

STATE OF FLORIDA

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Public Service Commission

November 24, 2008

Mr. Scott Boyd, Executive Director
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

RE: Docket No. 080641-TP Amend Rules 25-4.020, 25-4.022, 25-4.034, 25-4.115, 4.117, 25-9.001, 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029, and repeal Rules 25-4.019, 25-4.069, 25-4.112, 25-4.200, 25-9.008 and 25-9.032

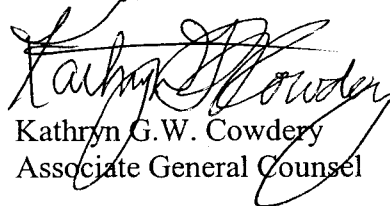
Dear Mr. Boyd:

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

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

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

Sincerely,



Kathryn G.W. Cowdery
Associate General Counsel

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Enclosures

cc: Office of Commission Clerk

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1 **25-4.019 Records and Reports in General.**

2 ~~(1) Each utility shall furnish to the Commission at such times and in such form as the~~
3 ~~Commission may require, the results of any required tests and summaries of any required~~
4 ~~records. The utility shall also furnish the Commission with any information concerning the~~
5 ~~utility's facilities or operations which the Commission may reasonably request and require.~~
6 ~~All such data, unless otherwise specified, shall be consistent with and reconcilable with the~~
7 ~~utility's annual report to the Commission.~~

8 ~~(2) Where a telephone company is operated with another enterprise, records must be separated~~
9 ~~in such manner that the results of the telephone operation may be determined at any time.~~

10 ~~(3) Upon notification to the utility, members may, at reasonable times, make personal visits to~~
11 ~~the company offices or other places of business within or without the State and may inspect~~
12 ~~any accounts, books, records, and papers of the company which may be necessary in the~~
13 ~~discharge of Commission duties. Commission staff members will present Commission~~
14 ~~identification cards as the written authority to inspect records. During such visits the company~~
15 ~~shall provide the staff member(s) with adequate and comfortable working and filing space,~~
16 ~~consistent with the prevailing conditions and climate, and comparable with the~~
17 ~~accommodations provided the company's outside auditors.~~

18 Specific Authority 350.127(2) FS.

19 Law Implemented 364.18, 364.183, 364.386 FS.

20 History—Revised 12-1-68, Amended 5-4-81, Formerly 25-4.19.

21

22 **25-4.020 Location and Preservation of Records.**

23 (1) All records that a company is required to keep, by reason of these or other rules prescribed
24 by the Commission, shall be kept at the office or offices of the company within the State
25 unless otherwise authorized by the Commission.

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1 (2) Any company that keeps its records outside the State shall reimburse the Commission for
2 the reasonable travel expense incurred by each Commission representative during any review
3 of the out-of-state records of the company or its affiliates. Reasonable travel expenses are
4 those travel expenses that are equivalent to travel expenses paid by the Commission in the
5 ordinary course of its business.

6 (a) The company shall remit reimbursement for out-of-state travel expenses within 30 days
7 from the date the Commission mails the invoice.

8 (b) The reimbursement requirement in subsection (2) shall be waived:

9 1. For any company that makes its out-of-state records available at the company's office
10 located in Florida or at another mutually agreed upon location in Florida within 10 working
11 days from the Commission's initial request. If 10 working days is not reasonable because of
12 the complexity and nature of the issues involved or the volume and type of material requested,
13 the Commission may establish a different time frame for the company to bring records into the
14 state. For individual data requests made during an audit, the response time frame established
15 in Rule 25-4.0201, F.A.C., shall control; or

16 2. For a company whose records are located within 50 miles of the Florida state line.

17 (3) All records shall be preserved for the period of time specified in Form PSC/ECR/17-T
18 (5/93), entitled "Schedule of Records and Periods of Retention" which is incorporated by
19 reference into this rule, and may be obtained from the Director, Division of Economic
20 Regulation, Florida Public Service Commission.

21 (a) However, all source documents retained as required by subsection 25-4.020(3), F.A.C.,
22 shall be maintained in their original form for a minimum of three years, or for any lesser
23 period of time specified for that type of record in Form PSC/ECR/17-T, after the date the
24 document was created or received by the company. This paragraph does not require the
25 company to create paper copies of documents where the company would not otherwise do so

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1 in the ordinary course of its business. The Commission may waive the requirement that
2 documents be retained in their original form upon a showing by a company that it employs a
3 storage and retrieval system that consistently produces clear, readable copies that are
4 substantially equivalent to the originals, and clearly reproduces handwritten notations on
5 documents.

