \_\_\_\_\_

QUARTER ENDING (c) \_\_\_\_\_

Exchange Size	Total Orders	Delayed for Const.	Total Complete <= 3 Days	Percent Complete <= 3 Days	Standard Met Yes or No	Total Complete <=30 Days	Percent Complete <=30 Days	Standard Met Yes or No	Total Complete <=60 Days	Percent Complete <=60 Days	Standard Met Yes or No
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Enter the name of the company in line a.

If the exchange is greater than 50,000 access lines enter the month and year of the reported data in line b. If the exchange is less than 50,000 access lines enter the quarter and year for exchanges with less than 50,000 access lines in line c, since the data is to be accumulated over the entire quarter. Enter the ending period of the report (such as March 31, 2004) if month three was March, 2004) in line b.

- 1) Under column 1, group exchanges together for those having access lines of 50,000 or more and separately group together exchanges having fewer than 50,000 access lines. Enter the name of the exchange in column 1.
- 2) Enter the total number of primary service order requests received during the quarter.
- 3) Enter the number of orders being held for new construction.
- 4) Enter the total number of orders completed within 3 days including appointments, ~~and customer requests met.~~
- 5) Enter the percentage of service orders completed within 3 days (column 4 divided by column 2 minus column 3).
- 6) Enter Y if at least 90% were completed or N if the rule was not met.
- 7) ~~Enter the total number of orders completed within 30 days.~~
- 8) ~~Enter the percentage of service orders completed within 30 days (column 7 divided by column 2 minus column 3).~~
- 9) ~~Enter Y if 95% were completed within 30 days or N if the rule was not met.~~
- 10) ~~Enter the percentage of service orders completed within 30 days (column 10 divided by column 2 minus column 3).~~
- 11) ~~Enter the percentage of service orders completed within 60 days.~~
- 12) ~~Enter Y if 100% were completed within 60 days or N if the rule was not met.~~

FORM PSC/SSC 28 (X/XX)

NAME OF COMPANY (a) \_\_\_\_\_

RULE 25-4.066, F.-A.-C.

SCHEDULE 3

SUMMARY OF HELD APPLICATIONS

MONTH (b) \_\_\_\_\_

Exchange	Right-of-way or Permits	Company Construction OSP	Company Required COE	Company Other	Subscriber Action	31-60 Days	Over 60 Days
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Enter the name of the company line a.

Enter the month and year of the reported data in line b.

- 1) Enter the name of the exchange.
- 2) Enter the total number of orders waiting on right-of-way or permits.
- 3) Enter the total number of orders held for OSP construction.
- 4) Enter the total number of orders held for central office equipment.
- 5) Enter the total number of orders held due to other company circumstances and explain the reason for the delay.
- 6) Enter the total number of orders held due to action on the part of the subscriber.
- 7) Enter the total number of orders aged 31-60 days.
- 8) Enter the total orders aged over 60 days.

NAME OF COMPANY (a) \_\_\_\_\_

RULE 25-4.0185, F.-A.-C.

SCHEDULE 8

ACCESS LINE DATA

QUARTER AND YEARMONTH (b) \_\_\_\_\_

Exchange	Retail Lines			Resale Lines			UNE-P			Pay Phones	Total Lines
	Total	Res	Bus	Total	Res	Bus	Total	Res	Bus		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Enter the name of the company in line a.

Enter the quarter and year month of the reported data in line b.

- 1) Enter the name of the exchange in column 1.
- 2) Enter the total retail lines in column 2.
- 3) Enter the number of residential retail lines in column 3.
- 4) Enter the number of business retail lines in column 4.
- 5) Enter the total number of resale lines in column 5.
- 6) Enter the number of residential resale lines in column 6.
- 7) Enter the number of business resale lines in column 7.
- 8) Enter the total number of unbundled network element-platforms (UNE-P) in column 8.
- 9) Enter the number of residential UNE-P in column 9.
- 10) Enter the number of business UNE-P in column 10.
- 11) Enter the total number of pay phone access lines in column 11.
- 12) Enter the total number of access lines in column 12 by adding columns 2, 5, 8, and 11.



NAME OF COMPANY (a) \_\_\_\_\_

RULE 25-4.070, F.-A.-C.

SCHEDULE 11

REPAIR SERVICE-TROUBLE REPORTS

QUARTER ENDING-MONTH (b) \_\_\_\_\_

QUARTER ENDING (c) \_\_\_\_\_

Exchange	Total Reports	Total Exempt	Out of Service	Cleared Within 24 Hours	% Cleared Within 24 Hours	Rule Satisfied (Y or N)	Service Affecting	Cleared Within 72 Hours	% Cleared Within 72 Hours	Rule Satisfied (Y or N)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Enter the name of the company in line a.

~~If the exchange is greater than 50,000 access lines enter the month and year of the reported data in line b.~~

~~If the exchange is less than 50,000 access lines enter the quarter and year for exchanges with less than 50,000 access lines in line c, since the data is to be accumulated over the entire quarter. Enter the ending period of the report (such as March 31, 2004) if month three was March, 2004) in line b.~~

- 1) Under column 1, group exchanges together for those having access lines of 50,000 or more and separately group together exchanges having fewer than 50,000 access lines. Enter the name of the exchange in column 1.
- 2) Enter the total of all trouble reports received during the quarter, in each exchange in column 2.  
 Note: If it is determined that a trouble involves inside wire or CPE, the trouble report should be closed at that time and recorded as cleared if the company has notified or attempted to notify the customer of the cause within the required time frame. If the required time frame is not met, the trouble shall be counted as not cleared.
- 3) Enter the total number of exempted reports ~~for each exchange~~ in column 3.  
 Note: Exempt reports are those due to emergency situations such as unavoidable casualties where at least 10% of an exchange is out-of-service.
- 4) Enter the total number of Out-Of-Service (OOS) reports in column 4. Include Customer Requests beyond 24 hours and Appointments made when a premises visit is made in order to obtain access.
- 5) Enter the total number of OOS troubles cleared within 24 hours in column 5. Customer Requests and Appointments are counted as being cleared within 24 hours if the trouble has been cleared within the agreed date.
- 6) Enter the percent of OOS troubles cleared within 24 hours in column 6 (column 5 divided by column 2).
- 7) Enter a "Y" if at least ~~90~~<sup>95</sup>% were completed or an "N" if not in column 7.

