

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:** May 23, 2019  
**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk  
**FROM:** Samantha Cibula, Office of the General Counsel *S.M.C.*  
**RE:** Docket No. 19991473-TP

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Please file the attached materials in the docket file listed above.

Thank you.

Attachment

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review and revision of ) Docket No. 991473-TP  
Rules 25-4.066 - 25-4.081 and )  
25-24.490, Florida )  
Administrative Code ) Filed: Dec. 6, 1999  
\_\_\_\_\_ )

**POST-WORKSHOP COMMENTS  
of AT&T and MCIWorldCom**

AT&T Communications of the Southern States, Inc., (AT&T), and MCI WorldCom, Inc. (MCI WorldCom) hereby file joint post-workshop comments regarding staff's review of Rules 25-4.066 - 25-4.081 and 25-24.490, Florida Administrative Code. Many of the issues raised by staff were covered thoroughly at the workshop, so these joint comments will be limited to discussion of application of ILEC service quality rules to ALECs.

Although AT&T and MCI WorldCom recognize the Commission's responsibility for consumer protection, it is inappropriate to apply ILEC service quality rules to ALECs. Those rules were developed in a monopoly environment where the Commission was the surrogate for competition. Without competition, consumers had no choice but to accept the services offered by the ILEC. Unlike ILECs, however, ALECs must work to attract and retain each and every one of their customers. Those customers, who are the ultimate arbiters

of service quality, will be quick to return to the ILEC or another service provider if they find ALEC service unsatisfactory. Thus, it is unnecessary to apply ILEC service regulation to ALECs, whose customers have a choice of providers.

Moreover, imposition of service requirement rules could stifle ALEC innovations and alternatives to traditional ILEC services. Also, such service requirement rules will impose unnecessary regulatory costs on new entrants. Requiring ALECs to comply with ILEC service rules will discourage competition, rather than encourage it as required by Section 364.01, Florida Statutes.

AT&T and MCI WorldCom respectfully request that the Commission refrain from proposing rules that would impose competitive restraints upon ALECs. Although Section 364.337, Florida Statutes, gives the Commission regulatory oversight over provision of basic local exchange telecommunications service for the purpose of establishing reasonable service criteria, it also specifies that any rules adopted by the Commission must be consistent with Section 364.01, Florida Statutes. In giving this direction, the Legislature was undeniably intent upon requiring the Commission to proceed cautiously with respect to measures that would have potential to retard the market entry of competitive providers and the introduction of new

competitive services. In relevant part, Section 364.01

provides that:

(4) The commission shall exercise its exclusive jurisdiction in order to:

\* \* \*

(b) Encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the widest possible range of consumer choice in the provision of all telecommunications services.

\* \* \*

(d) Promote competition by encouraging new entrants into telecommunications markets and by allowing a transitional period in which new entrants are subject to a lesser level of regulatory oversight than local exchange telecommunications companies.

(e) Encourage all providers of telecommunications services to introduce new or experimental telecommunications services free of unnecessary regulatory restraints.

(f) Eliminate any rules and/or regulations which will delay or impair the transition to competition.

(g) Ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.

(h) Recognize the continuing emergence of a competitive telecommunications environment through the flexible regulatory treatment of competitive telecommunications services . . . .

Emphasis added.

It is inappropriate to apply the ILEC service rules to ALECs. As competition develops, however, the Commission may want to revisit the continued applicability of the ILEC service rule requirements as they are applied to ILECs.

CONCLUSION

ALECs must compete for every customer and their customers always have an alternative carrier. Applying ILEC service regulations to competitive new entrants therefore is unnecessary and serves as a barrier to entry. The Commission should refrain from doing so at this time.

RESPECTFULLY SUBMITTED this 6th day of December, 1999.

Donna Canzano McNulty for  
Marsha E. Rule  
101 N. Monroe St.  
Suite 700  
Tallahassee, FL 32301  
(850) 425-6365

ATTORNEY FOR AT&T  
COMMUNICATIONS OF THE  
SOUTHERN STATES, INC.

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ATTORNEY FOR MCI  
WORLD COM, INC.

## PUBLIC COUNSEL PROPOSALS

**1. NO PREFERENTIAL SERVICE.** Local exchange companies shall provide installation and repair service commitments on a first come, first serve basis. Companies shall not adopt procedures that give preferential installation and repair commitments or service to business customers over residential customers or urban customers over rural customers. However, companies may provide emergency installation or repair services when it is deemed by the company to be in the interest of public health, safety or welfare.

**2. VOLUNTARY SERVICE INCENTIVE PROGRAM.** Companies may be relieved of the requirement of providing installation and repair service on a first-come, first-serve basis if the companies voluntarily adopt procedures to ensure that residential customers will receive installation and repair service that is within the required parameters as established by the commission or will receive an automatic \$25.00 credit. Each company must notify the commission and its customers prior to the implementation of the service incentive program. Companies that notify the commission of the adoption of the voluntary service incentive program are relieved of the requirements of reporting their installation and repair performance under existing rules and are held harmless from violations of all installation and repair service standards. The companies who adopt voluntary service incentive programs will be subject to audit for the accuracy of automatic rebates and will be required to report installation and repair results on an annual basis only for total company operations.

**3. SERVICE EMERGENCIES.** In the event of an emergency due to major events such as hurricanes or work stoppages, when it is reasonable to expect that the company will be unable to meet its installation and repair obligations under the rules of the commission, a local exchange company may declare a service emergency. In declaring a service emergency, the company shall define the geographical area where the emergency exists, make indefinite commitments for installation and repair services within the affected areas, initiate public service announcements to inform customers and notify the Commission at the time of implementation and termination of the service emergency period. In such cases, the company may be relieved of its obligations to provide rebates or automatic credits for failure to provide timely installation and repair service.

# PUBLIC COUNSEL COMMENTS--PROPOSED RULES

25--4.066

## INSTALLATION SERVICE

The proposed rules are not in the public interest. Staff proposes to simply replace existing standards that the companies are currently failing to meet with less stringent standards that will guarantee compliance for the companies and result in lower quality service for consumers.

The staff proposes to replace the requirement for 90% of all new service orders to be completed within 3 days in each exchange with a new requirement that will require the average installation service interval to be no greater than 4 days. This will allow the companies to extend the mean time to installation from something that is likely under 2 days to 4 days.

Most existing new service orders are completed without the need for a field visit within 1 to 2 days. The staff's proposal will allow the companies to extend many new installation intervals to 6 or 8 days and still be in compliance with the new commission rules. For every service order completed in 2 days, the company will be able to complete another service order in 6 days and meet the 4 day average requirement.

Staff's proposal to discontinue measuring service in each exchange is untimely and practically ensures that rural customers will receive worse service than urban customers.

The proposed rules are contrary to the objectives of both state and federal telecommunications legislation that has been adopted with the promise of better service and lower prices to consumers.

Public Counsel proposes a lesser cost alternative that will eliminate enforcement of existing installation rules when companies adopt a voluntary incentive service program.

## PUBLIC COUNSEL COMMENTS--PROPOSED RULES

25--4.070

### REPAIR SERVICE

Staff proposes to replace the existing classification of all trouble reports between Out of Service and Service Affecting with a single classification for all trouble reports. The commission should not adopt this new standard without solid evidence that customers will be better served by a rule that practically guarantees that customers whose telephone service does not work will have to wait longer in the future for repair.

Public Counsel opposes the rule proposal because it would provide a lower quality of service for Florida consumers. The proposal guarantees that the companies who are now violating the commission's repair standards will be providing satisfactory service under the revised rules and lower benchmarks. The mean time to repair for most companies is less than 15 hours today. The companies could extend the mean time to repair to 24 hours and still be in compliance. That's a sixty percent increase in the time allowed to make repairs.

The staff proposal also fails to protect rural customers, who are just as deserving of adequate repair service as are urban customers. The commission's service rules require equal repair service performance for the small exchanges. Without the existing rule, or some other financial incentive, the service quality in the small exchanges will deteriorate.

The commission should not change the existing rules and lower the repair service quality for Florida consumers. Instead, the commission should adopt Public Counsel's least cost proposal to adopt a Voluntary Service Incentive Program that will allow the companies to meet their competitive goals through marketplace incentives.

TOM LEE  
President

ALLAN G. BENISE  
Speaker



THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
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Representative Susan K. Goldstein  
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FLA HOUSE OF REPRESENTATIVES  
GENERAL COUNSEL  
05 JAN 2005 11:55

January 21, 2005

Marlene Stern  
Office of the General Counsel  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Re: Public Service Commission Rule Chapter 25-4**

Dear Ms. Stern:

I have completed a review of chapter 25-4 and prepared the following comments for your consideration and response.

**25-4.038**

Articles 800.30 and 800.31 NEC have not been provided to this office. Please send me a copy. The applicable effective date of the materials should be added to the rule.

**25-4.066(8), 25-4.070(7) and 25-4.073(4)**

Inasmuch as form PSC/CMP 28 is already incorporated by reference in rule 25-4.0185, it does not have to be so incorporated in other rules which make reference to the form. However, such rules should indicate that the form is incorporated in 25-4.0185.

**25-4.085**

The rule should disclose the criteria pursuant to which the Commission will approve Service Guarantee Program service standards.

I am available at your convenience to discuss the foregoing comments.

Sincerely,

  
John Rosner  
Chief Attorney

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

February 1, 2005

John Rosner, Chief Attorney  
The Florida Legislature  
Joint Administrative Procedures Committee  
Holland Bldg., Rm. 120  
Tallahassee, FL 32399-1300

**Re: Public Service Commission Rule Chapter 25-4**

Dear Mr. Rosner:

This letter responds to your letter of January 21, 2005, a copy of which is contained in Attachment 1 to this letter. In the January 21 letter, you had comments on several sections of our proposed revisions to Chapter 25-4. Our responses to your comments on each section are provided below.

