

DOCKET NO. 080641-TP

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CERTIFICATION OF

PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES

COMMISSION CLERK

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2009 MAR -6 AM 11:45

FILED

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DEPARTMENT OF STATE

I do hereby certify:

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

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

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

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

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

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

// (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

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

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

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

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

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

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

Rule Nos.

25-4.002

25-4.023

25-4.046

25-4.067

25-4.071

25-4.074


25-4.107

25-4.108

25-4.109

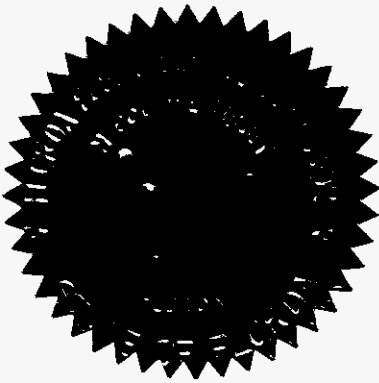
Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

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



ANN COLE
Commission Clerk

Number of Pages Certified



KC

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 company-utility 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- apply to any pay telephone service company. The rules in Part XII of Chapter 25-24,
8 F.A.C., 24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-
9 24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter
10 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The
11 rules 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) No change.

15 Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375,
16 364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-88, 2-1-99,
17 4-3-05.

18

19 25-4.023 Report of Interruptions.

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

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1 ~~(2) In addition, a copy of all Florida service interruption reports made to the Federal~~
2 ~~Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of~~
3 ~~Title 47; Code of Federal Regulations; Notification of Common Carriers of Service~~
4 ~~Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's~~
5 ~~Division of Competitive Markets and Enforcement, Bureau of Service Quality.~~
6 Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—
7 Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05, _____.
8
9 25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.
10 Specific Authority 350.127(2) FS. Law Implemented 364.3381 FS. History—New 5-24-95,
11 Repealed _____.
12
13 25-4.067 Extension of Facilities - Contributions in Aid of Construction.
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
18 25-4.071 Adequacy of Service.
19 ~~(1) Each telecommunications company shall provide switching equipment, trunking,~~
20 ~~and associated facilities within its operating territory for the handling of local and toll traffic,~~
21 ~~designed and engineered on the basis of realistic forecasts of growth so that during the average~~
22 ~~busy season busy hour at least 97 percent of all calls offered to any trunk group (toll~~
23 ~~connecting, inter office, extended area service) shall not encounter an all-trunk busy~~
24 ~~condition.~~
25 (12) Telephone calls to valid numbers shall ~~should~~ encounter a ring-back tone, line

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1 busy signal, or non-working number intercept facility (~~operator or recording~~) after completion
2 of dialing. ~~The call completion standards established for such calls by category of call is as~~
3 follows:

4 (a) ~~Intra-office Calls—95 percent,~~

5 (b) ~~Inter-office Calls—95 percent,~~

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

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

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

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

12 (25) (5) ~~renumbered to (2) No change.~~

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

16
17 25-4.074 Intercept Service.

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

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

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

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1 ~~assignment of a number block by the telephone company.~~

2 ~~(1)(4) With the exception of n~~Numbers that are changed coincident with the issuance
3 of a new directory, are not subject to the requirements of this rule. ~~intercept service shall be~~
4 ~~provided by each telephone company in accordance with the following:~~

5 ~~(2a) Intercept service shall be provided for non-working, non assigned, and changed~~
6 ~~numbers until assigned, re-assigned, or no longer listed in the directory.~~

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

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

10 ~~(5b) Any 7 digit number (or other number serving a public safety or other emergency~~
11 ~~agency) when replaced by the universal emergency number "911" shall be intercepted by~~
12 ~~either a telecommunications company assistance or a public safety agency operator or special~~
13 ~~recorded announcement for at least one year or until the next directory issue. Also, Intercept~~
14 ~~service or alternative routing to a default number shall be provided for the universal~~
15 ~~emergency telephone number "911" shall be provided in central offices where the number is~~
16 ~~inoperable. The intercept service may be automated with a message indicating the "911"~~
17 ~~emergency number is inoperable in that area and to consult the directory for the appropriate~~
18 ~~emergency number or if a directory is not available to dial operator for assistance.~~

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

21

22 25-4.107 Information to Residential Customers; Installment Plan.

23 ~~(1) Each company shall provide such information and assistance as is reasonable to~~
24 ~~assist any customer or applicant in obtaining telephone service adequate to his~~
25 ~~communications needs. At the time of initial contact, each local exchange telecommunications~~

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1 ~~company shall advise the person applying for or inquiring about residential or single line~~
2 ~~business service of the rate for the least expensive one party basic local exchange telephone~~
3 ~~service available to him unless he requests specific equipment or services. At the time of~~
4 ~~initial contact, e~~Each company shall inform all persons applying for residential service of the
5 availability of the company's installment plan for the payment of service connection charges.
6 ~~The information will be provided at the time of initial contact and shall include, but not be~~
7 ~~limited to, information on rate amounts and installment time periods and procedures. Each~~
8 ~~company shall permit residential customers to pay service connection charges in equal~~
9 ~~monthly installments over a period of at least 3 months. A company may charge a monthly~~
10 ~~service fee of \$1.00 to applicants who elect to pay the service connection charge in~~
11 ~~installments.~~

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

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

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

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

24 Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03,
25 364.04, 364.051, 364.15, 350.127 FS. History—New 7-5-79, Amended 11-30-86, 11-28-89, 3-

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1 31-91, 10-30-91, _____.

2

3 25-4.108 Initiation of Service.

4 Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04,
5 364.051, 364.08, 364.15 FS. History—New 12-1-68, Amended 10-30-91, Repealed _____.

6

7 25-4.109 Residential Customer Deposits.

8 (1) – (2) No change.

9 (3) New or additional deposits. A company may require upon reasonable written notice
10 of not less than 15 days, a new deposit, where previously waived or returned, or an additional
11 deposit, in order to secure payment of current bills. Provided, however, that the total amount
12 of required deposit should not exceed twice the actual average monthly toll provided by or
13 billed by the LEC plus one month's local service charge, for the 90-day period immediately
14 prior to the date of notice. In the event the customer has had service less than 90 days, then the
15 company shall base its new or additional deposit upon the actual average monthly billing
16 available. ~~When the company has a good reason to believe payment by a nonresidential~~
17 ~~customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above~~
18 ~~normal for that customer, the company may request a new or additional deposit. If the deposit~~
19 ~~requested is not paid within 48 hours, the company may discontinue service.~~

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

25 (a) – (d) No change.

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1 (5) Interest on deposit.

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

6 (b) – (8) No change.

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

8 Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History--
9 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-
10 89, 4-25-94.

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Rules 25-4.002, 25-4.023, 25-4.046, 25-4.067,
25-4.071, 25-4.074, 25-4.107, 25-4.108, 25-4.109
Docket No. 080641-TP

SUMMARY OF RULES

Rule 25-4.002 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.

Rule 25-4.023 is amended to require that the Commission be informed daily of interruptions during times of named tropical storm systems, including the number of subscribers affected.

Rule 25-4.046 is repealed because it is unnecessary.

Rule 25-4.067 is repealed as unnecessary.

Rule 25-4.071 is amended to delete obsolete provisions concerning trunking, and to delete unnecessary and duplicative intercept service requirements.

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 25-4.108 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.

Rule 25-4.109 amends streamline and modify provisions relating to customer deposits, including amending the rule so that it is applicable to residential customers only.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE 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.

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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 of interruptions during times of named tropical storm systems, including the number of subscribers affected.

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

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

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

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.