- 8) Enter the total number of Service Affecting (SA) trouble reports in column 8.
- 9) Enter the number of SA reports cleared within 72 hours in column 9. Customer Requests and Appointments are counted as being cleared within 72 hours if the trouble has been cleared within the agreed date.
- 10) Enter the percent of SA troubles cleared within 72 hours in column 10 (column 9 divided by column 8).
- 11) Enter a "Y" if at least 905% were completed or an "N" if not in column 11.

NAME OF COMPANY (a) \_\_\_\_\_

RULE 25-4.073, F.-A.-C.

SCHEDULE 15

ANSWER TIME-REPAIR SERVICE

QUARTER ENDING (b) \_\_\_\_\_

Period Ending (b)

Categories	Month (c)				Month (d)				Month (e)			
	Attempts (1)	Answered Ans'd w/in Std. (2)	Percent Answered Ans'd w/in Std. (3)	Std. Met Yes or No (4)	Attempts (5)	Ans'd w/in Std. (6)	Percent Ans'd w/in Std. (7)	Std. Met Yes or No (8)	Attempts (9)	Ans'd w/in Std. (10)	Percent Ans'd w/in Std. (11)	Std. Met Yes or No (12)
Automated Answer w/in 3015 Sec (IVRU)												
Answered Ans'd by Attendant w/in 9030 Sec (No IVRU)												
Answered Ans'd by Attendant w/in 9055 Sec (IVRU)												

Enter the name of the company in line a.

Enter the ending period of the report (such as March 31, 2004) if month three was March, 2004) in line b.

Enter the name of the month for the first month's data (such as January) in column c.

First Month's Data

- 1) Enter the total number of calls to the business and repair offices in columns by category during the quarter.
- 2) Enter the total number of calls that were answered within standard in column 2.
- 3) Enter the percentage of calls that were answered within the standard (column 2 divided by column 1) in column 3.
- 4) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 4.

Enter the name of the month for the second month's data (such as February) in column d.

5) Enter the total number of calls to repair in column 5 by category.

6) Enter the total number of calls that were answered within the standard in column 6.

FORM PSC/SSC 28 (X/XX)

- 7) Enter the percentage of calls that were answered within the standard (column 6 divided by column 5) in column 7.
  - 8) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 8.
- Enter the name of the month for the third month's data (such as March) in column e.
- 9) Enter the total number of calls to repair in column 9 by category.
  - 10) Enter the total number of calls that were answered within the standard in column 10.
  - 11) Enter the percentage of calls that were answered within the standard (column 10 divided by column 9) in column 11.
  - 12) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 12.

NAME OF COMPANY \_\_\_\_\_ (a)

ANSWER TIME BUSINESS OFFICE

SCHEDULE 16

MONTH (b) \_\_\_\_\_

Categories	Month (c)			Month (d)			Month (e)			Period Ending (b)		
	Attempts (1)	Ans'd w/in Std. (2)	Percent Ans'd w/in Std. (3)	Attempts (5)	Ans'd w/in Std. (6)	Percent Ans'd w/in Std. (7)	Attempts (9)	Ans'd w/in Std. (10)	Percent Ans'd w/in Std. (11)	Std. Met Yes or No (8)	Std. Met Yes or No (12)	
Automated Answer w/in 15 See (IVRU)												
Ans'd by Attendant w/in 30 See (No IVRU)												
Ans'd by Attendant w/in 55 See (IVRU)												

- Enter the name of the company in line a.  
 Enter the ending period of the report (such as March 31, 2004 if month three was March, 2004) in line b.  
 Enter the name of the month for the first month's data (such as January) in column e.
- 1) Enter the total number of calls to the business office in column 1 by category
  - 2) Enter the total number of calls that were answered within standard in column 2.
  - 3) Enter the percentage of calls that were answered within the standard (column 2 divided by column 1) in column 3.
  - 4) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 4.
- Enter the name of the month for the second month's data (such as February) in column d.
- 5) Enter the total number of calls to the business office in column 5 by category.
  - 6) Enter the total number of calls that were answered within the standard in column 6.

- 7) Enter the percentage of calls that were answered within the standard (column 6 divided by column 5) in column 7.
  - 8) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 8.
- Enter the name of the month for the third month's data (such as March) in column e.
- 9) Enter the total number of calls to the business office in column 9.
  - 10) Enter the total number of calls that were answered within the standard in column 10.
  - 11) Enter the percentage of calls that were answered within the standard (column 10 divided by column 9) in column 11.
  - 12) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 12.

NAME OF COMPANY \_\_\_\_\_ (a)

RULE 25-4.0185, F. A. C.

SCHEDULE 19 \_\_\_\_\_

CENTRAL OFFICE NXX DATA

MONTH (b) \_\_\_\_\_

NPA (1)	NXX (2)	Sub (3)	Central Office (4)	Exchange (5)	LATA (6)	Toll Center (7)	Milliwatt Line (8)	Quiet Line (9)	CO (10)	CLLI Code (11)

Enter the name of the company in line a.

Enter the month and year of the reported data in line b.

- 1) Enter the Area Code in column 1.
- 2) Enter the three digit central office identifier in column 2.
- 3) Enter in column 3 an (a) if this is the only switch or home switch for the NXX or enter (b) if this is a remote switch.
- 4) Enter the name of the central office in column 4.
- 5) Enter the name of the Exchange in column 5.
- 6) Enter the LATA or Market Area in column 6.
- 7) Enter the toll center name in column 7.
- 8) Enter the milliwatt supply number for the designated NXX in column 8.
- 9) Enter the quiet line determination number for the central office in column 9.
- 10) Enter the central office telephone number in column 10.
- 11) Enter the Common Language Location Identifier (the 11 digit alphanumeric code used to identify the location) in column 11.

# Code of Federal Regulations



Telecommunication

Parts 40 to 69  
Revised as of October 1, 2007

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authorized carrier must, within 45 days of receiving an order as described in paragraph (b) of this section, inform the subscriber and the relevant governmental agency that issued the order if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the subscriber of his or her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier.

(f) Where possible, the properly authorized carrier must reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if the subscriber's participation in that program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the subscriber.

(g) When a LEC has assigned a subscriber to a non-affiliated carrier without authorization, and when a subscriber has paid the non-affiliated carrier the charges for the billed service, the LEC shall reimburse the subscriber for all charges paid by the subscriber to the unauthorized carrier and shall switch the subscriber to the desired carrier at no cost to the subscriber. When a LEC makes an unauthorized carrier change to an affiliated carrier, and when the customer has paid the charges, the LEC must pay to the authorized carrier 150% of the amounts collected from the subscriber in accordance with paragraphs (a) through (f) of this section.