**25-4.038**

Copies of Articles 800.30 and 800.31 NEC are enclosed in Attachment 2 to this letter.

**25-4.066(8), 25-4.070(7) and 25-4.073(4)**

We revised the text of these so they state that Form PSC/CMP 28 is incorporated into Chapter 25-4 by Rule 25-4.0185. The revised rules are enclosed in Attachment 3 to this letter.

**25-4.085**

We added a sentence to this section that says: When evaluating a Service Guarantee Program for approval, the Commission will consider the Program's benefits to the customers and whether the Program is in the public interest.

As we discussed on February 1, 2005, the Commission has limited experience with Service Guarantee Programs and is in the early stages of implementing such programs. We chose the criteria because we are certain that they are needed, and we are not certain that any others are needed. If we discover over time that additional criteria are needed, we will initiate rulemaking to add them to the rule.

If I can provide any additional information, please call me at 413-6230. Thank you very much for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marlene Stern".

Marlene Stern  
Associate General Counsel

**TOM LEE**  
President

**ALLAN G. BENSE**  
Speaker



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**F. SCOTT BOYD**  
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January 21, 2005

Marlene Stern  
Office of the General Counsel  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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Dear Ms. Stern:

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The rule should disclose the criteria pursuant to which the Commission will approve Service Guarantee Program service standards.

I am available at your convenience to discuss the foregoing comments.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rosner".

John Rosner  
Chief Attorney

or bushings shall slope upward from the outside or, where this cannot be done, drip loops shall be formed in the communications wires and cables immediately before they enter the building.

Raceways shall be equipped with an approved service head. More than one communications wire and cable shall be permitted to enter through a single raceway or bushing. Conduits or other metal raceways located ahead of the primary protector shall be grounded.

**800.13 Lightning Conductors.** Where practicable, a separation of at least 1.8 m (6 ft) shall be maintained between communications wires and cables on buildings and lightning conductors.

### III. Protection

#### 800.30 Protective Devices.

**(A) Application.** A listed primary protector shall be provided on each circuit run partly or entirely in aerial wire or aerial cable not confined within a block. Also, a listed primary protector shall be provided on each circuit, aerial or underground, located within the block containing the building served so as to be exposed to accidental contact with electric light or power conductors operating at over 300 volts to ground. In addition, where there exists a lightning exposure, each interbuilding circuit on a premises shall be protected by a listed primary protector at each end of the interbuilding circuit. Installation of primary protectors shall also comply with 110.3(B).

FPN No. 1: On a circuit not exposed to accidental contact with power conductors, providing a listed primary protector in accordance with this article helps protect against other hazards, such as lightning and above-normal voltages induced by fault currents on power circuits in proximity to the communications circuit.

FPN No. 2: Interbuilding circuits are considered to have a lightning exposure unless one or more of the following conditions exist:

- (1) Circuits in large metropolitan areas where buildings are close together and sufficiently high to intercept lightning.
- (2) Interbuilding cable runs of 42 m (140 ft) or less, directly buried or in underground conduit, where a continuous metallic cable shield or a continuous metallic conduit containing the cable is bonded to each building grounding electrode system.
- (3) Areas having an average of five or fewer thunderstorm days per year and earth resistivity of less than 100 ohm-meters. Such areas are found along the Pacific coast.

**(1) Fuseless Primary Protectors.** Fuseless-type primary protectors shall be permitted under any of the conditions given in (a) through (e).

(a) Where conductors enter a building through a cable with grounded metallic sheath member(s) and if the conductors in the cable safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

(b) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from a cable with an effectively grounded metallic sheath member(s) and if the conductors in the cable or cable stub, or the connections between the insulated conductors and the exposed plant, safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(c) Where insulated conductors in accordance with 800.12(A) or (B) are used to extend circuits to a building from other than a cable with a metallic sheath member(s) if (1) the primary protector is listed for this purpose, and (2) the connections of the insulated conductors to the exposed plant or the conductors of the exposed plant safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(d) Where insulated conductors in accordance with 800.12(A) are used to extend circuits aerially to a building from an unexposed buried or underground circuit

(e) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from cable with an effectively grounded metallic sheath member(s) and if (1) the combination of the primary protector and insulated conductors is listed for this purpose, and (2) the insulated conductors safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

**(2) Fused Primary Protectors.** Where the requirements listed under 800.30(A)(1)(a) through (1)(e) are not met, fused-type primary protectors shall be used. Fused-type primary protectors shall consist of an arrester connected between each line conductor and ground, a fuse in series with each line conductor, and an appropriate mounting arrangement. Primary protector terminals shall be marked to indicate line, instrument, and ground, as applicable.

**(B) Location.** The primary protector shall be located in, on, or immediately adjacent to the structure or building served and as close as practicable to the point of entrance.

FPN: See 800.2 for the definition of *point of entrance*.

For purposes of this section, primary protectors located at mobile home service equipment located in sight from and not more than 9.0 m (30 ft) from the exterior wall of the mobile home it serves, or at a mobile home disconnecting means grounded in accordance with 250.32 and located in sight from and not more than 9.0 m (30 ft) from the

exterior wall of the mobile home it serves, shall be considered to meet the requirements of this section.

FPN: Selecting a primary protector location to achieve the shortest practicable primary protector grounding conductor helps limit potential differences between communications circuits and other metallic systems.

**(C) Hazardous (Classified) Locations.** The primary protector shall not be located in any hazardous (classified) location as defined in Article 500 or in the vicinity of easily ignitable material.

*Exception: As permitted in 501.14, 502.14, and 503.12.*

**800.31 Primary Protector Requirements.** The primary protector shall consist of an arrester connected between each line conductor and ground in an appropriate mounting. Primary protector terminals shall be marked to indicate line and ground as applicable.

FPN: One way to determine applicable requirements for a listed primary protector is to refer to ANSI/UL 497-1995, *Standard for Protectors for Paired Conductor Communications Circuits*.

**800.32 Secondary Protector Requirements.** Where a secondary protector is installed in series with the indoor communications wire and cable between the primary protector and the equipment, it shall be listed for the purpose. The secondary protector shall provide means to safely limit currents to less than the current-carrying capacity of listed indoor communications wire and cable, listed telephone set line cords, and listed communications terminal equipment having ports for external wire line communications circuits. Any overvoltage protection, arresters, or grounding connection shall be connected on the equipment terminals side of the secondary protector current-limiting means.

FPN No. 1: One way to determine applicable requirements for a listed secondary protector is to refer to UL 497A-1996, *Standard for Secondary Protectors for Communications Circuits*.

FPN No. 2: Secondary protectors on exposed circuits are not intended for use without primary protectors.

**800.33 Cable Grounding.** The metallic sheath of communications cables entering buildings shall be grounded as close as practicable to the point of entrance or shall be interrupted as close to the point of entrance as practicable by an insulating joint or equivalent device.

FPN: See 800.2 for the definition of *point of entrance*.

#### IV. Grounding Methods

**800.40 Cable and Primary Protector Grounding.** The metallic member(s) of the cable sheath, where required to

be grounded by 800.33, and primary protectors shall be grounded as specified in 800.40(A) through (D).

##### (A) Grounding Conductor.

(1) **Insulation.** The grounding conductor shall be insulated and shall be listed as suitable for the purpose.

(2) **Material.** The grounding conductor shall be copper or other corrosion-resistant conductive material, stranded or solid.

(3) **Size.** The grounding conductor shall not be smaller than 14 AWG.

(4) **Length.** The primary protector grounding conductor shall be as short as practicable. In one- and two-family dwellings, the primary protector grounding conductor shall be as short as practicable, not to exceed 6.0 m (20 ft) in length.

*Exception: In one- and two-family dwellings where it is not practicable to achieve an overall maximum primary protector grounding conductor length of 6.0 m (20 ft), a separate communications ground rod meeting the minimum dimensional criteria of 800.40(B)(2)(2) shall be driven, the primary protector shall be grounded to the communications ground rod in accordance with 800.40(C), and the communications ground rod bonded to the power grounding electrode system in accordance with 800.40(D).*

(5) **Run in Straight Line.** The grounding conductor shall be run to the grounding electrode in as straight a line as practicable.

(6) **Physical Damage.** Where necessary, the grounding conductor shall be guarded from physical damage. Where the grounding conductor is run in a metal raceway, both ends of the raceway shall be bonded to the grounding conductor or the same terminal or electrode to which the grounding conductor is connected.

**(B) Electrode.** The grounding conductor shall be connected in accordance with 800.40(B)(1) and (B)(2).

**(1) In Buildings or Structures with Grounding Means.** To the nearest accessible location on the following:

- (1) The building or structure grounding electrode system as covered in 250.50
- (2) The grounded interior metal water piping system, within 1.5 m (5 ft) from its point of entrance to the building, as covered in 250.52
- (3) The power service accessible means external to enclosures as covered in 250.94
- (4) The metallic power service raceway
- (5) The service equipment enclosure
- (6) The grounding electrode conductor or the grounding electrode conductor metal enclosure

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

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

18 Law Implemented 364.01, 364.335, 364.337, 364.3376 FS.

19 History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99.

20 **25-4.003 Definitions.**

21 For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

22 (1) “Access Line” or “Subscriber Line:” or “Subscriber Loop”. The circuit or  
 23 channel between the demarcation point at the customer’s premises and the serving end or class  
 24 5 central office.

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

1           2) ~~“Competitive Local Exchange Telecommunications Company (CLEC).” Any~~  
2 ~~company certificated by the commission to provide local exchange telecommunications~~  
3 ~~services in Florida on or after July 1, 1995.~~

4           (23) “Average Busy Season-Busy Hour Traffic.” The average traffic volume for the  
5 busy season busy hours.

