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Public Service Commission

December 19, 2012

Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1400

RE: Docket No. 120262-TC; Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514, and 25-24.515, F.A.C.

Dear Mr. Plante:

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

1. A copy of the proposed rules.
2. A copy of the F.A.R. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. Statement of Estimated Regulatory Costs for the rules.
6. The application form for Authority to Provide Pay Telephone Within the State of Florida.

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12 DEC 19 PM 1:03  
COMMISSION  
CLERK

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2012 DEC 19 AM 11:09  
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51320 81280

FPSC-00000000-0001

Mr. Kenneth J. Plante  
December 19, 2012  
Page 2

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6082.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Miller". The signature is fluid and cursive, with the first name "Cindy" written in a larger, more prominent script than the last name "Miller".

Cindy Miller  
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 25-24.510 Certificate of Public Convenience and Necessity Required.

2 ~~No person shall provide pay telephone service without first obtaining a certificate of public~~  
3 ~~convenience and necessity from the Commission. Services may not be provided, nor may~~  
4 ~~deposits or payment for services be collected until the effective date of a certificate, if granted.~~  
5 ~~However, acquisition of equipment and facilities, advertising and other promotional activities~~  
6 ~~may begin prior to the effective date of the certificate at the company's risk that it may not be~~  
7 ~~granted. In any customer contacts or advertisements prior to certification, the company must~~  
8 ~~advise the customer that certification has not and may never be granted.~~

9 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337,*  
10 *~~364.345~~ FS. History-New 1-5-87, Amended 5-15-89, Repealed \_\_\_\_\_.*

11 25-24.511 Application for Certificate.

12 (1) Any person desiring to provide pay telephone services must have a pay telephone service  
13 certificate.

14 (2) An applicant shall submit an application on Form PSC/~~TELRAD~~ 32 ~~(xx/xx)~~(5/08),  
15 entitled "Application Form for Authority to Provide Pay Telephone Service Within the State  
16 of Florida," which is incorporated into this rule by reference and may be obtained from the  
17 Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of  
18 Telecommunications, Division of Regulatory Analysis. Such form may also be accessed at  
19 the Department of State website at \_\_\_\_\_. A non-refundable application fee of \$250.00  
20 must accompany the filing of all applications.

21 (3) An original and one copy of the application shall be filed with the Office of Commission  
22 Clerk.

23 (4) Any pay telephone service authority previously granted or granted hereafter is subject to  
24 the following:

25 (a) Authority granted is statewide.

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from existing law.

1 (b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to  
2 provide pay telephone service does not carry with it the authority to provide local exchange or  
3 interexchange service. A separate application must be made for such authority.

4 *Rulemaking Authority 350.127(2) FS Law Implemented 364.32, 364.33, 364.335, ~~364.337,~~*  
5 *364.3375, ~~364.345~~ FS. History—New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92,*  
6 *2-1-99, 1-5-06, 5-29-08, Amended \_\_\_\_\_.*

7 25-24.512 Application for Approval of Sale, ~~Assignment~~ or Transfer Certificate.

8 (1) Certificates of ~~public convenience and~~ authority or necessity authorizing pay  
9 telephone service shall not be sold, assigned or transferred by the holder without prior  
10 Commission approval.

11 (2) A person seeking to obtain a certificate of from a sale, ~~assignment~~ or transfer from  
12 the holder shall submit an application jointly with the certificate holder on Commission Form  
13 PSC/ ~~TEL-RAD~~ 32 (07/12)(05/08), entitled “Application Form for Authority to Provide Pay  
14 Telephone Service Within the State of Florida.” The application form may be obtained from  
15 the Commission’s website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of  
16 Telecommunications Division of Regulatory Analysis. Such form may also be accessed at the  
17 Department of State website at \_\_\_\_\_. A nonrefundable application fee of \$250.00 must  
18 accompany the filing of all applications to cover processing costs. The Commission’s  
19 acceptance of the application fee does not imply that the application for sale, ~~assignment~~ or  
20 transfer of a certificate will be granted.

21 (3) An original and one copy of the application shall be filed with the Office of  
22 Commission Clerk.

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

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

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from existing law.

1 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, ~~364.337~~, 364.3375,*  
2 *~~364.345~~ FS. History-New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, Amended \_\_\_\_\_.*

3 25-24.514 Cancellation of a Certificate.