[65 FR 47693, Aug. 3, 2000, as amended at 68 FR 19159, Apr. 18, 2003]

**§ 64.1190 Preferred carrier freezes.**

(a) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested

his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.

(b) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all subscribers, regardless of the subscriber's carrier selections.

(c) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

(d) *Solicitation and imposition of preferred carrier freezes.* (1) All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

(i) An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

(ii) A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the Commission's verification rules in §§ 64.1120 and 64.1130 for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze.

(iii) An explanation of any charges associated with the preferred carrier freeze.

(2) No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(i) The local exchange carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1190(d)(3); or

(ii) The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose

a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in §§64.1190(d)(3)(ii)(A) through (D). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

(iii) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in §64.1190(d)(3)(ii)(A) through (D). The independent third party must not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.

(3) *Written authorization to impose a preferred carrier freeze.* A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.

(i) The written authorization shall comply with §§64.1130(b), (c), and (h) of the Commission's rules concerning the form and content for letters of agency.

(ii) At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear

and unambiguous language that confirms:

(A) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(B) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(C) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(D) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

(e) *Procedures for lifting preferred carrier freezes.* All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

(1) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written or electronically signed authorization stating his or her intent to lift a preferred carrier freeze; and

(2) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the subscriber's intent to lift the particular freeze.

[64 FR 7762, Feb. 16, 1999, as amended at 66 FR 12893, Mar. 1, 2001]



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**Telecommunication**

affiliate, or an entity that publishes directories on the carrier's behalf.

(b) A telecommunications carrier must maintain, for at least one year after the carrier provides subscriber list information for directory publishing purposes to itself, an affiliate, or an entity that publishes directories on the carrier's behalf, records of any of its rates, terms, and conditions for providing that subscriber list information which are not set forth in a written contract.

(c) Except to the extent specified in paragraph (d), a carrier shall make the contracts and records described in paragraphs (a) and (b) available, upon request, to the Commission and to any directory publisher that requests those contracts and records for the purpose of publishing a directory.

(d) A carrier need not disclose to a directory publisher pursuant to paragraph (c) portions of requested contracts that are wholly unrelated to the rates, terms, or conditions under which the carrier provides subscriber list information to itself, an affiliate, or an entity that publishes directories on the carrier's behalf.

(e) A carrier may subject its disclosure of subscriber list information contracts or records to a directory publisher pursuant to paragraph (c) to a confidentiality agreement that limits access to and use of the information to the purpose of determining the rates, terms, and conditions under which the carrier provides subscriber list information to itself, an affiliate, or an entity that publishes directories on the carrier's behalf.

[28 FR 13239, Dec. 5, 1963, as amended at 69 FR 62816, Oct. 28, 2004]

#### § 64.2345 Primary advertising classification.

A primary advertising classification is assigned at the time of the establishment of telephone exchange service if the carrier that provides telephone exchange service assigns the classification or if a tariff or State requirement obligates the carrier to provide yellow pages listings as part of telephone exchange service to businesses.

### Subpart Y—Truth-in-Billing Requirements for Common Carriers

SOURCE: 64 FR 34497, June 25, 1999, unless otherwise noted.

#### § 64.2400 Purpose and scope.

(a) The purpose of these rules is to reduce slamming and other telecommunications fraud by setting standards for bills for telecommunications service. These rules are also intended to aid customers in understanding their telecommunications bills, and to provide them with the tools they need to make informed choices in the market for telecommunications service.

(b) These rules shall apply to all telecommunications common carriers, except that § 64.2401(a)(2) and 64.2401(c) shall not apply to providers of Commercial Mobile Radio Service as defined in § 20.9 of this chapter, or to other providers of mobile service as defined in § 20.7 of this chapter, unless the Commission determines otherwise in a further rulemaking.

(c) *Preemptive effect of rules.* The requirements contained in this subpart are not intended to preempt the adoption or enforcement of consistent truth-in-billing requirements by the states.

[64 FR 34497, June 25, 1999; 64 FR 56177, Oct. 18, 1999; 65 FR 36637, June 9, 2000, as amended at 65 FR 43258, July 13, 2000; 69 FR 34950, June 23, 2004; 70 FR 29983, May 25, 2005]

#### § 64.2401 Truth-in-Billing Requirements.

(a) *Bill organization.* Telephone bills shall be clearly organized, and must comply with the following requirements:

(1) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill.

(2) Where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider.

(3) The telephone bill must clearly and conspicuously identify any change

in service provider, including identification of charges from any new service provider. For purpose of this subparagraph "new service provider" means a service provider that did not bill the subscriber for service during the service provider's last billing cycle. This definition shall include only providers that have continuing relationships with the subscriber that will result in periodic charges on the subscriber's bill, unless the service is subsequently canceled.

(b) *Descriptions of billed charges.* Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.

(c) *"Deniable" and "Non-Deniable" Charges.* Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which non-payment will result in disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Carriers may also elect to devise other methods of informing consumers on the bill that they may contest charges prior to payment.

(d) *Clear and conspicuous disclosure of inquiry contacts.* Telephone bills must contain clear and conspicuous disclosure of any information that the subscriber may need to make inquiries about, or contest, charges on the bill. Common carriers must prominently display on each bill a toll-free number or numbers by which subscribers may inquire or dispute any charges on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such

party possesses sufficient information to answer questions concerning the subscriber's account and is fully authorized to resolve the consumer's complaints on the carrier's behalf. Where the subscriber does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing on the bill an e-mail or web site address. Each carrier must make a business address available upon request from a consumer.

(e) *Definition of clear and conspicuous.* For purposes of this section, "clear and conspicuous" means notice that would be apparent to the reasonable consumer.

NOTE TO §64.2401: The following provisions, for which compliance would have been required as of April 1, 2000, have been stayed until such time as the amendments to §64.2401(a), (d), and (e) become effective (following their approval by the Office of Management and Budget and the publication by the Commission of a document in the FEDERAL REGISTER announcing the effective date of these amended rules) and will be superceded by the amended rules: (1) That portion of §64.2401(a)(2) that requires that each carrier's "telephone bill must provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new provider has begun providing service." (2) §64.2401(a)(2)(ii), and (3) §64.2401(d).

