

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules 25-4.107, )	
F.A.C., Information to Customers; )	DOCKET NO. 900829-TL
25-4.110, F.A.C., Customer Billing; )	
and 25-4.040, F.A.C., Telephone )	ORDER NO. 24038
Directories; Directory Assistance. )	
_____ )	ISSUED: 1/28/91

NOTICE OF RULEMAKING

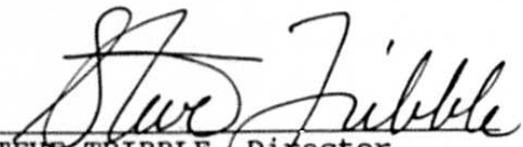
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-4.107; F.A.C., Information to Customers; 25-4.110, F.A.C., Customer Billing; and 25-4.040, F.A.C., Telephone Directories; Directory Assistance.

The attached Notice of Rulemaking will appear in the February 1, 1991 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Friday, March 8, 1991  
 Room 122, Fletcher Building  
 101 East Gaines Street  
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than February 22, 1991.

By Direction of the Florida Public Service Commission, this  
28th day of JANUARY, 1991.

  
 STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

WEW

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DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

DOCKET NO. 900829-TL

RULE TITLE:

RULE NO.:

Information To Customers

25-4.107

Customer Billing

25-4.110

Telephone Directories; Directory Assistance

25-4.040

PURPOSE AND EFFECT: The purpose of this rule revision is to implement new telecommunications policies of the legislature and the Commission resulting from revisions to Sections 501.059, and 364.3382, F.S., and other customer billing procedural changes. The effect of the amendment is to impose new restrictions and requirements on telephone solicitors and change the method by which consumers are protected from unwanted telephone solicitations. Additionally, after the rule takes effect, the LECs shall provide copies of the information provided to customer service representatives to the Division of Communications for prior approval. Customer bills will be changed to reflect the fact that the Commission no longer regulates customer premises equipment and inside wire, and to provide for municipal telecommunications taxes.

SUMMARY: Rule 25-4.040, F.A.C., Telephone Directories, is being revised to delete the sections that provide for a directory listing for "no sales solicitation" listing, and add sections that provide for the availability of a list offered by the Division of Consumer Services of the Department of Agriculture and Consumer Services.

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Rule 25-4.107, F.A.C., Information to Customers is being revised to require that LECs provide information about the NSS list to customers, and also to submit copies of all information given to customers in the initial contact to the Commission's Division of Communications for prior approval.

Rule 25-4.110, F.A.C., Customer Billing is being revised to require the LECs to include annual bill inserts about the NSS list. Further changes to the rule pertain to franchise fees, inside wire, and customer premises equipment.

RULEMAKING AUTHORITY: 350.127(2), 364.20, F.S.

LAW IMPLEMENTED: 364.03, 364.04, 364.19, 364.20, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES: The Commission will incur some increased costs due to the added administrative duty of giving prior approval of all information provided on bill inserts. The LECs will incur some additional costs associated with changing telephone directory information pages to reflect the new source for NSS information and listing. The LECs will also devote additional manhours to notifying new customers of the NSS option. The cost estimates vary widely from company to company depending on the number of new customer contacts and the time required to convey this information. Changes to the bill inserts should not result in any significant cost reductions or additions.

There should be no significant impact on small businesses since none of the LECs in Florida qualify as small businesses under

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Chapter 120, F.S., and small businesses with single-line service would still have the option of being on the NSS list. Employment may be impacted depending on how many new employees the LECs will hire to inform new customers of the NSS option.

The methodology used to assess the economic impact included surveys of the LECs and discussions with Division of Communications staff as to the effect of proposed changes on the industry. Microeconomic analysis was used to determine individual company costs and benefits and the Florida residential Demand for Local Telephone Service was used to obtain elasticity estimates.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 9:30 A.M., March 8, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THESE RULES ARE:

25-4.107 Information to Customers.

(1) Each company shall provide such information and assistance as is reasonable to assist any customer or applicant in obtaining telephone service adequate to his communications needs.

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At the time of initial contact, each local exchange telecommunications company shall advise the person applying for or inquiring about residential or single\_line business service of the rate for the least expensive one party basic local exchange telephone service available to him unless he requests specific equipment or services. Upon customer request, ~~t~~The person shall also be given informed of the availability and rate for an 800 number to call to receive information on the "No Sales Solicitation" listing offered through the Department of Agriculture and Consumer Services, Division of Consumer Services. In any discussion of enhanced or optional services, each service shall be identified specifically, and the price of each service shall be given. Such person shall also be informed of the availability of and rates for local measured service, if offered in his exchange. Local exchange telecommunications companies shall submit copies of the information provided to customer service representatives to the Division of Communications for prior approval.