4 (1) The Commission's cancellation of a certificate shall be based on one or more of  
5 the following reasons: ~~The Commission may cancel a company's certificate for any of the~~  
6 ~~following reasons:~~

7 (a) Violation of the terms and conditions under which the authority was originally  
8 granted;

9 (b) Violation of Commission rules or orders;

10 (c) Violation of Florida Statutes; or

11 (d) Failure to provide service for a period of six (6) months.

12 (2) If a certificated company desires to cancel its certificate, it shall request  
13 cancellation from the Commission in writing and shall provide a statement of intent and date  
14 to pay Regulatory Assessment Fees ~~the following~~ with its request.

15 ~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

16 ~~(b) Statement of why the certificate is proposed to be cancelled.~~

17 (3) Cancellation of a certificate shall be ordered subject to the holder providing the  
18 information required by subsection (2).

19 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), ~~364.03,~~*

20 *~~364.285, 364.337, 364.345~~ FS. History-New 1-5-8, Amended \_\_\_\_\_.*

21 25-24.515 Pay Telephone Service

22 ~~(1) For the purposes of this section, the term "direct free" shall mean without requiring~~  
23 ~~the use of a coin, paper money, credit card, or any other form of payment, even if the payment~~  
24 ~~will be returned.~~

25 ~~(2) Pay telephone stations shall be lighted during the hours of darkness when light~~

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1 from other sources is not adequate to read instructions and use the instrument.

2 ~~(3) Each pay telephone station shall return any deposited amount if the call is not~~  
3 ~~completed, except messages to a Feature Group A access number.~~

4 ~~(4) Each pay telephone station shall permit direct free access to the universal~~  
5 ~~telephone number "911" where operable.~~

6 ~~(5) Each pay telephone station shall permit direct free access to dialtone.~~

7 ~~(6) Each pay telephone station shall permit direct free access to toll free numbers (e.g.,~~  
8 ~~800, 877, and 888).~~

9 ~~(7) Each pay telephone station shall complete calls to local and long distance directory~~  
10 ~~assistance.~~

11 ~~(8) Each pay telephone station shall complete calls to the responsible party for repairs~~  
12 ~~or refunds by direct free access.~~

13 ~~(1) (9)~~ Each pay telephone station shall be equipped with a legible sign, card, or plate  
14 of reasonable permanence which shall identify the following:

15 (a) The telephone number and location address of the pay telephone station,

16 (b) The name and certificate number of the certificate holder,

17 (c) The party responsible for repairs and refunds, address of responsible party, free  
18 phone number of responsible party,

19 (d) Clear dialing instructions (including notice of the lack of availability of local and  
20 toll services),

21 (e) The local coin rate.

22 (2) Pay telephone stations shall be lighted during the hours of darkness when light  
23 from other sources is not adequate to read instructions and use the instrument.

24 ~~(b) For those pay telephone stations that will terminate conversation after a minimum~~  
25 ~~elapsed time, notice shall be included on the sign card as well as an audible announcement 30~~

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1 ~~seconds prior to termination of the phone call.~~

2       ~~(3) (40) Each pay telephone station that provides access to any interexchange~~  
3 ~~company shall provide coin free access, except for Feature Group A access, to all locally~~  
4 ~~available interexchange companies. The pay telephone station shall provide such access~~  
5 ~~through the forms of access purchased by locally available long distance carriers such as~~  
6 ~~10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.~~

7       ~~(4) Each pay telephone station shall permit free access to the universal telephone~~  
8 ~~number "911".~~

9       ~~(11) No sales solicitation shall be allowed during the interval between the last digit~~  
10 ~~dialed by the end user and connection with the interexchange carrier.~~

11       ~~(12) All 0 calls shall be routed to a telecommunications company that is authorized~~  
12 ~~by the Commission to handle 0 calls. All other calls, including operator service calls, may be~~  
13 ~~routed to the pay telephone provider's carrier of choice, unless the end user dials the~~  
14 ~~appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX,~~  
15 ~~and toll free access (e.g., 800, 877, and 888).~~

16       ~~(13)(a) Each pay telephone station shall allow incoming calls to be received at all~~  
17 ~~times, with the exception of those located at hospitals, schools, and locations specifically~~  
18 ~~exempted by the Commission. There shall be no charge for receiving incoming calls.~~