[64 FR 34497, June 25, 1999, as amended at 65 FR 43258, July 13, 2000]

### Subpart Z—Prohibition on Exclusive Telecommunications Contracts

SOURCE: 66 FR 2334, Jan. 11, 2001, unless otherwise noted.

#### § 64.2500 Prohibited agreements.

No common carrier shall enter into any contract, written or oral, that would in any way restrict the right of any commercial multiunit premises owner, or any agent or representative thereof, to permit any other common carrier to access and serve commercial tenants on that premises.

#### § 64.2501 Scope of limitation.

For the purposes of this subpart, a multiunit premises is any contiguous

## Notice of Proposed Rule

### PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.002: Application and Scope

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP

SUMMARY: This rule is amended to delete language which states that Parts II and V of Chapter 25-4 apply to residential service only. This language is outdated and does not correctly reflect that only certain rules apply to residential service only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.01, 364.335, 364.337, 364.3375, 364.3376 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards that 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 company -utility and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. ~~The rules contained in Part II and Part V apply only to residential service.~~ The rules contained in Part X of Chapter 25-

apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., 24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV of Chapter 25-24, F.A.C., apply to all competitive local exchange telecommunications companies.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375, 364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.0185: Periodic Reports

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rules. Form PSC/CMP 28 (4/05) is revised consistent with the proposed rule amendments. Docket No. 080641-TP

SUMMARY: This rule is amended to add language to clarify that Schedules 2, 3, 11, and 15 of Form PSC/CMP 28 (4/05) apply only to residential service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.17, 364.183(1) FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0185 Periodic Reports.



Each local exchange telecommunications company shall file with the Commission's Division of Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement~~ the information required by Commission Form PSC/SSCCMP 28 (~~xx/xx4/05~~), which is incorporated into this rule by reference. Form PSC/SSCCMP 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement~~.

(1) The information required by schedules 2, 3, 8, 11, and 15 ~~and 16~~ of Form PSC/SSCCMP 28 shall be filed ~~reported~~ on a quarterly basis by the large LECs and semiannually by the small LECs ~~and shall be filed~~ on or before the end of the month following the reporting period.

(2) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to residential service only. ~~The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a semiannual basis and shall be filed on or before the end of the month following the second and fourth quarters.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS.

History--New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-4.046: Incremental Cost Data Submitted by Local Exchange Companies

PURPOSE AND EFFECT: Rule 25-4.046 is repealed as unnecessary or duplicative of statute.  
Docket No. 080641-TP.

SUMMARY: Rule 25-4.046 is repealed because it is unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeal benefits the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.3381 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.

Specific Authority 350.127(2) FS. Law Implemented 364.3381 FS. History--New 5-24-95,  
Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,  
Number 39, September 26, 2008

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-4.066: Availability of Service

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP

SUMMARY: This rule is amended to clarify that the rule applies to residential service only. This rule is amended to streamline installation requirements, including a provision that the rule not apply if an applicant requests broadband and/or video service at the same time as residential phone service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer time for installation of new service.

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.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.066 Availability of Residential Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer

demands for residential basic local telecommunications service within its certificated area in accordance with its filed tariffs, ~~or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.~~

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service ~~in any calendar month shall normally be satisfied installed in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines~~ within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or when broadband or video services are requested in addition to the telecommunications service where special equipment or services are involved.

(3) No change.

(4) ~~When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.~~

(5) ~~Each telecommunications company shall establish as its objective the satisfaction of at least 95 percent of all applications for new service in each exchange within a 30 day maximum interval and, further, shall have as its objective the capability of furnishing service within each of its exchanges to applicants within 60 days after date of application; except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.~~

(6) ~~Whenever, for any reason, the service installation cannot be made at the time requested by the applicant or within the prescribed interval, the applicant shall be notified promptly of the delay and the reason therefor.~~

(7) ~~Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission and shall include an explanation of the reasons therefor.~~

(58) Each company shall report primary residential installation performance pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, ~~the performance of the company with respect to the availability of service requirements, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~ Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.

Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

#### **RULE NO: RULE TITLE**

25-4.070: Customer Trouble Reports

**PURPOSE AND EFFECT:** The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP

**SUMMARY:** This rule is amended to apply to residential telephone service only, delete unnecessary provisions, define service standards to require at least 90 percent of reports be cleared within required time periods, and delete the repeat trouble report requirement.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to potentially longer time for repairs to be made.

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.

**SPECIFIC AUTHORITY:** 350.127(2) FS

**LAW IMPLEMENTED:** 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

25-4.070 Customer Trouble Reports for Residential Service.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect residential customer telephone service. Trouble reports will be classified as to their severity on a service interruption

(synonymous with out-of-service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.

(a) – (b) No change.

~~(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.~~

(2) Sundays and Holidays:

(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service ~~standards objectives~~, but not refunds for service interruptions. ~~OOS conditions.~~

(b) No change.

(3) Service Standards Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure ~~insure~~ at least 90~~95~~ percent shall be cleared within 24 hours of the report. ~~in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.~~

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to ensure ~~insure~~ at least 90~~95~~ percent of such reports are cleared within 72 hours of the report. ~~in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.~~

(4e) If the customer requests that the service be restored on a particular day beyond the service standards objectives outlined in subsection (3) paragraphs (a) and (b) above, the trouble report shall be counted as having met the service standards objective if the requested date is met.

(54) (4) renumbered to (5) No change.

(5) Repeat Trouble: Each telephone company shall establish procedures to ~~insure~~ the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.



(6) The service ~~standards objectives~~ of this rule shall not apply to subsequent customer reports; ~~or (not to be confused with repeat trouble reports)~~, emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.

(7) ~~Reporting Criteria:~~ Each company shall report pursuant to ~~periodically report the data specified in~~ Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.

(8) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.071: Adequacy of Service

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP

SUMMARY: This rule is amended to delete obsolete provisions concerning trunking, and to delete unnecessary and duplicative intercept service requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.071 Adequacy of Service.

