



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

RECORDS AND REPORTING

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RECEIVED-FPSC

**DATE:** APRIL 8, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYB)

**FROM:** DIVISION OF APPEALS (CALDWELL) *AW*  
 DIVISION OF COMMUNICATIONS (MCCOY) *gm*  
 DIVISION OF RESEARCH AND REGULATORY REVIEW (LEWIS) *Wm*

**RE:** DOCKET NO. 990375-TX - PROPOSED AMENDMENTS TO RULE 25-24.835, F.A.C., RULES INCORPORATED

**AGENDA:** APRIL 20, 1999 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\APP\WP\990375.RCM

### CASE BACKGROUND

Currently there is no rule that requires alternative local exchange companies (ALECs) to provide the Commission with certain updated information regarding their company. Interexchange carriers (IXCs) under Rule 25-24.480, Pay Telephone Providers (PATs) under Rule 25-24.520, Shared Tenant Service (STS) Providers under 25-24.585, and Alternative Access Vendors (AAVs) are required to file updated information with the Commission within ten days after a change has occurred. The information that must be updated includes:

1. 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
2. The telephone number, name, and address of the individual who is to serve as primary liaison with the Commission.

DOCUMENT NUMBER-DATE

**04363 APR-5 99**

FPSC-RECORDS/REPORTING

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission propose an amendment to Rule 25-24.835, F.A.C., Rules Incorporated?

**RECOMMENDATION:** Yes. The Commission should propose an amendment to Rule 25-24.835, F.A.C., Rules Incorporated.

**STAFF ANALYSIS:** Updated information that allows the Commission to contact an ALEC is necessary as it enables the Commission to maintain oversight of particular ALECs. For instance, without correct information on file, the Commission could not process consumer complaints or notify the companies of impending regulatory matters.

This requirement should not be a burden on the companies as it is expected a company would generally provide such notification anyway.

**Statement of Estimated Regulatory Costs (SERC):**

The proposed rule is expected to impose insignificant costs on ALECs and the benefits received would outweigh the insignificant cost. Because no significant additional cost or negative impact is anticipated on the utilities, ratepayers, small business and small cities and counties, a SERC has not been prepared for the proposed rule amendment.

Attachment

DWC

DOCKET NO. 990375-PI  
DATE: April 8, 1999

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket be closed.

**STAFF ANALYSIS:** Unless comments or requests for hearing are filed, the rules as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

1 | 25-24.835 Rules Incorporated.  
2 | The following rules are incorporated herein by reference and apply  
3 | to alternative local exchange companies.

4		<u>Portions</u>
5	Section Title	<u>Applicable</u>
6	25-4.0161 Regulatory Assessment Fees	<u>All</u>
7	25-4.043 Response to Commission Staff	<u>All</u>
8	Inquiries	
9	25-4.036 Design and Construction of Plant	<u>All</u>
10	25-4.038 Safety	<u>All</u>
11	25-4.160 Operation of Telecommunications	<u>All</u>
12	Relay Service	
13	<u>25-24.480 Records and Reports; Rules</u>	<u>Subsection (2)</u>
14	<u>Incorporated</u>	
15	Specific Authority 350.127(2), <u>364.337(2)</u> 427.704(8) FS.	
16	Law Implemented <u>364.183</u> , 364.336, 364.337(2) FS.	
17	History--New 12-27-95, Amended 4-8-98, <u>XX-XX-XX</u> .	

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

MEMORANDUM

March 22, 1999

TO: DIVISION OF APPEALS (CALDWELL)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (LEWIS) *KDL*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR PROPOSED  
AMENDMENT TO RULE 25-24.835, F.A.C., RULES INCORPORATED.

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Currently, Rule 25-24.835, F.A.C., incorporates rules by reference pertaining to regulatory assessment fees, response to commission staff inquiries, design and construction of plant, safety, and operation of Telecommunications Relay Service. Each of these rules is incorporated by reference to clarify that they each apply to Alternative Local Exchange Companies (ALECs), though their application in the referenced section may be to another type of telecommunications company.

The proposed rule would incorporate Subsection (2) of Rule 25-24.480, Records and Reports; Rules Incorporated, F.A.C. This rule contains procedures that interexchange carriers must follow to notify the Commission of changes in address, telephone number, or primary liaison. Interexchange carriers must provide such changes to the Commission within 10 days of occurrence. The proposal to incorporate this rule into Rule 25-24.480, F.A.C., would make this requirement applicable to ALECs.

With the exception of ALECs, regulated telecommunications companies are already subject to such requirements. Regulated utilities in other industries (electric and gas, water and wastewater) are also required to notify the Commission with regard to changes of address and primary liaison. The Commission cannot efficiently carry out its regulatory functions without maintaining current address and contact information for regulated entities. For example, the Commission must be able to promptly contact regulated utilities regarding consumer complaints.

Providing such information to the Commission should impose insignificant costs on ALECs and is to their benefit, as it will ensure that they receive Commission orders, regulatory assessment fee forms, and other official correspondence. If the proposed amendment becomes effective, the

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Commission should realize savings in staff time presently spent attempting to locate ALECs which do not have current contact information on file.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, since there should be no significant additional costs or negative impacts on utilities, ratepayers, small businesses, small cities, or small counties, a SERC has not been prepared for the proposed rule amendment.

Please keep my name on the CASR.

KDL:t/e-report

cc: Mary Andrews Bane  
Hurd Reeves  
Toni McCoy