19       ~~(b) A pay telephone provider may petition the Commission for an exemption from the~~  
20 ~~incoming call requirement for a period that shall not exceed two years from the effective date~~  
21 ~~of the Order granting the exemption. Requests for exemption from the requirement that each~~  
22 ~~pay telephone station shall allow incoming calls shall be accompanied by a completed Form~~  
23 ~~PSC/RAD-2 (02-99), entitled "Request to Block Incoming Calls," which is incorporated into~~  
24 ~~this rule by reference and may be obtained from the Commission's Division of Regulatory~~  
25 ~~Analysis. The form requires an attestation from the owner of the pay telephone, the owner of~~

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1 the pay telephone location, and the chief of the responsible law enforcement agency that the  
2 request is sought in order to deter criminal activity facilitated incoming calls being received at  
3 the specified pay telephone. A separate form shall be filed for each telephone number for  
4 which an exemption is sought. The provider of the pay telephone may request subsequent  
5 two-year exemptions by filing another Form PSC/RAD-2 (02-99). Where incoming calls are  
6 not received, central office based intercept shall be provided at no charge to the end user and a  
7 written notice shall be prominently displayed on the instrument directly above or below the  
8 telephone number which states: "Incoming calls blocked at request of law enforcement."

9 (14) Each pay telephone station must be connected to an individual access line.

10 (15)(a) Each pay telephone service company shall permit outgoing calls to be placed  
11 from its pay telephone stations at all times.

12 (b) Each pay telephone service company shall make all reasonable efforts to minimize  
13 the extent and duration of interruptions of service. Service repair programs should have as  
14 their objective the restoration of service on the same day that the interruption is reported to the  
15 company. (Sundays and holidays excepted.)

16 (16)(a) Where there is a single pay telephone station, a directory shall be maintained  
17 at each station. Where there are two or more pay telephone stations located in a group, a  
18 directory for the entire local calling area shall be maintained at every other station. However,  
19 where telephone pay stations are fully enclosed, a directory shall be maintained at each pay  
20 telephone station. For purposes of this rule, the term "directory" shall mean both a current  
21 white page directory for the local calling area and a reasonably current yellow page directory  
22 that is appropriate for the calling area of the pay telephone station.

23 (b) Pay telephone stations that provide local directory assistance at no charge are  
24 exempt from the provisions in paragraph (16)(a). A notice must appear on the placard if local  
25 directory assistance at no charge is being provided.

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1           ~~(17) Normal maintenance and coin collection activity shall include a review of the~~  
2 ~~cleanliness of each pay telephone station.~~

3           ~~(18)(a) Except as provided in paragraph (18)(b) below, each pay telephone station~~  
4 ~~shall conform to sections 4.1.3(17), 4.2.4, 4.2.5, 4.2.6, 4.5.1, 4.31.2, 4.31.3, and 4.31.5 of the~~  
5 ~~ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36,~~  
6 ~~(July 1, 2003 Edition), which sections are incorporated by reference into this rule. This rule~~  
7 ~~does not apply to public text telephone and closed circuit telephones.~~

8           ~~(b) Pay telephones shall not be installed where the required "clear floor or ground~~  
9 ~~space" provided for in ADA Accessibility Guidelines for Buildings and Facilities sections~~  
10 ~~4.2.4.1, 4.2.4.2, and 4.31.2 would be reduced by a vehicle parked in a designated parking~~  
11 ~~space.~~

12           ~~(19) Each pay telephone station shall permit end users to input unlimited digits for the~~  
13 ~~duration of the call.~~

14           ~~(20) Toll Fraud Liability~~

15           ~~(a) A company providing interexchange telecommunications services or local~~  
16 ~~exchange telecommunications services shall not collect from a pay telephone provider for~~  
17 ~~charges billed to a line for calls that originated from that line through the use of access codes~~  
18 ~~such as 10XXX, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or~~  
19 ~~when the call originating from that line otherwise reached an operator position, if the~~  
20 ~~originating line is subscribed to outgoing call screening and the call was placed after the~~  
21 ~~effective date of the outgoing call screening order.~~