6           (34) “Billing Party.” Any ~~telecommunications company~~ entity that bills an end user  
7 ~~consumer~~ on its own behalf or on behalf of an originating party.

8           (45) “Busy Hour.” The continuous one-hour period of the day during which the  
9 greatest volume of traffic is handled in the office.

10           (56) “Busy Season.” The calendar month or period of the year (preferably 30 days  
11 but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

12           (67) “Call.” An attempted telephone message.

13           (78) “Central Office.” A location where there is an assembly of equipment that  
14 establishes the connections between subscriber access lines, trunks, switched access circuits,  
15 private line facilities, and special access facilities with the rest of the telephone network.

16           (89) “Commission.” The Florida Public Service Commission.

17           (94) “Company,” “Telecommunications Company,” “Telephone Company,” or  
18 “Utility.” These terms may be used interchangeably herein and shall mean  
19 “telecommunications company” as defined in Section 364.02 (1312), Florida Statutes.

20           (10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any  
21 company certificated by the commission to provide local exchange telecommunications  
22 services in Florida on or after July 1, 1995.

23           (11) “Completed call.” A call which has been switched through an established path  
24

1 so that two-way conversation or data transmission is possible.

2 (12) "Disconnect" or "Disconnection." The dissociation or release of a circuit. In the  
3 case of a billable call, the end of the billable time for the call whether intentionally terminated  
4 or terminated due to a service interruption.

5 (13) "Drop or Service Wire." The connecting link that extends from the local  
6 distribution service terminal to the protector or telephone network interface device on the  
7 customer's premises.

8 (14) "Exchange." The entire telephone plant and facilities used in providing  
9 telephone service to subscribers located in an exchange area. An exchange may include more  
10 than one central office unit.

11 (15) "Exchange (Service) Area." The territory of a local exchange company (LEC)  
12 within which local telephone service is furnished at the exchange rates applicable within that  
13 area.

14 (16) "Extended Area Service." A type of telephone service whereby subscribers of a  
15 given exchange or area may complete calls to, and receive messages from, one or more other  
16 exchanges or areas without toll charges, or complete calls to one or more other exchanges or  
17 areas without toll message charges.

18 ~~(17) "Extension Station." An additional station connected on the same circuit as the~~  
19 ~~main station and subsidiary thereto.~~

20 (17) "Foreign Exchange Service." A classification of LEC exchange service  
21 furnished under tariff provisions whereby a subscriber may be provided telephone service  
22 from an exchange other than the one from which he would normally be served.

23 (18) "Information Service." Telephone calls made to 900 or 976 type services, but  
24

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

1 does not include Internet services.

2           (1920) "Intercept Service." A service arrangement provided by the  
3 telecommunications company whereby calls placed to an unequipped non-working,  
4 disconnected, or discontinued telephone number are intercepted by operator, recorder, or  
5 audio response computer and the calling party informed that the called telephone number is  
6 not in service, has been disconnected, discontinued, or changed to another number, or that  
7 calls are received by another telephone. This service is also provided in certain central offices  
8 and switching centers to inform the calling party of conditions such as system blockages,  
9 inability of the system to complete a call as dialed, no such office code, and all circuits busy.

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

15           (2022) "Inter-office Call." A telephone call originating in one central office but  
16 terminating in another central office, both of which are in the same designated exchange area.

17           (2123) "Interstate Toll Message." Those toll messages ~~which~~ that do not originate and  
18 terminate within the same state.

19           (2224) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or  
20 between an end office and toll office, over which toll calls are passed.

21           (2325) "Intra-office Call." A telephone call originating and terminating within the  
22 same central office.

23           (24) "Intrastate Interexchange Company (IXC)." Any entity that provides intrastate  
24

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

1 interexchange telecommunications services.

2 (2526) "Intrastate ~~Intra-state~~ Toll Message." Those toll messages which originate and  
3 terminate within the same state.

4 (2627) "Invalid Number." A number comprised of an unassigned area code number or  
5 a non-working central office code (NXX).

6 (2728) "Large LEC." A LEC certificated by the Commission prior to July 1, 1995, that  
7 had in excess of 100,000 access lines in service on July 1, 1995.

8 (2829) "Local Access and Transport Area (LATA)" or "Market Area." A geographical  
9 area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which  
10 a LEC may transport telecommunication signals.

11 (2930) "Local Exchange Telecommunications Company (LEC)." Any  
12 telecommunications company, certificated by the Commission prior to July 1, 1995, to provide  
13 local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.

14 (3034) "Local Provider (LP)." Any telecommunications company providing local  
15 telecommunications service, excluding pay telephone providers and call aggregators.

16 (3132) "Local Service Area" or "Local Calling Area." The area within which  
17 telephone service is furnished subscribers under a specific schedule of rates and without toll  
18 charges. A LEC's local service area may include one or more exchange areas or portions of  
19 exchange areas.

20 (3233) "Local Toll Provider (LTP)." Any entity telecommunications company  
21 providing intraLATA or intramarket area long distance telecommunications service.

22 (3334) "Main Station." The principal telephone associated with each service to which  
23 a telephone number is assigned and which is connected to the central office equipment by a ~~an~~  
24

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

1 ~~individual or party line~~ circuit or channel.

2 (3435) "Message." A completed telephone call.

3 (3536) "Mileage Charge." A tariff charge for circuits and channels connecting other  
4 services that are auxiliary to local exchange service such as off premises extensions, foreign  
5 exchange and foreign central office services, private line services, and tie lines.

6 (37) ~~"Multiple Location Discount Aggregator (MLDA)." An entity that offers~~  
7 ~~discounted long distance telecommunications services from an underlying IXC to unaffiliated~~  
8 ~~entities. An entity is a MLDA if one or more of the following criteria applies:~~

9 ~~(a) It collects fees related to interexchange telecommunications services directly~~  
10 ~~from subscribers,~~

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

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

14 ~~(d) A customer's bill cannot be determined by applying the tariff of the underlying~~  
15 ~~IXC to the customer's individual usage.~~

16 (36) "New Construction." New construction is the installation of facilities to serve  
17 unserved areas; new construction is not the rearrangement or repair of defective facilities to  
18 serve an existing area. Adding to or the rearrangement of existing facilities is not considered  
19 "new construction" unless an engineer work order is issued.

20 (3738) "Normal Working Days." The normal working days for installation and  
21 construction shall be all days except Saturdays, Sundays, and holidays. The normal working  
22 days for repair service shall be all days except Sundays and holidays. Holidays shall be the  
23 days which are observed by each individual telephone company ~~utility~~.  
24

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existing law.

1           (3839) "Optional Calling Plan." An optional service furnished under tariff provisions  
2 which recognizes the need of some subscribers for extended area calling without imposing the  
3 cost on the entire body of subscribers.

4           (3940) "Originating Party." Any person, firm, corporation, or other entity, including a  
5 telecommunications company or a billing clearinghouse, that provides any  
6 telecommunications service or information service to a customer or bills a customer through a  
7 billing party, except the term "originating party" does not include any entity specifically  
8 exempted from the definition of "telecommunications company" as provided in Section  
9 364.02(13)(a) through (f), Florida Statutes~~(12)~~, Florida Statutes.

10           (4041) "Out of Service." The inability, as reported by the customer, to complete either  
11 incoming or outgoing calls over the subscriber's line. "Out of Service" shall not include:

12           (a) Service difficulties such as slow dial tone, circuits busy, or other network or  
13 switching capacity shortages;

14           (b) Interruptions caused by a negligent or willful act of the subscriber; and

15           (c) Situations in which a company suspends or terminates service because of  
16 nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set  
17 forth in approved tariffs or Commission rules.

18           (4142) "Outside Plant." The telephone equipment and facilities installed on, along, or  
19 under streets, alleys, highways, or on private rights-of-way between the central office and  
20 subscribers' locations or between central offices of the same or different exchanges.

21           (4243) "Pay Telephone Service Company." Any telecommunications company that  
22 provides pay telephone service as defined in Section 364.3375, Florida Statutes.

23           (4344) "PC-Freeze." (Preferred Carrier Freeze) A service offered that restricts the  
24

1 customer's carrier selection until further notice from the customer.

2 (4445) "Provider." Any ~~telecommunications company~~ entity providing  
3 telecommunication service, excluding pay telephone providers and call aggregators (i.e., local,  
4 local toll, and toll providers).

5 (4546) "Service Objective." A quality of service which is desirable to be achieved  
6 under normal conditions.

7 (4647) "Service Standard." A level of service ~~which~~ that a telecommunications  
8 company, under normal conditions, is expected to meet in its certificated territory as  
9 representative of adequate services.

10 (4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995,  
11 which had fewer than 100,000 access lines in service on July 1, 1995.

12 (4849) "Station." A telephone instrument consisting of a transmitter, receiver, and  
13 associated apparatus so connected as to permit sending or receiving telephone messages.

14 (4950) "Subscriber" or "Customer." These terms may be used interchangeably herein  
15 and shall mean any person, firm, partnership, corporation, municipality, cooperative  
16 organization, or governmental agency supplied with communication service by a  
17 telecommunications company.

18 (5051) "Subscriber Line." Or "Subscriber Loop." See "Access Line."

19 (5152) "Switching Center." Location at which telephone traffic, either local or toll, is  
20 switched or connected from one circuit or line to another. A local switching center may be  
21 comprised of several central office units.

22 (5253) "Toll Connecting Trunk." A trunk ~~which~~ that connects a local central office  
23 with its toll operating office.  
24

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existing law.

1           (5354) "Toll Message." A completed telephone call between stations in different  
2 exchanges for which message toll charges are applicable.