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

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

Law Implemented: 364.03, 364.04, F.S.

History: New 7/6/79, Amended 11/30,86, 11/28/89

25-4.110 Customer Billing.

(1) Each company shall issue bills monthly. Each bill shall

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show the delinquent date, set forth a clear listing of all charges due and payable, and not later than December 1, 1982, contain the following statement: "Written itemization of local billing available upon request."

(a) By July 1, 1987, Each local exchange company shall provide an itemized bill for local service:

1. With the first bill rendered after local exchange service to a customer is initiated or changed; and
2. to every customer at least once each twelve months.

(b) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Division of Communications for prior approval. The itemized bill provided to residential customers and to business customers with less than 10 access lines per service location shall be in easily understood language. The itemized bill provided to business customers with 10 or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

1. nNumber and types of access lines;
2. charges for ef access to the system, by type of line;

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3. zone charges;
- ~~4. equipment lease charges (tariff);~~
- ~~5. maintenance charges for equipment (tariff);~~
- ~~6. lease charges for inside wire (tariff);~~
- ~~7. maintenance charges for inside wire (tariff);~~
- 4.8 touch tone service charges;
- 5.9 charges for custom calling features, separated by feature;
- 6.10 unlisted number charges;
- 7.11 local directory assistance charges; and
- 8.12 other tariff charges; ~~and contained in the bill.~~
9. other nontariffed, regulated charges contained in the bill.

(c) ~~By July 1, 1987,~~ Each bill rendered by a local exchange company shall:

1. separately state the following items:
  - a. any discount or penalty, if applicable,
  - b. past due balance,
  - c. ~~non-tariff~~ unregulated charges, identified as unregulated.
  - d. long-distance charges, if included in the bill,
  - e. franchise fee, if applicable,
  - f. taxes as applicable on purchases of local and long distance service; and
2. contain a statement that nonpayment of regulated

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charges may result in discontinuance of service and that the customer may contact the business office (at a stated number) to determine the amount of regulated charges in the bill.

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

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

1. Where service is terminated or abandoned.
2. Where toll service is two (2) times greater than the subscriber's average usage as reflected on the monthly bills for the three (3) months prior to the current bill or, in the case of a new customer who

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has been receiving service for less than four (4) months, where the toll service is twice the estimated monthly toll service.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three (3) days after the demand is made.

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

(4) Each telephone company shall include a bill insert advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make such changes as the subscriber deems necessary in advance of the closing date. ~~It shall also contain information about the residential subscriber's option to have "No Sales Solicitation Calls" printed next to their name, and the rate for such an option.~~ It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number and surname of the subscriber. Such notice shall be

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included in the billing cycle closest to sixty (60) days preceding the directory closing date.

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

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

(76) Franchise fees and municipal telecommunications taxes.

(a) When a municipality charges a company any franchise fee, or municipal telecommunications tax authorized by Section 166.231 F.S., the company may collect that fee only from its subscribers receiving service within that municipality. When a county charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that county.

(b) A company may not incorporate any franchise fee or municipal telecommunications tax into its other rates for service.

~~(c) Each company shall implement the provisions of this subsection at the time of its next general rate increase or decrease, or after the expiration of two years from the effective~~

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~~date of this subsection, whichever occurs first.~~

(d) This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee or municipal telecommunications tax. This subsection only specifies the method of collection of a franchise fee if a municipality or county, having authority to do so, charges a franchise fee or municipal telecommunications tax.

(87) (a) When a company elects to add the Gross Receipts Tax onto the customer's bill as a separately stated component of that bill, the company must first remove from the tariffed rates any embedded provisions for the Gross Receipts Tax.

(b) If the tariffed rates in effect have a provision for gross receipts tax, the rates must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, thereby rendering the customer's bill uneffected by the election to add the Gross Receipts Tax as a separately stated tax.

(c) This subsection shall not be construed as a mandate to elect to separately state the Gross Receipts Tax. This subsection only specifies the method of applying such an election.

(d) All services sold to another telecommunications vendor, provided that the applicable rules of the Department of Revenue are satisfied, must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, unless those services have been adjusted by some other Commission action.

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(e) When a nonrate base regulated telecommunications company exercises the option of adding the gross receipts tax as a separately stated component on the customer's bill then that company must file a tariff indicating such. No corresponding rate reduction is required for nonrate base regulated telephone companies.

~~(8) As part of its annual report required by Rule 25-4.018, each local exchange company shall submit a reconciliation of its billed and booked revenues from the prior calendar year.~~

Specific Authority: 350.127, F.S.

Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, F.S.

History: New 12/1/68, Amended 3/31/78, 12/31/78, 9/18/81, 5/3/82, 11/21/82, 4/13/86, 10/30/86, 11/28/89.