22           ~~(b) A company providing interexchange telecommunications services or local~~  
23 ~~exchange telecommunications services shall not collect from a pay telephone provider for~~  
24 ~~charges for collect or third number billed calls, if the line to which the call was billed was~~  
25 ~~subscribed to incoming call screening and the call was placed after the effective date of the~~

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1 ~~incoming call screening order.~~

2 ~~(c) Any calls billed through the provider of local exchange telecommunications~~  
3 ~~services or directly by an interexchange company, or through a billing agent, which have been~~  
4 ~~identified as not collectible as described in paragraphs (20)(a) and (b) above, must be removed~~  
5 ~~from any pay telephone provider's bill after the pay telephone provider gives notice of the~~  
6 ~~fraudulent charges to the billing party. Pay telephone providers shall give such notice to the~~  
7 ~~provider of the local exchange telecommunications services and the interexchange company in~~  
8 ~~writing no later than the due date of the bill.~~

9 ~~(d) The provider of local exchange telecommunications services is responsible for~~  
10 ~~charges described in paragraph (20)(c) that are associated with the failure of the provider of~~  
11 ~~local exchange telecommunications services' screening services.~~

12 ~~(e) The interexchange company is responsible for charges described in paragraph~~  
13 ~~(20)(c) that are associated with the failure to properly validate calls via the appropriate~~  
14 ~~provider of local exchange telecommunications services' data base.~~

15 ~~(f) Definitions: For purposes of subsection (20) the term "Effective Date" shall mean~~  
16 ~~the date after the call screening order was placed and associated charges apply.~~

17 ~~(g) Any charges accrued to a line when the subscriber has subscribed to the provider~~  
18 ~~of local exchange telecommunications services to screen calls described in paragraphs (20)(a)~~  
19 ~~and (b) above shall not be the basis for discontinuance of local and intrastate service.~~

20 ~~(21) Providers serving confinement facilities shall provide for completion of all~~  
21 ~~inmate calls allowed by the confinement facility.~~

22 ~~(22) Pay telephone stations located in confinement facilities shall be exempt from the~~  
23 ~~requirements of subsections (2), (4), (6), (7), (8), (10), (12), (13), (15), (16), and (19) of this~~  
24 ~~rule. Such pay telephone stations shall be exempt from the requirements of subsection (9),~~  
25 ~~except that outgoing local and long distance calls may not be terminated until after a minimum~~

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1 ~~elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one~~  
2 ~~access line shall not be connected to more than three pay telephone stations.~~

3       (23) ~~Pay telephone facilities shall be designed, constructed, installed, maintained and~~  
4 ~~operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-~~  
5 ~~2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.~~  
6 *Rulemaking Authority 350.127(2), 365.171.(8) F.S. Law Implemented 364.3375, 365.171 F.S.*  
7 *History – New 1-5-87, Amended 4-14-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-*  
8 *02, 4-5-05, 12-29-05, 9-5-07, Amended \_\_\_\_\_.*

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Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-24.510: Certificate of Public Convenience and Necessity Required

25-24.511: Application for Certificate

25-24.512: Application for Approval of Sale, Assignment or Transfer of Certificate

25-24.514: Cancellation of a Certificate

25-24.515: Pay Telephone Service

PURPOSE AND EFFECT: To reduce requirements on pay telephone service providers in accordance with the Regulatory Reform Act of 2011.

Docket No. 120262-TC

SUMMARY: Rule 25-24-510 is repealed. Rule 25-24.512 is amended to refer to certificates of authority instead of certificates of convenience. Rule 25-24.511 is amended to list both the Office of Telecommunications and the Department of State website for obtaining an application form to provide pay telephone service. Rule 25-24.514 is amended to simplify the provisions and delete a requirement for the provider to state reasons for the cancellation of a certificate. Rule 25-24.515 is amended to delete certain requirements on pay telephones which are no longer authorized by statute and to require each pay telephone station to permit free access to 911.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 365.171, FS

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, 365.171, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.510 Certificate of Public Convenience and Necessity Required.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History-New 1-5-87, Amended 5-15-89, Repealed.*

25-24.511 Application for Certificate.

(1) No change

(2) An applicant shall submit an application on Form PSC/TELRAD 32 ~~(xx/xx)~~(5/08), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of Telecommunications. ~~Division of Regulatory Analysis.~~ Such form may also be accessed at the Department of State website at \_\_\_\_\_. A non-refundable application fee of \$250.00 must accompany the filing of all applications.