6 (b) The company shall maintain written procedures governing the conversion of source
7 documents to a storage and retrieval system, which procedures ensure the authenticity of
8 documents and the completeness of records. Records maintained in the storage and retrieval
9 system must be easy to search and easy to read.

10 (4) During any audit or review of records, the company shall provide Commission staff with
11 adequate and comfortable working and filing space, consistent with the prevailing conditions
12 and climate, and comparable with the accommodations provided the company's outside
13 auditors.

14 Specific Authority 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS.

15 Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185 FS.

16 History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93, 11-13-95.

17
18 **25-4.022 Complaints ~~—Trouble Reports, Etc.~~**

19 ~~(4)~~ Each telephone company shall maintain for at least six (6) months a record of all signed
20 written complaints made by its subscribers regarding service or errors in billing, ~~as well as a~~
21 ~~record of each case of trouble or service interruption that is reported to repair service.~~ This
22 record shall include the name and/or address of the subscriber or complainant, the date ~~(and~~
23 ~~for reported trouble, the time)~~ received, the nature of the complaint, ~~or trouble reported,~~ the
24 result of any investigation, the disposition of the complaint or service problem, and the date
25 ~~(and for reported trouble, the time)~~ of such disposition.

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from existing law.

1 ~~(2) Each signed letter of complaint shall be acknowledged in writing or by contact by a~~
2 ~~representative of the company.~~

3 Specific Authority 350.127(2), 364.17 FS.

4 Law Implemented 364.051, 364.17, 364.183, FS.

5 History—Revised 12-1-68, Formerly 25-4.22.

6

7 **25-4.034 Tariffs.**

8 (1) Except to the extent otherwise permitted by Section 364.051(5)(a), F.S., ~~Each~~
9 ~~telecommunications company shall maintain on file with the Commission tariffs which set~~
10 ~~forth all rates and charges for customer services, the classes and grades of service available to~~
11 ~~subscribers, the conditions and circumstances under which service will be furnished, and all~~
12 ~~general rules and regulations governing the relation of customer and utility company. The~~
13 ~~rates and charges for contract service arrangements for an individual customer need not be~~
14 ~~filed where the company's tariff provides a description of the circumstances under which such~~
15 ~~arrangements are offered for specified tariffed services. Tariff filings shall be in compliance~~
16 ~~with the requirements of Chapter 25-9, F.A.C., of the Commission rules entitled "Construction~~
17 ~~and Filing of Tariffs by Public Utilities."~~

18 (2) Filing shall mean received by the office of the Division of Regulatory Compliance during
19 normal business hours. Any tariff received by the Division of Regulatory Compliance after
20 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to
21 an existing tariff that are submitted by hard copy shall be directed to the Director of the
22 Division of Regulatory Compliance, Florida Public Service Commission, 2540 Shumard Oak
23 Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two (2) copies of
24 each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists
25 the included sheets, by sheet number and revision level as specified in subsections (6)(c) – (e),

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1 and gives a brief description of all changes. If acknowledgment of a hard copy filing is
2 desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be
3 returned.

4 ~~(2)~~(3) Each company shall file, as an integral part of its tariff, maps defining the exchange
5 service areas. These maps shall delineate the boundaries in sufficient detail that they may be
6 located in the field and shall embrace all territory included in the certificate of convenience
7 and necessity.

8 ~~(34)~~ Each telecommunications company shall ~~maintain on file in each of its business offices,~~
9 make available for public inspection upon request, either a printed copy or an electronic copy
10 of its retail tariffs, the local exchange tariff for exchanges under the administration of that
11 office, its general exchange tariff, and its schedule of intrastate toll rates. Each business office
12 shall likewise make available a copy of Chapter 25-4, F.A.C., of the Florida Public Service
13 Commission Rules and Regulations for public inspection upon request.