~~(1) Each telecommunications company shall provide switching equipment, trunking, and associated facilities within its operating territory for the handling of local and toll traffic, designed and engineered on the basis of realistic forecasts of growth so that during the average busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting, inter-office, extended area service) shall not encounter an all-trunk busy condition.~~

(12) Telephone calls to valid numbers ~~shall~~ should encounter a ring-back tone, line busy signal, or non-working number intercept facility (~~operator or recording~~) after completion of dialing. ~~The call completion standards established for such calls by category of call is as follows:~~

- ~~(a) Intra-office Calls—95 percent,~~
- ~~(b) Inter-office Calls—95 percent,~~
- ~~(c) Extended Area Calls—95 percent, and~~
- ~~(d) Intra-LATA DDD Calls—95 percent.~~

~~(3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable recorded intercept facility, preferably a recording other than the non-working number recording used for valid number calls.~~

~~(4) Intercept service shall be as outlined in Rule 25-4.074, F.A.C.~~

~~(25) (5) renumbered to (2) No change.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71, Amended 6-24-90, 3-10-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.073: Answering Time

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP

SUMMARY: The rule is amended to make it clear that the rule applies to residential service only, to change company answering time service standards, and to delete as unnecessary the provision concerning answering time studies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer answering times with the ILEC resulting in more abandoned calls.

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.

SPECIFIC AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.01(4), 364.03, 364.386, 365.171 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.073 Answering Time for Residential Service.

(1) Each telephone company utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide

adequate personnel so as to meet the following service standards ~~criteria~~ under normal operating conditions:

(a) At least 90 percent of all calls directed ~~to repair services and 80 percent of all calls to business and repair offices~~ for residential service shall be answered within ~~90~~<sup>30</sup> seconds after the last digit is dialed when no menu driven system is utilized.

(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within ~~30~~<sup>15</sup> seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first ~~6~~<sup>30</sup> seconds of the message.

(c) For subscribers who ~~either~~ select the option of transferring to a live assistant, ~~or do not interact with the system for twenty seconds,~~ the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within ~~90~~<sup>55</sup> seconds of being transferred to the attendant.

(d) No change.

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule.~~

~~(23)~~ (3) renumbered to (2) No change.

~~(34) Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to answer time, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 06, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.083: Preferred Carrier Freeze

PURPOSE AND EFFECT: Rule 25-4.083 is amended to clarify, simplify, and streamline the rule. Docket No. 080641-TP

SUMMARY: Rule 25-4.083 is amended to require local providers to meet the requirements of the Federal Preferred Carrier Freeze rule, and duplicative provisions of the rule are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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.

SPECIFIC AUTHORITY: 350.127, 364.01, 364.603 FS

LAW IMPLEMENTED: 364.01, 364.603 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.083 Preferred Carrier Freeze.

(1) A local provider shall make available a PC-Freeze upon a subscriber's request.

~~(2)(1) A PC-Freeze shall not be imposed or removed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.~~

~~(3)(2) A PC-Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(3) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers must clearly~~

distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

(4) All notification material regarding PC Freezes must include:

(a) An explanation of what a PC Freeze is and what services are subject to a freeze;

(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and

(c) An explanation that there are no charges for implementing or removing a PC Freeze.

(5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A local provider is not prohibited, however, from informing an existing or potential new subscriber who expresses concerns about slamming about the availability of a PC Freeze.

(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7);

(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or

(c) An independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed

in a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

~~(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;~~

~~(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.;~~

~~(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and~~

~~(d) That there will be no charge to the subscriber for a PC Freeze.~~

~~(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:~~

~~(a) Acceptance of a subscriber's written or electronically signed authorization; and~~

~~(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.~~

~~(9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by the provider for a period of one year.~~

~~(10) A PC Freeze shall not prohibit a local provider from changing wholesale services when serving the same end user.~~

~~(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.~~

~~(12) Local providers shall make available the ability for the subscriber's new local provider to initiate a local PC Freeze using the local service request.~~

(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is incorporated into this rule by reference.

Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS.

History—New 9-9-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009



DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,  
Number 39, September 26, 2008

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-4.109: Customer Deposits

**PURPOSE AND EFFECT:** This rule is amended in order to streamline, clarify and simplify the rule. Docket No. 080641-TP

**SUMMARY:** The amendments streamline and modify provisions relating to customer deposits, including amending the rule so that it is applicable to residential customers only.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. 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.

**SPECIFIC AUTHORITY:** 350.127(2) FS

**LAW IMPLEMENTED:** 364.03, 364.07, 364.19 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

25-4.109 Residential Customer Deposits.

(1) – (2) No change.

(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for the 90-day period immediately prior to the

date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. ~~When the company has a good reason to believe payment by a nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.~~

(4) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits and shall, at its option, ~~either refund or pay the higher rate of interest specified below for nonresidential deposits,~~ providing the customer has not, in the preceding 12 months:

(a) – (d) No change.

(5) Interest on deposit.

(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. ~~The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.~~

(b) – (8) No change.

(9) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History–New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-4.110: Customer Billing for Local Exchange Telecommunications Companies

PURPOSE AND EFFECT: The amendments streamline, clarify, and simplify the rule requirements. Docket No. 080641-TP

SUMMARY: The rule is amended such that local providers would be required to meet the requirements of the FCC Truth-in-Billing Requirements for Common Carriers, and rule provisions substantially duplicative of these requirements would be deleted. The rule is amended to specify that customers must be notified that a PC-Freeze is available “at no charge.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies’ administrative costs would likely decrease. 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.

SPECIFIC AUTHORITY: 350.127, 364.604(5) FS

LAW IMPLEMENTED: 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No change.

(2) ~~Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.~~

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

~~(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.~~

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

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

~~2. The billing party shall either:~~

~~a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or~~

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

~~(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.~~

~~(2e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request." In~~

addition, the billing party will provide a plain language explanation to any customer who contacts the billing party.

(3) – (b) No change.

(4) The annual itemized bill shall be accompanied by a bill insert or bill message stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill insert or bill message stuffer shall be submitted to the Commission's Division of Regulatory Compliance ~~Competitive Markets and Enforcement~~ for prior approval. ~~The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:~~

(a) – (b) No change.

~~(c) Touch tone service charges;~~

~~(cd) Charges for each custom calling features, separated by feature or package;~~

~~(de) (e) – (h) renumbered to (d) – (g) No change.~~

(5) – (b) No change.

(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;

(d) – (i) No change.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

~~(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:~~

~~1. Where service is terminated or abandoned;~~

~~2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new~~

customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or

3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.