(3) – (4) No change

*Rulemaking Authority 350.127(2) FS Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08, Amended \_\_\_\_\_.*

25-24.512 Application for Approval of Sale, ~~Assignment~~ or Transfer Certificate.

(1) Certificates of ~~public convenience and authority~~ or necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate of ~~from a sale, assignment~~ or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/ TEL-RAD 32 (07/12)~~(05/08)~~, entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida.". The application form may be obtained from the Commission's website at [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/) or from the Office of Telecommunications ~~Division of Regulatory Analysis.~~ Such form may also be accessed at the Department of State website at \_\_\_\_\_. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, ~~assignment~~ or transfer of a certificate will be granted.

(3) An original and one copy of the application shall be filed with the Office of Commission Clerk.

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

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

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, Amended \_\_\_\_\_.*

25-24.514 Cancellation of a Certificate.

(1) The Commission's cancellation of a certificate shall be based on one or more of the following reasons:  
~~The Commission may cancel a company's certificate for any of the following reasons:~~

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

(b) Violation of Commission rules or orders;

(c) Violation of Florida Statutes; or

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

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide a statement of intent and date to pay Regulatory Assessment Fees the following with its request.

~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

~~(b) Statement of why the certificate is proposed to be cancelled.~~

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS. History–New 1-5-8, Amended \_\_\_\_\_.*

25-24.515 Pay Telephone Service

(1) ~~For the purposes of this section, the term "direct free" shall mean without requiring the use of a coin, paper money, credit card, or any other form of payment, even if the payment will be returned.~~

(2) ~~Pay telephone stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

(3) ~~Each pay telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.~~

(4) ~~Each pay telephone station shall permit direct free access to the universal telephone number "911" where operable.~~

(5) ~~Each pay telephone station shall permit direct free access to dialtone.~~

(6) ~~Each pay telephone station shall permit direct free access to toll free numbers (e.g., 800, 877, and 888).~~

(7) ~~Each pay telephone station shall complete calls to local and long distance directory assistance.~~

~~(8) Each pay telephone station shall complete calls to the responsible party for repairs or refunds by direct free access.~~

~~(1) (9) Each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:~~

~~(a) The telephone number and location address of the pay telephone station,~~

~~(b) The name and certificate number of the certificate holder,~~

~~(c) The party responsible for repairs and refunds, address of responsible party, free phone number of responsible party,~~

~~(d) Clear dialing instructions (including notice of the lack of availability of local and toll services),~~

~~(e) The local coin rate.~~

~~(2) Pay telephone stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

~~(b) For those pay telephone stations that will terminate conversation after a minimum elapsed time, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.~~

~~(3) (10) Each pay telephone station that provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.~~

~~(4) Each pay telephone station shall permit free access to the universal telephone number "911".~~

~~(11) No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the interexchange carrier.~~

~~(12) All 0 calls shall be routed to a telecommunications company that is authorized by the Commission to handle 0 calls. All other calls, including operator service calls, may be routed to the pay telephone provider's carrier of choice, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888).~~

~~(13)(a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.~~

~~(b) A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption. Requests for exemption from the requirement that each pay telephone station shall allow incoming calls shall be accompanied by a completed Form PSC/RAD-2 (02-99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Regulatory Analysis. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/RAD-2 (02-99). Where incoming calls are not received, central office based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."~~

~~(14) Each pay telephone station must be connected to an individual access line.~~

~~(15)(a) Each pay telephone service company shall permit outgoing calls to be placed from its pay telephone stations at all times.~~

~~(b) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted.)~~

~~(16)(a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term~~

"directory" shall mean both a current white page directory for the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station.

(b) Pay telephone stations that provide local directory assistance at no charge are exempt from the provisions in paragraph (16)(a). A notice must appear on the placard if local directory assistance at no charge is being provided.

(17) Normal maintenance and coin collection activity shall include a review of the cleanliness of each pay telephone station.