14 (5) Companies shall charge only the rates and credits contained in their tariff. If a company
15 desires to deviate temporarily from its normal tariffed rates and credits, the company shall file
16 a single tariff change reflecting the conditions of the temporary tariff change. Such tariff
17 provision shall include the heading "Promotion," and shall state the name of the promotion, a
18 specific description of the tariffed service(s) involved, including all applicable rates, benefits,
19 terms, and conditions, and the beginning and ending dates of the promotion.

20 (6) Tariffs shall comply with the following conventions:

21 (a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be
22 clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" x
23 11" sheets, typewritten on white paper, using one side of the paper only.

24 (b) Each sheet shall bear the name of the company, as certificated with the Commission, the
25 name and title of the issuing officer, and the effective date of the sheet.

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1 (c) Every sheet in the tariff shall be numbered.

2 (d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper
3 right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No.
4 5.2.

5 (e) Revised sheets in the tariff shall be marked with the number of the revision in the upper
6 right-hand corner and the number of the sheet it replaces. As an example:

7 First Revised Sheet No. 4

8 Cancels Original Sheet No. 4

9 (f) The tariffs shall contain at a minimum the following:

10 1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page
11 location of each section in the tariff. Each section shall also be individually indexed by
12 subject.

13 2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff
14 shall appear on the right hand side of each sheet on the same line(s) in which any change has
15 been made. If three or more consecutive lines are affected, one symbol shall be placed on the
16 first and last lines with a vertical line connecting the two symbols. Two or more symbols shall
17 be placed next to each other on any line with multiple types of changes. The symbol page
18 shall identify all symbols used in the tariff.

19 3. Technical Terms and Abbreviations. This section shall contain all technical and special
20 terms and abbreviations used in the tariff.

21 (7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing
22 changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining
23 new words; words to be deleted shall be lined through with hyphens.

24 Specific Authority 350.127(2) FS.

25 Law Implemented 364.04, 364.163 FS.

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1 History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-
2 10-96, xx/xx/xx.

3

4 **25-4.069 Maintenance of Plant and Equipment.**

5 ~~Each telecommunications company shall adopt and pursue a maintenance program aimed at~~
6 ~~achieving efficient operation of its system so as to permit the rendering of safe, adequate, and~~
7 ~~continuous service at all times.~~

8 Specific Authority 350.127(2) FS.

9 Law Implemented 364.03, 364.15 FS.

10 History—Revised 12-1-68, Amended 12-13-82, 9-30-85, Formerly 25-4.69, Amended 4-16-90,
11 3-10-96.

12

13 **25-4.112 Termination of Service by Customer.**

14 ~~Any customer may be required to give reasonable notice of his intention to discontinue~~
15 ~~service. Until the telephone utility shall be notified, the customer may be held responsible for~~
16 ~~charges for telephone service.~~

17 Specific Authority 350.127(2) FS.

18 Law Implemented 364.03, 364.19 FS.

19 History—New 12-1-68.

20

21 **25-4.115 Directory Assistance.**

22 ~~(1) Directory assistance service provided by any telephone company shall be subject to the~~
23 ~~following:~~

24 ~~(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and~~
25 ~~shall apply to the end-user.~~

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from existing law.

1 ~~(b) The tariff shall state the number of telephone numbers that may be requested by a~~
2 ~~customer per directory assistance call.~~

3 ~~(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan~~
4 ~~Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange~~
5 ~~company originating the call and shall be subject to the following:~~

6 ~~(a) There shall be no charge for directory assistance calls from lines or trunks serving~~
7 ~~individuals with disabilities. As used in this rule, "disability" means, with respect to an~~
8 ~~individual – A physical or mental impairment that prohibits a customer from using the~~
9 ~~telephone directory.~~

10 ~~(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.~~

11 ~~(c) The tariff shall state the number of calls per billing month per individual line or trunk to~~
12 ~~the number designated for local directory assistance (i.e., 411, 311 or 611) for which no~~
13 ~~charges will apply. The local exchange company shall charge for each local directory~~
14 ~~assistance call in excess of this allowance. The charge shall not apply for calls from pay~~
15 ~~stations.~~

16 ~~(d) The local exchange company shall apply the charge for each call to the number designated~~
17 ~~for long distance directory assistance within the customer's HNPA (i.e., 1 + (850) 555-1212).~~

18 Specific Authority 350.127 FS.
19 Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS.
20 History–New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05, XX/XX/XX.