(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(8) Each telephone company shall include a bill insert or bill message advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert or bill message advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. ~~Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.~~

~~(11) Local Communications Services Tax.~~

~~(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, F.S.~~

~~(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.~~

~~(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.~~

~~(12) State Communications Services Tax.~~

~~(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any local option sales tax.~~

~~(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.~~

~~(113) (13) renumbered to (11) No change.~~

~~(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:~~

~~(a) The name of the certificated company;~~

~~(b) Type of service provided, i.e., local, local toll, or toll; and~~

~~(c) A toll-free customer service number.~~

~~(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.~~

~~(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:~~

~~1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;~~

~~2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;~~

~~3. The local or toll-free number the end user/customer can call to dispute charges;~~

~~4. The name of the IXC providing 900 service; and~~

~~5. The Pay Per Call service (900 or 976) program name.~~

~~(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:~~

~~1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to~~



the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;

2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;

3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;

4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;

5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;

6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;

7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and

8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.

(12)(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary

to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer shall be notified of the availability of may-agree-to free blocking of Pay Per Call service (900 and 976).

~~(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:~~

~~1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;~~

~~2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;~~

~~3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;~~

~~4. The Pay Per Call (900 and/or 976) service provided out of date information; or~~

~~5. The end user/customer terminated the call during the preamble described in subparagraph 25-4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).~~

~~(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.~~

~~(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:~~

~~1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or~~

~~2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.~~

~~(g) LECs and IXCs billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.~~

~~(136) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no charge. Existing customers must be notified annually that a PC-Freeze is available at no charge. Notification shall conform to the requirements of Rule 25-4.083.~~

~~(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.~~

(148) (18) renumbered to (14) No change.

(a) – 4. No change.

(159)(a) (19) renumbered to (15) No change.

1. – (c) No change.

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

(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference.

Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

#### **RULE NO: RULE TITLE**

25-4.023: Report of Interruptions

25-4.067: Extension of Facilities - Contributions in Aid of Construction

25-4.074: Intercept Service

25-4.107: Information to Customers

25-4.108: Initiation of Service

**PURPOSE AND EFFECT:** Rules 25-4.023, 25-4.074, and 25-4.107 are amended to clarify, simplify, and streamline the rules. Rules 25-4.067, and 25-4.108 are repealed as unnecessary or duplicative of statute. Docket No. 080641-TP.

**SUMMARY:** Rule 25-4.023 is amended to require that the Commission be informed daily during times of named tropical storm systems, including the number of subscribers affected. Rule 25-4.074 is amended to streamline and clarify intercept service requirements. Rule 25-4.107 is amended to apply to residential service only, and to delete provisions which are unnecessary or duplicative of statute. Rule 25-4.067 is repealed as unnecessary. Rule 25-4.108 is repealed because a portion of the rule is unnecessary and duplicative of statute, and because the service connection charge installment plan requirements are being moved to Rule 25-4.107.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The rule amendments benefit the Commission, companies, and customers by having more simple, streamlined, and clarified rules, and companies' administrative costs would likely decrease. 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.

**SPECIFIC AUTHORITY:** 350.127, 364.01, 364.10, 364.14(2) FS

**LAW IMPLEMENTED:** 350.127, 364.01, 364.025, 364.0252, 364.03, 364.04, 364.051, 364.07, 364.08, 364.15, 364.17, 364.183 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn

G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.023 Report of Interruptions.

~~(1) The Commission shall be informed of any major interruptions to service which are the result of a tropical system named by the National Hurricane Center that affect 1,000 or more subscribers for a period of 30 minutes or more as soon as it comes to the attention of the utility. On a daily basis, the Company shall provide the time, the location, the number of subscribers affected, and the estimated expected duration of the outage and when the interruption is restored.~~

~~(2) In addition, a copy of all Florida service interruption reports made to the Federal Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of Title 47; Code of Federal Regulations; Notification of Common Carriers of Service Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's Division of Competitive Markets and Enforcement, Bureau of Service Quality.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05,\_\_\_\_\_.

25-4.067 Extension of Facilities - Contributions in Aid of Construction.

Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96, Repealed\_\_\_\_\_.

25-4.074 Intercept Service.

~~(1) Intercept service shall be engineered to provide a 90 percent completion for changed numbers (with the exception of the 30 day period immediately following an inter-office transfer with directory) and for vacant or non-working numbers.~~

~~(2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept (preferably operator intercept).~~

~~(3) All private branch exchanges and In Dial Paging Systems, whether provided by the company or customer and which are equipped for direct in dialing and installed after the effective date of these rules, shall meet the service requirements outlined herein prior to the assignment of a number block by the telephone company.~~

~~(1)(4) With the exception of nNumbers that are changed coincident with the issuance of a new directory, are not subject to the requirements of this rule. intercept service shall be provided by each telephone company in accordance with the following:~~

~~(2a) Intercept service shall be provided for non-working, non assigned, and changed numbers until assigned, re-assigned, or no longer listed in the directory.~~

(3) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept.

(4) Intercept service shall be provided for calls to invalid numbers.

~~(5b) Any 7 digit number (or other number serving a public safety or other emergency agency) when replaced by the universal emergency number "911" shall be intercepted by either a telecommunications company assistance or a public safety agency operator or special recorded announcement for at least one year or until the next directory issue. Also, intercept service or alternative routing to a default number shall be provided for the universal emergency telephone number "911" shall be provided in central offices where the number is inoperable. The intercept service may be automated with a message indicating the "911" emergency number is inoperable in that area and to consult the directory for the appropriate emergency number or if a directory is not available to dial operator for assistance.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96, \_\_\_\_\_.

25-4.107 Information to Residential Customers; Installment Plan.

~~(1) At the time of initial contact, Each company shall provide such information and assistance as is reasonable to assist any customer or applicant in obtaining telephone service adequate to his communications needs. At the time of initial contact, each local exchange telecommunications company shall advise the person applying for or inquiring about residential or single line business service of the rate for the least expensive one party basic local exchange telephone service available to him unless he requests specific equipment or services. eEach company shall inform all persons applying for residential service of the availability of the company's installment plan for the payment of service connection charges. Each company shall permit residential customers to pay service connection charges in equal monthly installments over a period of at least 3 months. A company may charge a monthly service fee of \$1.00 to applicants who elect to pay the service connection charge in installments. The information will be provided at the time of initial contact and shall include, but not be limited to, information on rate amounts and installment time periods and procedures.~~

~~(2) Upon customer request, the person shall also be given an 800 number to call to receive information on the "No Sales Solicitation" list offered through the Department of Agriculture and Consumer Services, Division of Consumer Services.~~

~~(3) In any discussion of enhanced or optional services, each service shall be identified specifically, and the price of each service shall be given. Such person shall also be informed of the availability of and rates for local measured service, if offered in his exchange. Local exchange telecommunications companies shall submit copies of the information provided to~~

~~customer service representatives to the Division of Competitive Markets and Enforcement for prior approval.~~

~~(2) At the earliest time practicable, the company shall provide to that customer the billing cycle and approximate date he may expect to receive his monthly billing.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03, 364.04, 364.051, 364.15, 350.127 FS. History—New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-91, 10-30-91, \_\_\_\_\_.