(18)(a) Except as provided in paragraph (18)(b) below, each pay telephone station shall conform to sections 4.1.3(17), 4.2.4, 4.2.5, 4.2.6, 4.5.1, 4.31.2, 4.31.3, and 4.31.5 of the ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36, (July 1, 2003 Edition), which sections are incorporated by reference into this rule. This rule does not apply to public text telephone and closed circuit telephones.

(b) Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ADA Accessibility Guidelines for Buildings and Facilities sections 4.2.4.1, 4.2.4.2, and 4.31.2 would be reduced by a vehicle parked in a designated parking space.

(19) Each pay telephone station shall permit end users to input unlimited digits for the duration of the call.

(20) Toll Fraud Liability

(a) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges billed to a line for calls that originated from that line through the use of access codes such as 10XXX, 10XXXX, 10XXXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the incoming call screening order.

(c) Any calls billed through the provider of local exchange telecommunications services or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (20)(a) and (b) above, must be removed from any pay telephone provider's bill after the pay telephone provider gives notice of the fraudulent charges to the billing party. Pay telephone providers shall give such notice to the provider of the local exchange telecommunications services and the interexchange company in writing no later than the due date of the bill.

(d) The provider of local exchange telecommunications services is responsible for charges described in paragraph (20)(c) that are associated with the failure of the provider of local exchange telecommunications services' screening services.

(e) The interexchange company is responsible for charges described in paragraph (20)(c) that are associated with the failure to properly validate calls via the appropriate provider of local exchange telecommunications services' data base.

(f) Definitions: For purposes of subsection (20) the term "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.

(g) Any charges accrued to a line when the subscriber has subscribed to the provider of local exchange telecommunications services to screen calls described in paragraphs (20)(a) and (b) above shall not be the basis for discontinuance of local and intrastate service.

(21) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.

(22) Pay telephone stations located in confinement facilities shall be exempt from the requirements of subsections (2), (4), (6), (7), (8), (10), (12), (13), (15), (16), and (19) of this rule. Such pay telephone stations shall be exempt from the requirements of subsection (9), except that outgoing local and long distance calls may not be terminated until after a minimum elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.

*Rulemaking Authority 350.127(2), 365.171.(8) F.S. Law Implemented 364.3375, 365.171 F.S. History – New 1-5-87, Amended 4-14-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, 12-29-05, 9-5-07, Amended \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number  
38, September 21, 2012.

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Rules 25-24.510, 25-24.511, 25-  
24.512, 25-24.514, and 25-24.515,  
F.A.C.  
Docket No. 120262-TC

STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE

The Florida Legislature enacted the Regulatory Reform Act in 2011 which removed some of the Florida Public Service Commission's authority over telecommunications, including pay telephone service providers. The repeal of Rule 25-24.510 and the amendments to Rules 25-24.511, 25-24.512, 25-24.514, and 25-24.515 are intended to streamline and reduce requirements on providers, as set out in Chapter 364, Florida Statutes.

STATEMENT ON FEDERAL STANDARDS

The proposed rules are no more restrictive than the federal standards.

State of Florida



## 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:** November 8, 2012  
**TO:** Cindy B. Miller, Senior Attorney, Office of the General Counsel  
**FROM:** C. Donald Rome, Jr., Public Utility Analyst I, Division of Economics *CR* *EJD*  
**RE:** Statement of Estimated Regulatory Costs for Proposed Revisions to Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514, and 25-24.515, Florida Administrative Code (F.A.C.) *JCP*

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### Summary of Proposed Rule Revisions

The subject rules apply to pay telephone companies that hold certificates from the Commission authorizing the provision of pay telephone services. The proposed rule repeals and revisions are intended to implement the Regulatory Reform Act of 2011, in regard to pay telephones.

Rule 25-24.510, F.A.C., Certificate of Public Convenience and Necessity Required, would be repealed to achieve one set of certification rules applicable to all telecommunications companies under Rule 25-4.004, F.A.C. Proposed revisions to Rule 25-24.511, F.A.C., Application for Certificate, would specifically identify the Commission website. Proposed revisions to Rule 25-24.512, F.A.C., Application for Approval of Sale, also would refer specifically to the Commission website as well as provide clarification of the title of 'Certificates of Authority or Necessity.' Proposed revisions to Rule 25-24.514, F.A.C., Cancellation of a Certificate, would remove unnecessary language.