3           (5455) "Toll Provider (TP)." Any ~~entity~~telecommunications company providing  
4 interLATA long distance telecommunications service.

5           (5556) "Traffic Study." The process of recording usage measurements which can be  
6 translated into required quantities of equipment.

7           (5657) "Trouble Report." Any oral or written report from a subscriber or user of  
8 telephone service to the telephone company indicating improper function or defective  
9 conditions with respect to the operation of telephone facilities over which the telephone  
10 company has control.

11           (5758) "Trunk." A communication channel between central office units or entities, or  
12 private branch exchanges.

13           (5859) "Valid Number." A number for a specific telephone terminal in an assigned  
14 area code and working central office which is equipped to ring and connect a calling party to  
15 such terminal number.

16 Specific Authority 350.127(2) FS.

17 Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,  
18 364.603, 364.604 FS.

19 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92,  
20 12-21-93, 3-10-96, 12-28-98, 7-5-00.

21 **25-4.0185 Periodic Reports.**

22 Each local exchange telecommunications company shall file with the Commission's Division  
23 of Competitive ~~Services~~ Markets and Enforcement the information required by Commission  
24

1 Form PSC/CMP 28 ( /043/96), which is incorporated into this rule by reference. Form  
2 PSC/CMP 28, entitled "Engineering Data Requirements," may be obtained from the  
3 Commission's Division of Competitive Markets and Enforcement.

4 (1) The information required by schedules 2, 3, 4, 8, 11, ~~13, 14, 15, and 16~~ and 20  
5 of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and  
6 semiannually by the small LECs and shall be filed on or before the end of the month following  
7 the reporting period.

8 ~~(2) The information required by Schedules 17 and 18 of Form PSC/CMP 28 shall~~  
9 ~~be reported on a quarterly basis by the large LECs and shall be filed on or before the end of~~  
10 ~~the month following the reporting period.~~

11 ~~(3)~~(2) The information required by Schedule 19 of Form PSC/CMP 28 shall be  
12 reported on a semiannual basis and shall be filed on or before the end of the month following  
13 the second and fourth quarters.

14 Specific Authority 350.127(2) FS.

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

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

17 **25-4.023 Report of Interruptions.**

18 (1) The Commission shall be informed of any major interruptions to service that  
19 affecting 1,000 or more subscribers for a period of 30 minutes or more an entire community or  
20 a substantial portion of a community as soon as it ~~they~~ comes to the attention of the utility.  
21 The Company shall provide the time, the location, the expected duration of the outage and  
22 when the interruption is restored.

23 (2) In addition, a copy of all Florida service interruption reports made to the  
24 Federal Communications Commission in accordance with the provisions of Part 63 of Chapter

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existing law.

1 | 1 of Title 47; Code of Federal Regulations; Notification of Common Carriers of Service  
2 | Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's  
3 | Division of Competitive Markets and Enforcement, Bureau of Service Quality.  
4 | Specific Authority 350.127(2) FS.

5 | Law Implemented 364.03, 364.17, 364.183 FS.

6 | History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96.

7 | **25-4.038 Safety.**

8 | Each utility shall at all times use reasonable efforts to properly warn and protect the public  
9 | from danger, and shall exercise due care to reduce the hazards to which employees, customers,  
10 | and the public may be subjected by reason of its equipment and facilities. All subscriber loops  
11 | shall be properly installed to prevent harm to the public as referenced in Article 800.30 and  
12 | 800.31 of the National Electric Code (NEC), incorporated herein by reference.

13 | Specific Authority 350.127(2) FS.

14 | Law Implemented 364.01(4), 364.03 FS.

15 | History—New 12-1-86, Formerly 25-4.38.

16 | **25-4.066 Availability of Service.**

17 |       (1) Each telecommunications company shall provide central office equipment and  
18 | outside plant facilities designed and engineered in accordance with realistic anticipated  
19 | customer demands for basic local teleph~~one~~communications service within its certificated area  
20 | in accordance with its filed tariffs or orders of the Commission, subject to its ability to secure  
21 | and provide, for reasonable expense, suitable facilities and rights for construction and  
22 | maintenance of such facilities.

23 |       (2) Where central office and outside plant facilities are readily available, at least 90  
24 | percent of all requests for primary service in any calendar month shall normally be satisfied in

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existing law.

1 each exchange ~~or service center~~ of at least 50,000 lines and quarterly in exchanges of less than  
2 50,000 lines within an interval of three working days after receipt of application when all tariff  
3 requirements relating thereto have been complied with, except those instances where a later  
4 installation date is requested by the applicant or where special equipment or services are  
5 involved.

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

8 (4) When an appointment is made in order for the company to gain access to the  
9 customer's premises, the mutually agreed upon date will be day three for measurement  
10 purposes. Failure of the customer to be present to afford the company representative entry to  
11 the premises during the appointment period shall exempt the order for measurement purposes.

12 Whenever a company representative is unable to gain admittance to a customer's premises  
13 during the scheduled appointment period, the company representative shall leave a notice,  
14 stating the name of the company representative and the date and time the company  
15 representative was at the premises.

16 (53) Each telecommunications company shall establish as its objective the  
17 satisfaction of at least 95 percent of all applications for new service in each exchange within a  
18 30 day maximum interval and, further, shall have as its objective the capability of furnishing  
19 service within each of its exchanges to applicants within 60 days after date of application;  
20 except those instances where a later installation date is requested by the applicant or where  
21 special equipment or services are involved.

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

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existing law.

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

8           (8) Each company shall report pursuant to Rule 25-4.0185, Periodic Reports, the  
9 performance of the company with respect to the availability of service requirements as  
10 outlined in Form PSC/CMP 28 ( /04), incorporated into Rule 25-4.0185 by reference and  
11 available from the Division of Competitive Markets and Enforcement. Each company shall  
12 explain the reasons for all service orders that are not completed within 30 calendar days.

13 Specific Authority 350.127(2), ~~364.14~~ FS.

14 Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS.

15 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96.

16 **25-4.070 Customer Trouble Reports.**

17           (1) Each telecommunications company shall make all reasonable efforts to  
18 minimize the extent and duration of trouble conditions that disrupt or affect customer  
19 telephone service. Trouble reports will be classified as to their severity on a service  
20 interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with  
21 non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded  
22 to a service affecting report; however, a service affecting report shall be upgraded to a service  
23 interruption if changing trouble conditions so indicate.

24           (a) Companies shall make every reasonable attempt to restore service on the same

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1 day that the interruption is reported to the serving repair center.

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

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

12 (2) Sundays and Holidays:

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

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

21 (3) Service Objectives:

22 (a) Service Interruption: Restoration of interrupted service shall be scheduled to  
23 insure at least 95 percent shall be cleared within 24 hours of report in each exchange that  
24 contains at least 50,000 lines as and will be measured on a monthly basis. For exchanges that

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existing law.

1 contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any  
2 exchange failing to meet this objective, the company shall provide an explanation with its  
3 periodic report to the Commission.

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

9 (c) If the customer requests that the service be restored on a particular day beyond  
10 the objectives outlined in (a) and (b) above, the trouble report shall be counted as having met  
11 the objective if the requested date is met.

12 (4) Priority shall be given to service interruptions ~~which~~ that affect public health  
13 and safety that are reported to and verified by the company and such service interruptions shall  
14 be corrected as promptly as possible on an emergency basis.

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

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

23 (7) Reporting Criteria: Each company shall periodically report the data as  
24 specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 ( /04).

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existing law.

1 incorporated into Rule 25-4.0185 by reference and available from the Division of  
2 Competitive Markets and Enforcement.

3 Specific Authority 350.127(2) FS.

4 Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS.

5 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96.

6 **25-4.072 Transmission Requirements.**

7 (1) Telecommunications companies shall furnish and maintain the necessary plant,  
8 equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of  
9 communications between customers in their service areas. Transmission parameters shall  
10 conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted  
11 1984) incorporated herein by reference. ~~Transmission shall be at adequate volume levels and~~  
12 ~~free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair~~  
13 ~~communications. The maximum loss objective of inter toll trunks shall be consistent with the~~  
14 ~~requirements of the nationwide switching plan and overall transmission losses within each~~  
15 ~~trunk group will not vary more than plus or minus two db.~~

16 (2) Accurate dependable milliwatt supplies shall be made a part of each central  
17 office. Additionally, for those central offices having an installed line capacity of 1,000 lines  
18 or more, the buffered access on a minimum three line rotary group basis shall be a part of the  
19 milliwatt supply.

20 (3) Each central office shall be equipped with a minimum of one termination  
21 which shall trip ringing and terminate the line on a balanced basis so that end to end noise  
22 measurements may be made.

23 Specific Authority 350.127(2) FS.

24 Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS.

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

1 History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96.

2 **25-4.073 Answering Time.**

3 (1) Each telephone utility shall provide equipment designed and engineered on the  
4 basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate  
5 personnel so as to meet the following service criteria under normal operating conditions:

6 (a) ~~If emergency services for the LEC's total serving area is currently answered by~~  
7 ~~the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator~~  
8 ~~shall be answered within thirty (30) seconds after zero only is dialed.~~

9 (b) ~~If emergency services for the LEC's total serving area is not currently~~  
10 ~~answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be~~  
11 ~~answered within 20 seconds after zero only is dialed.~~

12 (ae) At least ~~ninety (90%)~~ percent of all calls directed to ~~interecept, directory~~  
13 ~~assistance and repair services and eighty (80%)~~ percent of all calls to business offices shall be  
14 answered within ~~thirty (30)~~ seconds after the last digit is dialed when no menu driven system  
15 is utilized.