25-4.108 Initiation of Service.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04, 364.051, 364.08, 364.15 FS. History—New 12-1-68, Amended 10-30-91, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

Rules 25-4.002, 25-4.023, 24-.0185,  
25-4.066, 25-4.070, 25-4.071, 25-4.073,  
25-4.074, 25-4.083, 25-4.107, 25-4.109, 25-  
4.110, 25-4.046, 25-4.067 and 25-4.108,  
Docket No. 080641-TP

## STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

Rule 25-4.002, Application and Scope, is amended in order to simplify, streamline, and clarify the rule. This rule is amended to delete language which states that Parts II and V of Chapter 25-4 apply to residential service only. This language is obsolete and does not correctly reflect that only certain rules apply to residential service only.

Rule 25-4.023, Report of Interruptions, is amended in order to simplify, streamline, and clarify the rule. The rule is amended to require that the Commission be informed daily during times of named tropical storm systems, including the number of subscribers affected.

Rule 25-4.0185, Periodic Reports, is amended in order to simplify, streamline, and clarify the rule. This rule is amended to add language to clarify that Schedules 2, 3, 11, and 15 of Form PSC/CMP 28 (4/05) apply only to residential service. Form PSC/CMP 28 (4/05) is revised consistent with the proposed rule amendments.

Rule 25-4.046, Incremental Cost Data Submitted by Local Exchange Companies, is repealed as unnecessary.

Rule 25-4.066, Availability of Residential Service, is amended in order to simplify, streamline, and clarify installation requirements of the rule, including a provision that the rule not apply if an applicant requests broadband and/or video service at the same time as residential phone service. This rule is amended to clarify that it applies to residential service only.

Rule 25-4.067, Extension of Facilities – Contributions in Aid of Construction is repealed because its provisions are unnecessary or obsolete.

Rule 25-4.070, Customer Trouble Reports for Residential Service, is amended in order to simplify, streamline, and clarify the rule. This rule is amended to apply to residential telephone service only, delete unnecessary provisions, define service standards to require at least 90 percent of reports to be cleared within required time periods, and delete the repeat trouble report requirement.

Rule 25-4.071, Adequacy of Service, is amended to simplify, streamline, and clarify its provisions. This rule is amended to delete obsolete provisions concerning trunking, and to delete unnecessary and duplicative intercept service requirements.

Rule 25-4.073, Answering Time for Residential Service, is amended to simplify, streamline, and clarify its provisions. The rule is amended to make it clear that the rule applies to residential service only, to change company answering time service standards, and to delete as unnecessary the provision concerning answering time studies.



Rule 25-4.074, Intercept Service, is amended to streamline and clarify intercept service requirements.

Rule 25-4.083, Preferred Carrier Freeze (PC-Freeze), is amended in order to simplify, streamline, and clarify the rule. The rule is amended to require local providers to meet the requirements of the Federal PC-Freeze rule, and duplicative provisions of the rule are deleted.

Rule 25-4.107, Information to Customers, is amended in order to simplify, streamline, and clarify the rule. The rule is amended to apply to residential service only, and to delete provisions which are unnecessary or duplicative of statute.

Rule 25-4.108, Initiation of Service, is repealed because a portion of the rule is unnecessary and duplicative of statute, and because the service connection charge installment plan requirements are being moved to Rule 25-4.107.

Rule 25-4.109, Residential Customer Deposits, is amended in order to streamline, clarify and simplify provisions relating to customer deposits, including amending the rule so that it is applicable to residential customers only.

Rule 25-4.110, Customer Billing for Local Exchange Telecommunications Companies, is amended in order to streamline, clarify, and simplify the rule requirements. The rule is amended such that local providers would be required to meet the requirements of the FCC Truth-in-Billing Requirements for Common Carriers, and rule provisions substantially duplicative of these requirements would be deleted. The rule is amended to specify that customers must be notified that a PC-Freeze is available "at no charge."

#### STATEMENT ON FEDERAL STANDARDS

Rule 25-4.083, Preferred Carrier Freeze, is amended to require compliance with certain state standards and to meet the requirements as prescribed the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is incorporated into Rule 25-4.083 by reference. A copy of that federal rule is attached hereto. The federal standards and this rule are not in conflict.

Rule 25-4.110, Customer Billing for Local Exchange Telecommunications Companies, is amended to require compliance with certain state standards and to meet the requirements as prescribed in the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference. A copy of that federal rule is attached hereto. The federal standard and this rule is not in conflict.

As for the remaining rules, while the Federal Communications Commission may have standards on some similar interstate subjects, there are no conflicting standards for these intrastate rules.



# 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-**

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**DATE:** December 23, 2008  
**TO:** Office of General Counsel (Cowdery) *CC*  
**FROM:** Division of Economic Regulation (Hewitt) *CH* *198*  
**RE:** Proposed Amendment of: Rule 25-4.002, F.A.C., Application and Scope; Rule 25-4.0185, F.A.C., Periodic Reports; Rule 25-4.023, F.A.C., Report of Interruptions; Rule 25-4.066, F.A.C., Availability of Service, Rule 25-4.067, F.A.C., Extension of Facilities - Contributions in Aid of Construction; Rule 25-4.070, F.A.C. Customer Trouble Reports, Rule 25-4.071, F.A.C., Adequacy of Service; Rule 25-4.073, F.A.C., Answering Time, Rule 25-4.074, F.A.C., Intercept Service; Rule 25-4.083, F.A.C., Preferred Carrier Freeze; Rule 25-4.107, F.A.C., Information to Customers; Rule 25-4.109, F.A.C., Customer Deposits; and Rule 25-4.110, F.A.C., Customer Billing of Local Exchange Telecommunications Companies; Proposed Repeal of: Rule 25-4.046, Incremental Cost Data Submitted by Local Exchange Companies; Rule 25-4.108, Initiation of Service.  
Docket Nos. 080159-TP and 080641-TP

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## DETAILED DESCRIPTION OF THE PROPOSED RULE

### *1. Why are the rule amendments being proposed?*

The ILECs jointly petitioned for a revision or repeal of the service quality rules in light of the competitive environment. The amendments and appeals are intended to allow the companies more flexibility in managing their workforce and to simplify, streamline, and clarify the rules.