Proposed revisions to Rule 25-24.515, F.A.C., Pay Telephone Service, would amend the rule to repeal provisions no longer authorized subsequent to the promulgation of the Regulatory Reform Act of 2011. Proposed changes to this rule also include language that would require each pay telephone station to permit free access to the universal telephone number "911." This language does not create a new regulatory requirement for the industry. FCC Regulations address free access to "911" service (Section 64.1330, Code of Federal Regulations) and provision of this service is the business standard within the pay telephone industry.

### Economic Analysis Showing Whether the Rules Are Likely to Have an Adverse Impact on Either Economic Growth or Business Competitiveness in Excess of \$1 Million within 5 Years

Subparagraph 120.541(2)(a)1, Florida Statutes (F.S.), requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Subparagraph 120.541(2)(a)2, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The draft rule amendments were evaluated for the potential for having adverse impacts on measures of economic activity noted above.

The proposed rule repeals and revisions are intended to streamline regulations in the telecommunications industry. Many of the proposed amendments are being promulgated to implement the Regulatory Reform Act of 2011, remove rule language that is no longer necessary, and to clarify current business practices that take advantage of updated internet technologies. The proposed revisions would not induce impacts to current industry business practices. Therefore, the proposed revisions are not expected to impact economic growth, private sector job creation, or private sector investment. For the same reason, the proposed revisions are not expected to adversely impact business competitiveness, productivity, or innovation.

#### Economic Analysis Showing Whether the Rules Are Likely to Increase Regulatory Costs in Excess of \$1 Million within 5 Years

Subparagraph 120.541(2)(a)3, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The proposed revisions repeal provisions that are no longer authorized subsequent to the Regulatory Reform Act of 2011. Other proposed revisions streamline regulations by providing clarification of current business practices that take advantage of advances in technology. The draft rule amendments are not expected to result in additional regulatory requirements or changes to industry business practices, nor are they expected to introduce any new transactional costs.

#### Estimated Number of Entities Required to Comply and General Description of the Types of Individuals Likely to be Affected

Paragraph 120.541(2)(b), F.S., requires a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule. The proposed rule revisions would affect 85 pay telephone companies in Florida that hold Commission certificates to provide pay telephone service. Customers of pay telephone companies are not anticipated to be affected by the draft rule amendments, if adopted.

#### Rule Implementation and Enforcement Costs to the Agency and State and Local Government Entities, and Effect on State or Local Revenues

Paragraph 120.541(2)(c), F.S., requires a good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues. The proposed revisions are not expected to cause increases in costs related to their implementation or enforcement, nor are they expected to have any effect on state or local revenues.

### Estimated Transactional Costs to Individuals and Entities Including Local Governments

Paragraph 120.541(2)(d), F.S., requires a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. Again, the proposed revisions streamline regulations and do not adversely impact industry business practices. The draft language in Rule 25-24.515, F.A.C., that would require each pay telephone station to permit free access to the universal telephone number "911" does not create a new regulatory requirement for the affected certificate holders. FCC Regulations address free access to "911" service (Section 64.1330, Code of Federal Regulations) and provision of this service is the business standard within the pay telephone industry. The proposed revisions are not expected to introduce new transactional costs either to individuals or to local government entities.

### Impact on Small Businesses, Small Cities, or Small Counties

Paragraph 120.541(2)(e), F.S., requires an analysis of the impact of the proposed changes on small businesses as defined in Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined in Section 120.52, F.S. Based on a review of the Regulatory Assessment (RAF) fees paid for the year 2011, it is estimated that the majority of the 85 pay telephone companies that hold Commission certificates would be classified as small businesses pursuant to Section 288.703, F.S. However, the proposed revisions streamline regulations and will not cause adverse economic impacts to small businesses. No adverse economic impacts to small cities or small counties are anticipated as a result of the proposed revisions.