16 (bd) ~~Notwithstanding paragraph (c) above, w~~When a company utilizes a menu  
17 driven, automated, interactive answering system (referred to as the system or as an Integrated  
18 Voice Response Unit (IVRU)), at least (95%) percent of the calls offered shall be answered  
19 within 15 seconds after the last digit is dialed. The initial recorded message presented by the  
20 system to the customer shall ~~only identify the company and the general options available to~~  
21 ~~the customer. include t~~The option of transferring to a live attendant within the first 30 seconds  
22 of the messageshall be included in the initial message.

23 (c) For subscribers who either selecting the option of transferring to a live  
24 assistant, or do not interact with the system for twenty seconds, except for business office

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existing law. - 17 -

1 calls, ~~at least ninety five (95%) percent of all calls~~ the call shall be transferred by the system  
2 to a live attendant. At least 90 percent of the calls shall be answered by the live attendant  
3 prepared to give immediate assistance within fifty five (55) seconds of being transferred to the  
4 attendant after the last digit of the telephone number listed in the directory for the company's  
5 service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business  
6 office shall be transferred by the system to a live attendant within fifty five (55) seconds after  
7 the last digit is dialed. At any time during the call, the customer shall be transferred to live  
8 assistance if the customer fails to interact with the system for a time period of ten (10) seconds  
9 following any prompt. For the purposes of this section, interaction means responding to a  
10 customer prompt offered by the system by keying (pressing) a number or character of a Dual-  
11 Tone Multiple Frequency (DTMF) keypad associated with a telephone.

12 (e) ~~In accordance with Rule 25 4.0770, F.A.C., when a menu driven, automated,~~  
13 ~~interactive, answering system is utilized, provisions shall be included to allow the customer to~~  
14 ~~make an appointment or to negotiate with a live attendant, or with the system, any~~  
15 ~~appointment or commitment offered to the customer by the system. The subscriber shall be~~  
16 ~~able to renegotiate appointments using the system.~~

17 (f) ~~Automated systems shall not contain promotional or merchandising material~~  
18 ~~unless the customer selects and chooses to receive such information.~~

19 (dg) The terms "answered" as used in paragraphs (a) and (cb) above, shall be  
20 construed to mean more than an acknowledgment that the customer is waiting on the line. It  
21 shall mean that the operator, service representative, or automated system is ready to render  
22 assistance, and/or accept the information necessary to process the call. With respect to calls to  
23 business office services where the company practice provides that such calls are directed to an  
24 operator position, an additional twenty (20) seconds will be allowed to extend the call

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1 ~~excluding the time required for the customer to provide sufficient information to the operator~~  
2 ~~in order to process the call. In those instances where the call cannot be extended within the~~  
3 ~~allotted interval, the calling party is to be given the option of placing the call again or~~  
4 ~~providing a number by which a company representative will return the call within ten (10)~~  
5 ~~minutes or at a time mutually convenient to the parties.~~

6 (2) Answering time studies using actual data or any statistically valid substitute for  
7 actual data shall be made to the extent and frequency necessary to determine compliance with  
8 this rule. ~~The company shall add ten (10) seconds to the answer time for each call. This ten~~  
9 ~~(10) second constant will substitute for actual data on the time required for the call to connect~~  
10 ~~to the company's facilities. Monthly summary results of such studies shall be filed with the~~  
11 ~~Commission promptly after the end of each calendar quarter.~~

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

21 (4) Each company shall report, pursuant to Rule 25-4.0185, Periodic Reports, the  
22 performance of the company with respect to answer time as outlined in Form PSC/CMP 28 (  
23 /04), incorporated into Rule 25-4.0185 by reference and available from the Division of  
24 Competitive Markets and Enforcement.

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existing law.

1 Specific Authority 350.127(2) FS.

2 Law Implemented 364.01(4), 364.17, 364.03, 364.386, 365.171, F.S.

3 History: New 12/1/68, formerly 25-4.73, Amended 3/31/76, 11/24/92, \_\_\_\_\_

4 **25-4.0770 Customer Appointments.**

5 ~~\_\_\_\_\_ (1) When the company determines that it is likely that a premises visit and entry to~~  
6 ~~the customer's premises (for installation, moves, changes, or repairs) will be necessary, the~~  
7 ~~company shall, with customer approval, advise the customer of the time that its representative~~  
8 ~~will be at the premises. Appointments shall be set within the time frames of 7-12 a.m., 12-5~~  
9 ~~p.m., or 5-9 p.m., or, upon customer and company agreement, appointments may be set for a~~  
10 ~~specific hour or day. Appearance of the company representative to render the service during~~  
11 ~~the set period shall constitute a kept appointment by the company. Failure of the company~~  
12 ~~representative to be present during the prescribed period for the appointment shall constitute a~~  
13 ~~missed appointment by the company. In confirming the appointment, the company shall~~  
14 ~~specifically advise the customer of the hour or hours applicable to the appointment.~~

15 ~~\_\_\_\_\_ (2) Each company shall keep at least 95 percent of all appointments each month.~~  
16 ~~Where appointments cannot be kept by the company, the customer shall be notified by~~  
17 ~~telephone call prior to the beginning of the appointment period if a can-be-reached number is~~  
18 ~~obtained from the customer and a new appointment shall be scheduled. No appointment~~  
19 ~~cancelled in this manner shall constitute a kept or missed appointment by the company.~~

20 ~~\_\_\_\_\_ (3) Whenever a company representative is unable to gain admittance to a~~  
21 ~~customer's premises during the scheduled appointment period, the company representative~~  
22 ~~shall leave a notice, indicating the date, time, name of subscriber, telephone number, and~~  
23 ~~signature of the representative. Failure of the customer to be present to afford the company~~  
24 ~~representative entry to the premises during the appointment period shall constitute a missed~~

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

1 appointment by the customer.

2 ~~\_\_\_\_\_ (4) \_\_\_\_\_ Appointments may be cancelled by the customer by telephone or personal~~  
3 ~~notification, prior to the start of the appointment period.~~

4 ~~\_\_\_\_\_ (5) \_\_\_\_\_ The company shall maintain data and records sufficient to allow the~~  
5 ~~Commission to ascertain compliance with this rule.~~

6 ~~\_\_\_\_\_ (a) \_\_\_\_\_ Each company shall at least maintain the following information on each~~  
7 ~~appointment made: reason for premises entry (installation, move, change, or repair); the date~~  
8 ~~and time the customer requested service; the appointment date and time period agreed upon;~~  
9 ~~the date and time the appointment is cleared without a premises visit, if applicable; the date~~  
10 ~~and time of cancellation of an appointment by either party; the date and time of arrival at the~~  
11 ~~customer's premises; and the date and time of completion of the service. This information~~  
12 ~~shall be maintained for one year following the completion of the service.~~

13 ~~\_\_\_\_\_ (b) \_\_\_\_\_ Each company shall report quarterly to the Commission the record of the~~  
14 ~~company with respect to missed appointments. The report shall contain, on both a monthly~~  
15 ~~and annual basis, the total number of customer appointments made pursuant to this rule, the~~  
16 ~~number of appointments cleared without a premises visit, the number of appointments kept by~~  
17 ~~the company, the number of appointments missed by the company, the number of~~  
18 ~~appointments missed by customers, the number of appointments cancelled by the company,~~  
19 ~~and the number of appointments cancelled by the customers.~~

20 Specific Authority 350.127(2) FS.

21 Law Implemented 364.025, 364.03(1), 364.19 FS.

22 History—New 7-13-82, Formerly 25-4.770, Amended 3-10-96, Repealed \_\_\_\_\_.

23 **25-4.080 Weighted Measurement of Quality of Service.**

24 ~~In considering the adequacy of service provided by a local exchange company, the~~

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

1 ~~Commission may utilize a weighted index system developed by the Public Utility Research~~  
2 ~~Center. Under this weighting system, a company exactly meeting all FPSC standards on all~~  
3 ~~criteria would receive an overall satisfactory rating of 75 points. Using indices assigned to~~  
4 ~~each criterion, adjustments to the base of 75 would be made on all results that either exceed or~~  
5 ~~fall below the standards. The criteria and indices are contained in the Weighted Index (Form~~  
6 ~~CMU 41, 4/1/93), which is incorporated by reference into this rule. Local exchange~~  
7 ~~companies shall be responsible for complying with each service standard, whether or not an~~  
8 ~~overall score of 75 or more is achieved when the weighted index is employed.~~

9 Specific Authority 350.127(2) FS.

10 Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS.

11 History—New 6-2-93, Repealed \_\_\_\_\_.

12 **25-4.085 Service Guarantee Program**

13 A company may petition the Commission for approval of a Service Guarantee  
14 Program, which would relieve the company from the rule requirement of each service standard  
15 addressed in the approved Service Guarantee Program. When evaluating a Service Guarantee  
16 Program for approval, the Commission will consider the Program's benefits to the customers  
17 and whether the Program is in the public interest. The criteria the Commission will use The  
18 Commission shall have the right to enforce the provisions of the Service Guarantee Plan.

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

20 Law Implemented: 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386, F.S.

21 History: New

22

23

24 991473 absolute final text.mks.doc

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

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

February 22, 2005

Mr. John Rosner  
Joint Administrative Procedures Committee  
Room 120 Holland Building  
Tallahassee, FL 32399-1300

**Re: Amendments to Chapter 25-4, F.A.C., Telephone Companies**

Mr. Rosner::

Pursuant to section 120.54(3)(e)(6), Florida Statutes, we are tolling the time to file this rule for adoption. Please do not hesitate to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Marlene K. Stern".

