

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules) DOCKET NO. 920395-TI
25-24.471 and 25-24.480)
IXC Rules, Part Ten (X)) ORDER NO. PSC-92-1200-NOR-TI
)
)
ISSUED: 10/22/92

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt amended Rules 25-24.471 and 25-24.480 IXC Rules, Part Ten (X), F.A.C., relating to toll authority of IXC's.

The attached Notice of Rulemaking will appear in the October 30, 1992 edition of the Florida Administrative Weekly.

If requested, a hearing will be held at the following time and place:

9:30 a.m. November 25, 1992
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0850

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 November 20, 1992.

By direction of the Florida Public Service Commission this 22nd day of October, 1992.



STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE
12430 OCT 22 1992
PSC - RECORDS / REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920395-TI

RULE TITLE:	RULE NO.:
Application for Certificate	25-24.471
Records and Reports; Rules Incorporated	25-24.480

PURPOSE AND EFFECT: The revisions to Rule 25-24.471, F.A.C. clarify the conditions under which the authority to provide toll service is granted. The revisions to Rule 25.24.480, F.A.C. update this rule by removing references to rules that have been repealed, incorporating references to appropriate rules that have been approved, and including references to new sections of rules previously referenced.

SUMMARY: The amendments to Rule 25-24.471, F.A.C. delete currently inapplicable language and clarify the sole carrier status of the local exchange companies for 1+, 0+ and 0-intralata local and toll calls dialed by end-users.

The amendments to Rule 25-24.480, F.A.C. delete cross-references to Rules 25-4.0166, 25-4.0174, 25-4.0175, 25-4.0176 and other currently obsolete language.

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

LAW IMPLEMENTED: 364.03, 364.32, 364.33, 364.335,
364.337, 364.345, F.S.

Written comments or suggestions on the proposed rule may be

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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.

HEARING: 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., November 25, 1992

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 IS:

25-24.471 Application for Certificate.

(1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMU 31 (4/91), which is incorporated into this rule by reference. Form PSC/CMU 31 (4/91), entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida," may be obtained by contacting the Commission's Division of Communications. An application fee of \$250.00 must accompany the filing of all applications. This is a non-refundable fee to cover the costs of processing the application and it has no relevance on the approval or denial of a certificate.

(2) An original and twelve (12) copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) Any interexchange authority previously granted to interexchange companies (IXCs) previously or granted hereafter is subject to the following:

(a) Toll Interexchange authority granted to all companies is statewide. A company may provide toll inter-EAEA service over its own or resold facilities. Intra-EAEA toll service is limited to WATS and MTS resale. However, the local exchange company shall be the sole carrier for 1+, 0+ and 0- intraLATA local and toll calls dialed by end users. Call aggregators and IXCs shall not change or augment the dialing pattern of end users for such calls. IXCs may only provide intraLATA toll services to end users with whom they have a prior and ongoing relationship or who dial the appropriate access code, i.e., 950, 800, 10XXX, or autodial. a company not having screening capability may carry intra-EAEA traffic over its own facilities existing prior to October 4, 1984 if it pays the existing message toll service (MTS) rates to the local exchange company.

(b) Minor interexchange companies are not required to provide service throughout their certificated service area, but

must accept customers on a nondiscriminatory basis up to the limits of their capacity from customers meeting the company's credit rating requirements. Major interexchange companies are required to provide service to all customers making a request for service.

(c) A certificate to provide interexchange service does not carry with it the authority to provide local exchange or pay telephone service. A separate application must be made for such authority.

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

Law Implemented: 364.03, 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 2/23/87, Amended 5/8/91, 11/20/91.

25-24.480 Records & Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to interexchange companies. In these rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(a) The following rules apply to all companies:

<u>Section</u>	<u>Title</u>	Portions not <u>Applicable</u>
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of Records	<u>(1), (3)</u> None

25-4.043	Inquiries	None
25-4.0161	Regulatory Assessment Fees	None
25-4.079	Hearing/Speech Impaired Persons	Subsections (1), (2), (3), and (5)
25-4.115	Directory Assistance	Subsections (1) and (2)

(b) The following rules apply to major interexchange companies only:

25-4.0166	Implementation of Uniform System and Classification of Accounts	None
25-4.017	Uniform System and Classification of Accounts	Subsections (2), (3), (4), (5), (6), (7) <u>(8), (9), (10)</u>
25-4.0174	Uniform System and Classification of Accounts — Depreciation	None
25-4.0175	Depreciation	None
25-4.0176	Recovery Schedules to Promote an Economical and Efficient Telecommunications Network	None
25-4.018	Annual Reports	Subsection (2)

25-4.0245 Rate of Return Report

None

(2) Each minor interexchange company shall file, with the Commission's Division of Communications, an updated list of exchanges where originating service is offered. This exchange list shall be filed within 10 days of service being offered or discontinued in an exchange area, on Appendix A of Form PSC/CMU 31 (2/87).

~~(3) For long distance traffic within toll monopoly areas, each interexchange company shall file with each applicable local exchange company quarterly reports showing monthly data, stating the units carried over the interexchange company's facilities for which the interexchange company will pay the existing Message Toll Service (MTS) rates to the local exchange company.~~

~~(3)(4)~~ Each company shall file updated information for the following items with the Division of Communications and the Division of Records and Reporting within 10 days after such changes occur.

(a) The address of the certificate holder's main corporate and Florida offices (if any), including street name and address and post office box, city, state and zip code.

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company.

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~~(4)(5)~~ Each company shall file Form PSC/CMU 38 (date) with the Division of Communications by January 31 of each year. Form PSC/CMU 38 (/_/), entitled IXC Annual Report Form, is incorporated by reference into this rule and may be obtained from the Division of Communications.

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

Law Implemented: 350.113, 350.115, 350.117, 364.17, 364.18, 364.185, 364.337, F.S.

History: New 2/23/87, Amended 4/5/88, 7/11/88, 6/30/90, 10/25/90, _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Brick Walls

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: September 1, 1992

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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to

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the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).