21

22 **25-4.117 800 Toll Free Service.**

23 Telephone companies are prohibited from billing to or collecting from the originating caller
24 any charges for intrastate calls to toll free numbers (e.g., 800, 866, 877, and 888) ~~an 800~~
25 ~~service subscriber.~~

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1 Specific Authority 350.127(2) FS.

2 Law Implemented 364.03, 364.04, 364.051 FS.

3 History—New 3-5-90.

4

5 **25-4.200 Application and Scope.**

6 ~~The purpose of this part is to adopt streamlined procedures for regulating small local exchange~~
7 ~~companies as required by Section 364.052, F.S. This part shall apply to all small local~~
8 ~~exchange companies, except as otherwise noted.~~

9 Specific Authority 350.127(2) FS.

10 Law Implemented 364.052 FS.

11 History—New 3-10-96.

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1 **25-9.001 Application and Scope.**

2 (1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as
3 defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply
4 to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as~~
5 ~~provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall
6 not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant
7 Service Companies, Operator Service Provider Companies, ~~or~~ Alternative Access Vendor
8 Service Providers, Competitive Local Exchange Companies or Local Exchange Companies.

9 (2) The following shall prescribe the procedures to be used by public utilities in filing:

10 (a) Rules and Regulations.

11 (b) Rate Schedules.

12 (c) Standard Forms and Riders.

13 (d) Contracts and Agreements.

14 (e) Tariffs.

15 (3) No rules and regulations, or schedules of rates and charges, or modifications or revisions
16 of the same, shall be effective until filed with and approved by the Commission as provided by
17 law.

18 (4) Upon acceptable showing by any utility, the Commission may waive or modify, as to that
19 utility, the provisions of any rule herein contained, except when such provisions are fixed by
20 statute.

21 (5) No deviation from these rules shall be permitted unless authorized in writing by the
22 Commission.

23 Specific Authority 350.127(2), 366.05(1), 367.121 FS.

24 Law Implemented ~~364.03, 364.04, 364.05, 364.08, 364.337,~~ 366.04(2)(b), 366.05(1),

25 367.041(2), 367.091, 367.101 FS.

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1 History—Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-
2 23-86, 1-8-95.

3

4 **25-9.002 Definitions.**

5 For the purposes of these regulations the following definitions shall apply:

6 (1) The word “Commission” refers to the Florida Public Service Commission.

7 (2) Except where a different meaning clearly appears from the context, the word or words
8 “utility” or “public utility” as used in these rules shall mean and include all electric and gas
9 utilities, water systems, and wastewater systems, ~~telephone companies and telegraph~~
10 ~~companies~~ which are, or may hereafter be, subject to the jurisdiction of this Commission.

11 (3) The term “rules” and/or “regulations” refers to the general practices followed by the utility
12 in carrying on its business with its customers and includes the rules, practices, classifications,
13 exceptions and conditions observed by the utility in supplying service.

14 (4) The term “rate” refers to the price or charge for utility service.

15 (5) The term “rate schedule” refers to the rate or charge for the particular classification of
16 service plus the several provisions necessary for billing, including all special terms and
17 conditions under which service shall be furnished at such rate or charge.

18 (6) The term “standard forms” means and includes all standard contract or agreement forms
19 for execution between the utility and its customers.

20 (7) “Contracts and agreements” shall refer to special contracts entered into by the utility for
21 the sale of commodity or services in a manner or subject to provisions not specifically covered
22 by its filed standard rate schedules.

23 (8) The term “tariff” shall refer to the assembled volume containing the “rules,” “regulations,”
24 “rate schedules,” “standard forms,” “contracts,” and other material required by these
25 regulations as filed with the Commission.

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1 Specific Authority 350.127(2), 366.05(1), 367.121 FS.

2 Law Implemented ~~364.04~~, 366.05(1), 367.021 FS.

3 History--Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02.

4

5 **25-9.005 Information to Accompany Filings.**

6 (1) Except in the case of schedules published under authority of an order of the Commission
7 that sets rates, charges or conditions of service, each letter of transmittal shall be accompanied
8 by the following items in connection with each service classification in which any change is
9 proposed:

10 (a) As applicable, a tabulation in typical bill form setting forth, at representative consumption
11 levels, the charges applicable under the present and proposed rates, together with the
12 differences expressed in dollars and in percent;

13 (b) The estimated gross increase or decrease in annual revenues resulting therefrom, if
14 ascertainable.