Marlene K. Stern  
Associate General Counsel

MKS  
991473 Toll Time.mks.doc

OM LEE  
President

ALLAN G. BENSE  
Speaker



THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**



Senator Michael S. "Mike" Bennett, Chair  
Representative Ellyn Setnor Bogdanoff, Vice-Chair  
Senator Nancy Argenziano  
Senator Larcenia J. Bullard  
Representative Susan K. Goldstein  
Representative Matthew J. "Matt" Meadows

F. SCOTT BOYD  
EXECUTIVE DIRECTOR  
AND GENERAL COUNSEL  
Room 120, Holland Building  
Tallahassee, Florida 32399-1300  
Telephone (850) 488-9110

## Memorandum

**TO:** Marlene K. Stern

**FROM:** John Rosner 

**DATE:** April 12, 2005

**SUBJECT:** Public Service Commission Rule Chapter 25-4

---

Articles 800.30 and 800.31 NEC were not filed for adoption along with the rest of the rulemaking materials. An amended certificate of incorporated documents, which includes the foregoing materials, should be filed with the Department of State as soon as possible. Please provide me with a copy.

# 134617  
JR:CB:C/WORD/JR/25-4.DOC.

RECEIVED  
05 APR 19 AM 11:31  
FLA PUBLIC SERVICE COM.  
OFFICE OF THE  
GENERAL COUNSEL

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
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CHARLES M. DAVIDSON  
LISA POLAK EDGAR



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

April 27, 2005

Ms. Liz Cloud  
Department of State  
R. A. Gray Building  
500 S. Bronough Street  
Tallahassee, FL 32399-0250

**Re:** Chapter 25-4, F.A.C., Docket No. 991473-TP

Dear Ms. Cloud:

Enclosed are Articles 800.30 and 800.31 of the National Electric Code which are incorporated by reference in Chapter 25-4. We did not send these to you when we filed for adoption in March 2005. If you have any questions, please call me at 413-6230.

Sincerely,

A handwritten signature in cursive script that reads "Marlene K. Stern".

Marlene K. Stern  
Associate General Counsel

MKS

991473 NEC Cloud.mks.doc

ORIGINAL

DOCKET NO. 991473-TP

RECEIVED-FPSC

MAR 16 PM 1:27

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

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

CMP \_\_\_\_\_ more than 45 days from the date of publication of the notice of change; or

COM \_\_\_\_\_ // (d) Are filed more than 90 days after the notice, but not less than 14 nor more

CTR \_\_\_\_\_ than 45 days after the adjournment of the final public hearing on the rule; or

ECR \_\_\_\_\_ // (e) Are filed more than 90 days after the notice, but within 21 days after the

GCL \_\_\_\_\_ date of receipt of all material authorized to be submitted at the hearing; or

MMS \_\_\_\_\_

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SEC 1

OTH \_\_\_\_\_

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2005 MAR 14 PM 3:57  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

DOCUMENT NUMBER-DAT

02570 MAR 16 '05

FPSC-COMMISSION CLERK

// (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.

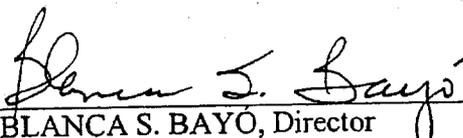
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

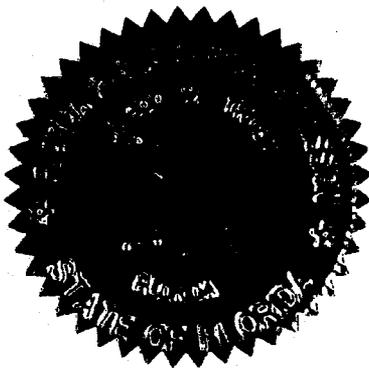
Rule Nos.

25-4.002  
25- 4.003  
25- 4.0185  
25-4.023  
25-4.038  
25-4.066  
25-4.070  
25-4.072  
25- 4.073  
25-4.0770  
25-4.080

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

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services



MKS

\_\_\_\_\_  
Number of Pages Certified

# NEC<sup>®</sup> 2002

NATIONAL ELECTRICAL CODE<sup>®</sup>

INTERNATIONAL ELECTRICAL CODE<sup>®</sup> SERIES

# CODE



AN INTERNATIONAL CODES AND STANDARDS ORGANIZATION

or bushings shall slope upward from the outside or, where this cannot be done, drip loops shall be formed in the communications wires and cables immediately before they enter the building.

Raceways shall be equipped with an approved service head. More than one communications wire and cable shall be permitted to enter through a single raceway or bushing. Conduits or other metal raceways located ahead of the primary protector shall be grounded.

**800.13 Lightning Conductors.** Where practicable, a separation of at least 1.8 m (6 ft) shall be maintained between communications wires and cables on buildings and lightning conductors.

### III. Protection

#### 800.30 Protective Devices.

**(A) Application.** A listed primary protector shall be provided on each circuit run partly or entirely in aerial wire or aerial cable not confined within a block. Also, a listed primary protector shall be provided on each circuit, aerial or underground, located within the block containing the building served so as to be exposed to accidental contact with electric light or power conductors operating at over 300 volts to ground. In addition, where there exists a lightning exposure, each interbuilding circuit on a premises shall be protected by a listed primary protector at each end of the interbuilding circuit. Installation of primary protectors shall also comply with 110.3(B).

FPN No. 1: On a circuit not exposed to accidental contact with power conductors, providing a listed primary protector in accordance with this article helps protect against other hazards, such as lightning and above-normal voltages induced by fault currents on power circuits in proximity to the communications circuit.

FPN No. 2: Interbuilding circuits are considered to have a lightning exposure unless one or more of the following conditions exist:

- (1) Circuits in large metropolitan areas where buildings are close together and sufficiently high to intercept lightning.
- (2) Interbuilding cable runs of 42 m (140 ft) or less, directly buried or in underground conduit, where a continuous metallic cable shield or a continuous metallic conduit containing the cable is bonded to each building grounding electrode system.
- (3) Areas having an average of five or fewer thunderstorm days per year and earth resistivity of less than 100 ohm-meters. Such areas are found along the Pacific coast.

**(1) Fuseless Primary Protectors.** Fuseless-type primary protectors shall be permitted under any of the conditions given in (a) through (e).

(a) Where conductors enter a building through a cable with grounded metallic sheath member(s) and if the conductors in the cable safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

(b) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from a cable with an effectively grounded metallic sheath member(s) and if the conductors in the cable or cable stub, or the connections between the insulated conductors and the exposed plant, safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(c) Where insulated conductors in accordance with 800.12(A) or (B) are used to extend circuits to a building from other than a cable with a metallic sheath member(s) if (1) the primary protector is listed for this purpose, and (2) the connections of the insulated conductors to the exposed plant or the conductors of the exposed plant safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(d) Where insulated conductors in accordance with 800.12(A) are used to extend circuits aerially to a building from an unexposed buried or underground circuit

(e) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from cable with an effectively grounded metallic sheath member(s) and if (1) the combination of the primary protector and insulated conductors is listed for this purpose, and (2) the insulated conductors safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

**(2) Fused Primary Protectors.** Where the requirements listed under 800.30(A)(1)(a) through (1)(e) are not met, fused-type primary protectors shall be used. Fused-type primary protectors shall consist of an arrester connected between each line conductor and ground, a fuse in series with each line conductor, and an appropriate mounting arrangement. Primary protector terminals shall be marked to indicate line, instrument, and ground, as applicable.

**(B) Location.** The primary protector shall be located in, on, or immediately adjacent to the structure or building served and as close as practicable to the point of entrance.

FPN: See 800.2 for the definition of *point of entrance*.

For purposes of this section, primary protectors located at mobile home service equipment located in sight from and not more than 9.0 m (30 ft) from the exterior wall of the mobile home it serves, or at a mobile home disconnecting means grounded in accordance with 250.32 and located in sight from and not more than 9.0 m (30 ft) from the

exterior wall of the mobile home it serves, shall be considered to meet the requirements of this section.

**FPN:** Selecting a primary protector location to achieve the shortest practicable primary protector grounding conductor helps limit potential differences between communications circuits and other metallic systems.

**(C) Hazardous (Classified) Locations.** The primary protector shall not be located in any hazardous (classified) location as defined in Article 500 or in the vicinity of easily ignitable material.

*Exception: As permitted in 501.14, 502.14, and 503.12.*

**800.31 Primary Protector Requirements.** The primary protector shall consist of an arrester connected between each line conductor and ground in an appropriate mounting. Primary protector terminals shall be marked to indicate line and ground as applicable.

**FPN:** One way to determine applicable requirements for a listed primary protector is to refer to ANSI/UL 497-1995, *Standard for Protectors for Paired Conductor Communications Circuits*.

**800.32 Secondary Protector Requirements.** Where a secondary protector is installed in series with the indoor communications wire and cable between the primary protector and the equipment, it shall be listed for the purpose. The secondary protector shall provide means to safely limit currents to less than the current-carrying capacity of listed indoor communications wire and cable, listed telephone set line cords, and listed communications terminal equipment having ports for external wire line communications circuits. Any overvoltage protection, arresters, or grounding connection shall be connected on the equipment terminals side of the secondary protector current-limiting means.

**FPN No. 1:** One way to determine applicable requirements for a listed secondary protector is to refer to UL 497A-1996, *Standard for Secondary Protectors for Communications Circuits*.

**FPN No. 2:** Secondary protectors on exposed circuits are not intended for use without primary protectors.

**800.33 Cable Grounding.** The metallic sheath of communications cables entering buildings shall be grounded as close as practicable to the point of entrance or shall be interrupted as close to the point of entrance as practicable by an insulating joint or equivalent device.

**FPN:** See 800.2 for the definition of *point of entrance*.

#### IV. Grounding Methods

**800.40 Cable and Primary Protector Grounding.** The metallic member(s) of the cable sheath, where required to

be grounded by 800.33, and primary protectors shall be grounded as specified in 800.40(A) through (D).