### *2. What do the rules do and how do they accomplish the goal?*

These rules are among those that regulate Incumbent Local Exchange Companies (ILECs) service. The rules require periodic reports, report of interruptions, intercept service, and information to customers. Staff uses the periodic reports and interruptions information to ensure customer quality of service and to have the information available for customers.

Rule 25-4.002, Application and Scope; defines reasonable service standards. Would delete the residential only reference to Part II and Part V rules.

Rule 25-4.0185, Periodic Reports; requires informational reports on form PSC/CMP 28. Would change CMP to SSC. The rule would be amended to add language to clarify that Schedules 2, 3, 11, and 15 of Form PSC/CMP 28 shall apply to residential service only since the rules upon which the reports are based apply to residential service only.

Rule 25-4.023, Report of Interruptions; requires reports of major interruptions. Would be amended to require that the Commission be informed daily during times of named tropical storm systems; and in addition, the number of subscribers affected.

Rule 25-4.066, Availability of Service; requires equipment and plant to meet demand. Would be amended to apply to residential service only. Service would have to be installed within five days instead of three.

Rule 25-4.067, Extension of Facilities - Contributions in Aid of Construction; provides for construction cost responsibility. Subscribers would have to pay their portion of construction costs over three years instead of five. Would be made explicitly for residential services only.

Rule 25-4.070, Customer Trouble Reports; requires companies to minimize the extent and duration of trouble conditions and reports thereof. Amendment would be for residential application only. Trouble reports for out of service conditions would have to be corrected in 48 hours instead of 24 hours. Trouble reports for service affecting condition would have to be corrected in 48 hours instead of 72 hours. Distinction between trouble reports for out of service condition and service affecting condition would be deleted, and corrections for all trouble reports would be required within 48 hours.

Rule 25-4.071, Adequacy of Service; requires adequate service. The call completion standard of 95 percent would be eliminated.

Rule 25-4.073, Answering Time; requires timely answering. Amendments would be for residential service only and to increase company answering time from 30 seconds to 90 seconds. If an automated system is used, 95 percent of the calls would have to be answered within 30 seconds instead of 15 seconds; an option to transfer to a live attendant within the first 30 seconds would be extended to 60 seconds. If transferred, a call would have to be answered by a live attendant within 90 seconds instead of 55 seconds.

Rule 25-4.074, Intercept Service; concerned with application of intercept service for changed numbers, vacant or non-working numbers. Amendment would clarify requirements.

Rule 25-4.083, Preferred Carrier Freeze; regulates PC freezes. Local providers would have to meet the requirements of the Federal Preferred Carrier Freeze rule.

Rule 25-4.107, Information to Customers; would add "Residential" to title and "Installment Plan" to clarify to whom and what it applies. Service connection charges would be payable over at least 3 months.

Rule 25-4.109, Customer Deposits; regulates customer deposits. Amendment would be for residential application only. Would eliminate references to nonresidential customers.

Rule 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; regulates customer bills. Amendments would streamline the requirements but require a plain language explanation to a contacting customer. A company would have to make an adjustment or refund for interruptions of 48 hours instead of 24 hours. Customer dialed calls to Pay Per Call (900 and /or 976) services charges would be credited or removed from a customer's bill when a customer notifies a billing party that they did not order an item appearing on their bill.

Rule 25-4.046, Incremental Cost Data Submitted by Local Exchange Companies; proposed repeal. Sets forth requirements for incremental cost data submitted by ILECs. Rule unneeded. Staff may request data as needed.

Rule 25-4.108, Initiation of Service; proposed repeal. A portion of the rule is unnecessary and duplicative of statute. The service connection charge installment plan requirements from Rule 25-4.108 would be moved to Rule 25-4.107.

### IMPACT ON THE PSC

#### *Incremental costs*

There should be minimal costs to implement the proposed rule amendments and repeals. There should be no incremental cost to the Commission.

#### *Incremental benefits*

The rule amendments and repeals would benefit the Commission by having more simple, streamlined, and clarified rules. Staff would have less paperwork to handle with the proposed changes.

### WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSAL

#### *Utilities*

The proposed rule amendments and repeals would affect 10 ILECs.

#### *Customers*

Customers applying for service and reading the rules would be affected by the simplified, streamlined, and clarified rules.

#### *Outside business and local governments*

There should be no negative impacts on small businesses, small cities, or small counties resulting from an adoption of the above rule changes.

### HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

#### *Estimated transactional costs to individuals and entities*

#### *Utilities*

The proposed rule amendments and rule repeals would likely decrease ILEC administrative costs overall. There may be some additional one-time, nonrecurring costs to comply with some specific changes in reporting activities and servicing customers. ILECs should benefit from less stringent time requirements for answering, correcting trouble reports, and service installations. They may need less personnel and fewer vehicles for servicing customers. The net impact should be positive for the ILECs.

### *Customers*

Customers would be able to understand the clarified and streamlined rules better. However, with regard to the amendments, customers would possibly have increased aggravation costs from longer answering times with the ILEC, more dropped calls, longer time for repairs to be made, and longer time for installation of new service. These costs do not have a price to the residential customer but would be real and would vary from customer to customer. The ILECs submitted a report that showed there are alternative telecommunication providers in most of the state which give dissatisfied customers a competitive choice if they are not satisfied with their carrier's service. Joint Petitioners maintain that in a competitive environment, companies must provide an acceptable level of service; otherwise, customers can and will switch to competitors.

Subscribers would have to pay their portion of construction costs over three years instead of five which would cause a higher monthly payment.

### *Outside business including specifically small businesses*

Small businesses have different service plans and would not likely experience the same benefits or costs as residential customers. Small businesses depending on calling or receiving calls from residential customers would benefit from knowing the number of outages when a tropical storm hits. Small businesses depending on calling or receiving calls from residential customers could lose some revenues when residential customers have their troubles fixed possibly an additional 24 hours later or their new service installed an additional 2 days later. The amount of lost revenue would be difficult to estimate.

### *Local governments*

Local governments should have no transactional costs from the rule amendments or repeals.

### ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSAL

No other pertinent comments are germane to the proposed rule changes.

CH: kb

cc: Mary Andrews Bane  
Chuck Hill  
Dale Mailhot