25-4.040 Telephone Directories; Directory Assistance.

(1) Each local exchange telecommunications telephone company shall normally publish updated telephone directories once every 12 months and shall publish updated directories at least once every 15 months. The directories shall normally alphabetically list the name, address, and telephone number of all subscribers located in the exchange(s) contained in the directory except the telephone numbers for public telephones or a name, address, number/address unlisted or unpublished at the subscriber's request. A description of the local (toll free) calling scope shall be prominently displayed at the beginning of each alphabetical section in a directory. At no additional charge and upon the request of

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any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number and surname of the subscriber. The exchange company shall place the first names or initials in the order requested by the subscriber.

(2) Each subscriber served by a directory shall be furnished one copy of that directory for each access line. Subject to availability, additional directories shall be provided by the local exchange telecommunications company, which may charge a reasonable fee therefor. Within 30 days after the effective date of this rule each exchange company shall file with the Commission a tariff setting forth the fee, if any, and the conditions under which it will apply. Copies of each directory shall be furnished to the Bureau of Service Evaluation Commission. When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

(3) (a) The name of the local exchange telecommunications telephone company, the individual exchanges included in the directory and the month/year of issuance shall appear on the front cover of each directory.

(b) The following information shall be listed on the inside of the front cover of the directory:

1. Emergency calling instructions and numbers including those of the police, fire departments and ambulance services used

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by local government in case of emergency;

2. "911" instructions for exchanges with "911" emergency service.

(c) The following notice shall be conspicuously listed on the inside front cover or first page of the directory:

FLORIDA PUBLIC SERVICE COMMISSION INQUIRIES  
CUSTOMERS OF UTILITIES AND COMPANIES REGULATED BY THE COMMISSION WHO HAVE FIRST CONTACTED SUCH A FIRM CONCERNING A PROBLEM, AND ARE NOT SATISFIED BY THE CORRECTIVE ACTION TAKEN MAY CONTACT:

THE FLORIDA PUBLIC SERVICE COMMISSION

Office of Consumer Affairs

101 East Gaines Street

Tallahassee, Florida 3239901-8153

Phone Toll Free 1-800-342-3552

(4) The following information shall appear in the front pages of the directory, preceding subscriber listings, along with an index where there are four (4) or more pages of such information:

(a) Directions for the use of local exchange and long distance telephone services and calls to repair and directory assistance services.

(b) Application and amount of directory assistance charges contained in company tariffs.

(c) Application and amount of charges for line busy verification, emergency interrupt and maintenance/repair services.

(d) The location of telephone company public business offices

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located in the area(s) contained in the directory.

(e) Identification of customer payment locations and an explanation of discontinuance of service procedures for local service.

(f) Policy on customer owned equipment and inside wiring.

(g) Policy on the recording of telephone conversations.

(h) Policy on harassing calls and sales solicitations generated by illegal automatic dialing equipment.

(i) Policy on various violations of law arising from the illegal use of telephone equipment and service.

(j) A conspicuous notice of the availability of rates, and due dates for the "No Sales Solicitation" listings offered through the Florida Department of Agriculture and Consumer Services, Division of Consumer Services and the 800 number to contact for further information.

(5) Directory assistance operators shall maintain records of all telephone numbers (except for non-published telephone numbers) in the area for which they have the responsibility of furnishing service. All new or changed listings shall be provided to directory assistance operators within forty-eight (48) hours after connection of service, excluding Saturdays, Sundays and holidays.

(6) In the event of an error in the listed number of any subscriber, each local exchange telecommunications company shall intercept all calls to the listed number for the period of time required to comply with Rule 25-4.074, provided the listed number

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is not in service. In the event of an error or omission in the name listing of a customer, the customer's correct name and telephone number shall be listed in the directory assistance and intercept records and the correct number furnished the calling party upon request or interception.

(7) When a subscriber will establish a residence or business shortly after the close of subscriber listing records but preceding publication, the local exchange telecommunications company shall, upon request, establish and list service at the requested new address and immediately place the service on suspension. Service connection and other appropriate local service charges shall be due and payable, independent of whether service is later restored.

(8) When scheduled additions or changes in plant, records or operations will require a large group of number changes, the earliest possible notice shall be given to affected customers, regardless of the time of the change relative to the directory issuance cycle.

(9) The local exchange telecommunications company shall not change a subscriber's telephone number without good cause and at least thirty (30) days prior notice to the affected subscriber.

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

Law Implemented: 364.03, F.S.

History: New 12/1/68, Amended 3/31/76, 1/4/78, 12/10/84, formerly 25-4.40, Amended 11/28/89.

NAME OF PERSON ORIGINATING PROPOSED RULES: Jill Butler, Division

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of Communications

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission

DATE PROPOSED RULES APPROVED: January 15, 1991

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.