##### (A) Grounding Conductor.

**(1) Insulation.** The grounding conductor shall be insulated and shall be listed as suitable for the purpose.

**(2) Material.** The grounding conductor shall be copper or other corrosion-resistant conductive material, stranded or solid.

**(3) Size.** The grounding conductor shall not be smaller than 14 AWG.

**(4) Length.** The primary protector grounding conductor shall be as short as practicable. In one- and two-family dwellings, the primary protector grounding conductor shall be as short as practicable, not to exceed 6.0 m (20 ft) in length.

*Exception: In one- and two-family dwellings where it is not practicable to achieve an overall maximum primary protector grounding conductor length of 6.0 m (20 ft), a separate communications ground rod meeting the minimum dimensional criteria of 800.40(B)(2)(2) shall be driven, the primary protector shall be grounded to the communications ground rod in accordance with 800.40(C), and the communications ground rod bonded to the power grounding electrode system in accordance with 800.40(D).*

**(5) Run in Straight Line.** The grounding conductor shall be run to the grounding electrode in as straight a line as practicable.

**(6) Physical Damage.** Where necessary, the grounding conductor shall be guarded from physical damage. Where the grounding conductor is run in a metal raceway, both ends of the raceway shall be bonded to the grounding conductor or the same terminal or electrode to which the grounding conductor is connected.

**(B) Electrode.** The grounding conductor shall be connected in accordance with 800.40(B)(1) and (B)(2).

**(1) In Buildings or Structures with Grounding Means.** To the nearest accessible location on the following:

- (1) The building or structure grounding electrode system as covered in 250.50
- (2) The grounded interior metal water piping system, within 1.5 m (5 ft) from its point of entrance to the building, as covered in 250.52
- (3) The power service accessible means external to enclosures as covered in 250.94
- (4) The metallic power service raceway
- (5) The service equipment enclosure
- (6) The grounding electrode conductor or the grounding electrode conductor metal enclosure

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

April 27, 2005

Mr. John Rosner  
Joint Administrative Procedures Committee  
120 Holland Building  
Tallahassee, FL 32399-1300

**Re:** Chapter 25-4, F.A.C., Docket No. 991473-TP

Dear John:

Enclosed are Articles 800.30 and 800.31 of the National Electric Code, as referenced in Chapter 25-4, F.A.C. If you have any questions, please call me at 413-6230.

Sincerely,

A handwritten signature in cursive script that reads "Marlene K. Stern".

Marlene K. Stern  
Associate General Counsel

MKS

991473 NEC Rosner.mks.doc

ORIGINAL

DOCKET NO. 991473-TP

RECEIVED-FPSC

MAR 16 PM 1:27

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

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

CMP more than 45 days from the date of publication of the notice of change; or

COM // (d) Are filed more than 90 days after the notice, but not less than 14 nor more

CTR than 45 days after the adjournment of the final public hearing on the rule; or

ECR // (e) Are filed more than 90 days after the notice, but within 21 days after the

GCL date of receipt of all material authorized to be submitted at the hearing; or

MMS

RCA

SCR

SEC |

OTH

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2005 MAR 14 PM 3:5  
FILED  
DOCUMENT NUMBER-DAT  
02570 MAR 16 '05  
FPSC-COMMISSION CLERK

// (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.

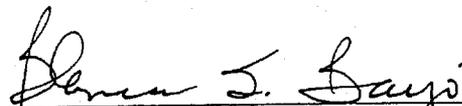
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

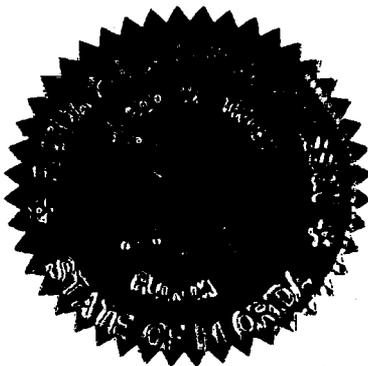
Rule Nos.

25-4.002  
25- 4.003  
25- 4.0185  
25-4.023  
25-4.038  
25-4.066  
25-4.070  
25-4.072  
25- 4.073  
25-4.0770  
25-4.080

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

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services



MKS

\_\_\_\_\_  
Number of Pages Certified

# NEC<sup>®</sup> 2002

NATIONAL ELECTRICAL CODE<sup>®</sup>

INTERNATIONAL ELECTRICAL CODE<sup>®</sup> SERIES

# CODE



AN INTERNATIONAL CODES AND STANDARDS ORGANIZATION

or bushings shall slope upward from the outside or, where this cannot be done, drip loops shall be formed in the communications wires and cables immediately before they enter the building.

Raceways shall be equipped with an approved service head. More than one communications wire and cable shall be permitted to enter through a single raceway or bushing. Conduits or other metal raceways located ahead of the primary protector shall be grounded.

**800.13 Lightning Conductors.** Where practicable, a separation of at least 1.8 m (6 ft) shall be maintained between communications wires and cables on buildings and lightning conductors.

### III. Protection

#### 800.30 Protective Devices.

**(A) Application.** A listed primary protector shall be provided on each circuit run partly or entirely in aerial wire or aerial cable not confined within a block. Also, a listed primary protector shall be provided on each circuit, aerial or underground, located within the block containing the building served so as to be exposed to accidental contact with electric light or power conductors operating at over 300 volts to ground. In addition, where there exists a lightning exposure, each interbuilding circuit on a premises shall be protected by a listed primary protector at each end of the interbuilding circuit. Installation of primary protectors shall also comply with 110.3(B).

**FPN No. 1:** On a circuit not exposed to accidental contact with power conductors, providing a listed primary protector in accordance with this article helps protect against other hazards, such as lightning and above-normal voltages induced by fault currents on power circuits in proximity to the communications circuit.

**FPN No. 2:** Interbuilding circuits are considered to have a lightning exposure unless one or more of the following conditions exist:

- (1) Circuits in large metropolitan areas where buildings are close together and sufficiently high to intercept lightning.
- (2) Interbuilding cable runs of 42 m (140 ft) or less, directly buried or in underground conduit, where a continuous metallic cable shield or a continuous metallic conduit containing the cable is bonded to each building grounding electrode system.
- (3) Areas having an average of five or fewer thunderstorm days per year and earth resistivity of less than 100 ohm-meters. Such areas are found along the Pacific coast.

**(1) Fuseless Primary Protectors.** Fuseless-type primary protectors shall be permitted under any of the conditions given in (a) through (e).

(a) Where conductors enter a building through a cable with grounded metallic sheath member(s) and if the conductors in the cable safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

(b) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from a cable with an effectively grounded metallic sheath member(s) and if the conductors in the cable or cable stub, or the connections between the insulated conductors and the exposed plant, safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(c) Where insulated conductors in accordance with 800.12(A) or (B) are used to extend circuits to a building from other than a cable with a metallic sheath member(s) if (1) the primary protector is listed for this purpose, and (2) the connections of the insulated conductors to the exposed plant or the conductors of the exposed plant safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(d) Where insulated conductors in accordance with 800.12(A) are used to extend circuits aerially to a building from an unexposed buried or underground circuit

(e) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from cable with an effectively grounded metallic sheath member(s) and if (1) the combination of the primary protector and insulated conductors is listed for this purpose, and (2) the insulated conductors safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

**(2) Fused Primary Protectors.** Where the requirements listed under 800.30(A)(1)(a) through (1)(e) are not met, fused-type primary protectors shall be used. Fused-type primary protectors shall consist of an arrester connected between each line conductor and ground, a fuse in series with each line conductor, and an appropriate mounting arrangement. Primary protector terminals shall be marked to indicate line, instrument, and ground, as applicable.

**(B) Location.** The primary protector shall be located in, on, or immediately adjacent to the structure or building served and as close as practicable to the point of entrance.

**FPN:** See 800.2 for the definition of *point of entrance*.

For purposes of this section, primary protectors located at mobile home service equipment located in sight from and not more than 9.0 m (30 ft) from the exterior wall of the mobile home it serves, or at a mobile home disconnecting means grounded in accordance with 250.32 and located in sight from and not more than 9.0 m (30 ft) from the

exterior wall of the mobile home it serves, shall be considered to meet the requirements of this section.

**FPN:** Selecting a primary protector location to achieve the shortest practicable primary protector grounding conductor helps limit potential differences between communications circuits and other metallic systems.

**(C) Hazardous (Classified) Locations.** The primary protector shall not be located in any hazardous (classified) location as defined in Article 500 or in the vicinity of easily ignitable material.

*Exception:* As permitted in 501.14, 502.14, and 503.12.

**800.31 Primary Protector Requirements.** The primary protector shall consist of an arrester connected between each line conductor and ground in an appropriate mounting. Primary protector terminals shall be marked to indicate line and ground as applicable.

**FPN:** One way to determine applicable requirements for a listed primary protector is to refer to ANSI/UL 497-1995, *Standard for Protectors for Paired Conductor Communications Circuits*.

**800.32 Secondary Protector Requirements.** Where a secondary protector is installed in series with the indoor communications wire and cable between the primary protector and the equipment, it shall be listed for the purpose. The secondary protector shall provide means to safely limit currents to less than the current-carrying capacity of listed indoor communications wire and cable, listed telephone set line cords, and listed communications terminal equipment having ports for external wire line communications circuits. Any overvoltage protection, arresters, or grounding connection shall be connected on the equipment terminal side of the secondary protector current-limiting means.

**FPN No. 1:** One way to determine applicable requirements for a listed secondary protector is to refer to UL 497A-1996, *Standard for Secondary Protectors for Communications Circuits*.