### Additional Information Deemed Useful by the Agency

No workshop has been requested in conjunction with the proposed revisions. No regulatory alternatives have been submitted pursuant to Paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in Paragraph 120.541(2)(a), F.S., will be exceeded as a result of the proposed revisions.

cc: Jim Dean  
Beth Salak  
SERC File (I:\Economic Impact Section\SERC Memos\Rules 25-24.510 etc.doc)

# FLORIDA PUBLIC SERVICE COMMISSION

## OFFICE OF TELECOMMUNICATIONS ~~DIVISION OF REGULATORY ANALYSIS~~

### APPLICATION FORM FOR AUTHORITY TO PROVIDE PAY TELEPHONE WITHIN THE STATE OF FLORIDA

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#### Instructions

- A. This form is used as an application for an original certificate and for approval of sale, assignment or transfer of an existing certificate. In the case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Page 8).
- B. Print or type all responses to each item requested in the application. If an item is not applicable, please explain.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. Once completed, submit the original and one copy of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission  
Office of Commission Clerk  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
(850) 413-6770**

- E. A filing fee of **\$250.00** is required for the sale, assignment or transfer of an existing certificate to another company (Chapter 25-24.512 F.A.C.).
- F. If you have questions about completing the form, contact:

**Florida Public Service Commission  
Office of Telecommunications  
~~Division of Regulatory Analysis~~  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
(850) 413-6600**

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority rather than apply for a new certificate.

~~Approval of Assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.~~

~~Approval for transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.~~

2. Name of company:

3. Name under which applicant will do business (fictitious name, etc.):

4. Official mailing address:

Street/Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_

5. Florida address:

Street/Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_

6. Structure of organization:

- |   |  |
|---|--|
| <input type="checkbox"/> Individual                     | <input type="checkbox"/> Corporation         |
| <input type="checkbox"/> Foreign Corporation            | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership            | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Other, <u>please specify</u> : |  |

7. **If individual**, provide:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street/Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Website Address: \_\_\_\_\_

8. **If incorporated in Florida**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

9. **If foreign corporation**, provide proof of authority to operate in Florida. The Florida Secretary of State corporate registration number is:

10. **If using fictitious name (d/b/a)**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida. The Florida Secretary of State fictitious name registration number is:

11. **If a limited liability partnership**, please proof of registration to operate in Florida. The Florida Secretary of State registration number is:

12. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street/Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Website Address: \_\_\_\_\_

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Section 620.1901, F.S. Chapter 620.160, FS), if applicable. The Florida registration number is:

14. Provide **F.E.I. Number**:

15. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Street Name & Number: \_\_\_\_\_

Post Office Box: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Website Address: \_\_\_\_\_

(b) Official point of contact for the ongoing operations of the company:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Street Name & Number: \_\_\_\_\_

Post Office Box: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Website Address: \_\_\_\_\_

(c) Complaints/Inquiries from customers:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Street/Post Office Box: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Website Address: \_\_\_\_\_



16. List the states in which the applicant:

~~(a) has operated as a Pay Telephone Service provider.~~

\_\_\_\_\_

~~(b) has applications pending to be certificated as a Pay Telephone Service provider.~~

\_\_\_\_\_

~~(c) is certificated to operate as a Pay Telephone provider.~~

\_\_\_\_\_

~~(d) has been denied authority to operate as a Pay Telephone Service provider and the circumstances involved.~~

\_\_\_\_\_

~~(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved. Explain circumstances.~~

\_\_\_\_\_

~~(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or another telecommunications entity, and the circumstances involved.~~

\_\_\_\_\_

17. Have any of the officers, directors, or any of the ten largest stockholders previously been:

~~(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If yes, provide explanation. \_\_\_\_\_~~

~~(b) granted or denied a certificate in the State of Florida (this includes active and canceled certificates). If yes, provide explanation and list the certificate holder and certificate number. \_\_\_\_\_~~

~~(c) an officer, director, partner or stockholder in any other Florida certificated or registered telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not. \_\_\_\_\_~~

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee. Regardless of the gross operating revenue of a company, a minimum annual assessment fee, as defined by the Commission, is required.

**RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to the provisioning of pay telephone service (PATS) in Florida.

**APPLICANT ACKNOWLEDGEMENT:** By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application ~~and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative access vendor service in the State of Florida.~~ I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "***Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083.***"

I understand that any false statements can result in being denied a certificate of authority in Florida.

**COMPANY OWNER OR OFFICER**

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE SALE OR TRANSFER**

As current holder of Florida Public Service Commission Certificate Number \_\_\_\_\_, I have reviewed this application and join in the petitioner's request for a

- sale
- transfer
- assignment

of the certificate.

**COMPANY OWNER OR OFFICER**

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street/Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_