**FPN No. 2:** Secondary protectors on exposed circuits are not intended for use without primary protectors.

**800.33 Cable Grounding.** The metallic sheath of communications cables entering buildings shall be grounded as close as practicable to the point of entrance or shall be interrupted as close to the point of entrance as practicable by an insulating joint or equivalent device.

**FPN:** See 800.2 for the definition of *point of entrance*.

#### IV. Grounding Methods

**800.40 Cable and Primary Protector Grounding.** The metallic member(s) of the cable sheath, where required to

be grounded by 800.33, and primary protectors shall be grounded as specified in 800.40(A) through (D).

##### (A) Grounding Conductor.

(1) **Insulation.** The grounding conductor shall be insulated and shall be listed as suitable for the purpose.

(2) **Material.** The grounding conductor shall be copper or other corrosion-resistant conductive material, stranded or solid.

(3) **Size.** The grounding conductor shall not be smaller than 14 AWG.

(4) **Length.** The primary protector grounding conductor shall be as short as practicable. In one- and two-family dwellings, the primary protector grounding conductor shall be as short as practicable, not to exceed 6.0 m (20 ft) in length.

*Exception:* In one- and two-family dwellings where it is not practicable to achieve an overall maximum primary protector grounding conductor length of 6.0 m (20 ft), a separate communications ground rod meeting the minimum dimensional criteria of 800.40(B)(2)(2) shall be driven, the primary protector shall be grounded to the communications ground rod in accordance with 800.40(C), and the communications ground rod bonded to the power grounding electrode system in accordance with 800.40(D).

(5) **Run in Straight Line.** The grounding conductor shall be run to the grounding electrode in as straight a line as practicable.

(6) **Physical Damage.** Where necessary, the grounding conductor shall be guarded from physical damage. Where the grounding conductor is run in a metal raceway, both ends of the raceway shall be bonded to the grounding conductor or the same terminal or electrode to which the grounding conductor is connected.

**(B) Electrode.** The grounding conductor shall be connected in accordance with 800.40(B)(1) and (B)(2).

**(1) In Buildings or Structures with Grounding Means.** To the nearest accessible location on the following:

- (1) The building or structure grounding electrode system as covered in 250.50
- (2) The grounded interior metal water piping system, within 1.5 m (5 ft) from its point of entrance to the building, as covered in 250.52
- (3) The power service accessible means external to enclosures as covered in 250.94
- (4) The metallic power service raceway
- (5) The service equipment enclosure
- (6) The grounding electrode conductor or the grounding electrode conductor metal enclosure

STATE OF FLORIDA

COMMISSIONERS:  
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OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

May 6, 2005

Abby Koon  
Department of State  
Bureau of Administrative Code  
500 S. Bronough Street  
Tallahassee, FL 32399-0250

**Re: Docket No. 991473-TP – Rule 25-4**

Dear Ms. Koon:

Enclosed is the Certification of Materials Incorporated by reference for Rule 25-4. If you have questions please call me at 413-6230. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marlene K. Stern".

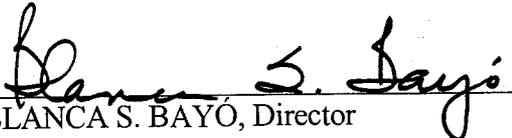
Marlene K. Stern  
Associate General Counsel

cc: John Rosner  
991473 cert of incorp.mks.doc

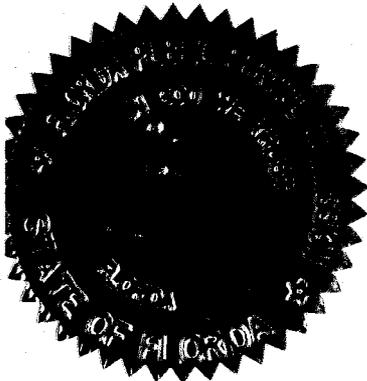
CERTIFICATION OF  
MATERIALS INCORPORATED BY REFERENCE  
IN RULES FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-4. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

Articles 800.30 and 800.31 of the National Electric Code.

  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

\_\_\_\_\_  
Number of Pages Certified



MKS

# NEC<sup>®</sup> 2002

NATIONAL ELECTRICAL CODE<sup>®</sup>

INTERNATIONAL ELECTRICAL CODE<sup>®</sup> SERIES

# CODE



AN INTERNATIONAL CODES AND STANDARDS ORGANIZATION

or bushings shall slope upward from the outside or, where this cannot be done, drip loops shall be formed in the communications wires and cables immediately before they enter the building.

Raceways shall be equipped with an approved service head. More than one communications wire and cable shall be permitted to enter through a single raceway or bushing. Conduits or other metal raceways located ahead of the primary protector shall be grounded.

**800.13 Lightning Conductors.** Where practicable, a separation of at least 1.8 m (6 ft) shall be maintained between communications wires and cables on buildings and lightning conductors.

### III. Protection

#### 800.30 Protective Devices.

**(A) Application.** A listed primary protector shall be provided on each circuit run partly or entirely in aerial wire or aerial cable not confined within a block. Also, a listed primary protector shall be provided on each circuit, aerial or underground, located within the block containing the building served so as to be exposed to accidental contact with electric light or power conductors operating at over 300 volts to ground. In addition, where there exists a lightning exposure, each interbuilding circuit on a premises shall be protected by a listed primary protector at each end of the interbuilding circuit. Installation of primary protectors shall also comply with 110.3(B).

FPN No. 1: On a circuit not exposed to accidental contact with power conductors, providing a listed primary protector in accordance with this article helps protect against other hazards, such as lightning and above-normal voltages induced by fault currents on power circuits in proximity to the communications circuit.

FPN No. 2: Interbuilding circuits are considered to have a lightning exposure unless one or more of the following conditions exist:

- (1) Circuits in large metropolitan areas where buildings are close together and sufficiently high to intercept lightning.
- (2) Interbuilding cable runs of 42 m (140 ft) or less, directly buried or in underground conduit, where a continuous metallic cable shield or a continuous metallic conduit containing the cable is bonded to each building grounding electrode system.
- (3) Areas having an average of five or fewer thunderstorm days per year and earth resistivity of less than 100 ohm-meters. Such areas are found along the Pacific coast.

**(1) Fuseless Primary Protectors.** Fuseless-type primary protectors shall be permitted under any of the conditions given in (a) through (e).

(a) Where conductors enter a building through a cable with grounded metallic sheath member(s) and if the conductors in the cable safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

(b) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from a cable with an effectively grounded metallic sheath member(s) and if the conductors in the cable or cable stub, or the connections between the insulated conductors and the exposed plant, safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(c) Where insulated conductors in accordance with 800.12(A) or (B) are used to extend circuits to a building from other than a cable with a metallic sheath member(s) if (1) the primary protector is listed for this purpose, and (2) the connections of the insulated conductors to the exposed plant or the conductors of the exposed plant safely fuse on all currents greater than the current-carrying capacity of the primary protector, or the associated insulated conductors and of the primary protector grounding conductor

(d) Where insulated conductors in accordance with 800.12(A) are used to extend circuits aerially to a building from an unexposed buried or underground circuit

(e) Where insulated conductors in accordance with 800.12(A) are used to extend circuits to a building from cable with an effectively grounded metallic sheath member(s) and if (1) the combination of the primary protector and insulated conductors is listed for this purpose, and (2) the insulated conductors safely fuse on all currents greater than the current-carrying capacity of the primary protector and of the primary protector grounding conductor

**(2) Fused Primary Protectors.** Where the requirements listed under 800.30(A)(1)(a) through (1)(e) are not met, fused-type primary protectors shall be used. Fused-type primary protectors shall consist of an arrester connected between each line conductor and ground, a fuse in series with each line conductor, and an appropriate mounting arrangement. Primary protector terminals shall be marked to indicate line, instrument, and ground, as applicable.

**(B) Location.** The primary protector shall be located in, on, or immediately adjacent to the structure or building served and as close as practicable to the point of entrance.

FPN: See 800.2 for the definition of *point of entrance*.

For purposes of this section, primary protectors located at mobile home service equipment located in sight from and not more than 9.0 m (30 ft) from the exterior wall of the mobile home it serves, or at a mobile home disconnecting means grounded in accordance with 250.32 and located in sight from and not more than 9.0 m (30 ft) from the

exterior wall of the mobile home it serves, shall be considered to meet the requirements of this section.

**FPN:** Selecting a primary protector location to achieve the shortest practicable primary protector grounding conductor helps limit potential differences between communications circuits and other metallic systems.

**(C) Hazardous (Classified) Locations.** The primary protector shall not be located in any hazardous (classified) location as defined in Article 500 or in the vicinity of easily ignitable material.

*Exception:* As permitted in 501.14, 502.14, and 503.12.

**800.31 Primary Protector Requirements.** The primary protector shall consist of an arrester connected between each line conductor and ground in an appropriate mounting. Primary protector terminals shall be marked to indicate line and ground as applicable.

**FPN:** One way to determine applicable requirements for a listed primary protector is to refer to ANSI/UL 497-1995, *Standard for Protectors for Paired Conductor Communications Circuits*.

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**(2) Material.** The grounding conductor shall be copper or other corrosion-resistant conductive material, stranded or solid.

**(3) Size.** The grounding conductor shall not be smaller than 14 AWG.

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**(5) Run in Straight Line.** The grounding conductor shall be run to the grounding electrode in as straight a line as practicable.

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**(B) Electrode.** The grounding conductor shall be connected in accordance with 800.40(B)(1) and (B)(2).

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- (3) The power service accessible means external to enclosures as covered in 250.94
- (4) The metallic power service raceway
- (5) The service equipment enclosure
- (6) The grounding electrode conductor or the grounding electrode conductor metal enclosure