15 (2) In addition to the foregoing, ~~Telephone Companies, E~~electric utilities and gas utilities shall
16 provide the following:

17 (a) A description of the service or equipment and its functions;

18 (b) A statement of the justification for the change and documentation supporting that
19 justification;

20 (c) If a service or type of equipment is proposed to be limited or discontinued, a description of
21 other service or equipment options available to customers.

22 (d) A company may request a waiver of any of the requirements of this subsection upon a
23 written application showing that the requirement is inordinately burdensome or unnecessary
24 for analysis of its filing. The directors of the Divisions of Economic Regulation and

25 ~~Competitive Markets and Enforcement, respectively,~~ will dispose of any such request. A

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1 company may request Commission review of a denial of a waiver.

2 ~~(3)(a) When a local exchange telephone company whose annual revenues from regulated~~
3 ~~telecommunications operations are \$100,000,000 or more files a tariff to introduce a new~~
4 ~~service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates~~
5 ~~for the service are not below incremental cost. When a local exchange telephone company~~
6 ~~whose annual revenues from regulated telecommunications services are less than~~
7 ~~\$100,000,000 files a tariff for a new service, it shall provide incremental cost data, if~~
8 ~~available, or otherwise demonstrate that the proposed rates for the service are not below that~~
9 ~~local exchange company's incremental cost.~~

10 ~~(3)(b) Where the change involves a rate or charge and the electric, or gas, or telephone utility~~
11 ~~elects to make a cost study, the utility shall file a cost information statement containing a~~
12 ~~summary of the cost study performed, including:~~

- 13 1. All underlying assumptions;
- 14 2. The cost study number, if assigned;
- 15 3. The cost of providing the service or equipment;
- 16 4. The proposed contribution above or below direct cost, stated in both dollars and percent;
- 17 5. A statement as to why each above-cost or below-cost contribution rate was chosen; and
- 18 6. The anticipated effect of the change on the company's rate of return.

19 (4) Whenever a new or additional service classification or rate schedule is filed with the
20 Commission, the information required by subsection (1) above need not be furnished. In lieu
21 thereof, a statement shall be filed stating the purpose and reason for the new service
22 classification or schedule and, if determinable, the estimated annual revenue to be derived
23 therefrom and the estimated number of customers to be served thereby.

24 (5) The company shall provide a coded copy of each tariff sheet filed showing changes to the
25 existing tariff sheet. Changes shall be indicated by inserting and underlining new words;

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1 words to be deleted shall be lined through with hyphens.

2 ~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone~~
3 ~~interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~

4 Specific Authority 350.127(2) FS.

5 Law Implemented ~~364.05, 364.3381, 366.06, 367.081~~ FS.

6 History—Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05,

7 Amended 5-24-94.

8

9 **25-9.008 Telephone Utility Tariffs.**

10 ~~In general, the filed tariffs of telephone and telegraph utilities shall contain the following:~~

	Ref. Rule No.
11	
12	
13 (1) Front cover	25-9.020
14 (2) Title page	25-9.021
15 (3) Table of contents	25-9.022
16 (4) General description of the territory served	25-9.023
17 (5) Technical terms and abbreviations	25-9.025
18 (6) Index of general rules and regulations	25-9.026
19 (7) General rules and regulations	25-9.027
20 (8) Index to local exchange schedules	25-9.029
21 (9) Local exchange schedules	25-9.030 & 25-9.032
22 (10) Back cover	

23 Specific Authority 350.127(2) FS.

24 Law Implemented 364.04 FS.

25 History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.08.

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25-9.009 Numbering and General Data Required for Each Sheet.

The numbering and general data required by this rule and listed below shall appear on each sheet in the rate book excepting the front and back covers and the individual sheets of special contracts.

(1) Every sheet (or page) in the rate book shall be numbered. While any system which provides for an orderly arrangement of the tariff is acceptable, it is suggested that, in the interest of uniformity, all utilities give consideration to the following recommended procedures:

(a) Those utilities subject to Rule 25-9.007, F.A.C., should employ a decimal system of numbering, so that any new or additional material may be inserted in the logical place in the proper section of the tariff.

~~(b) Telephone and telegraph utilities covered by Rule 25-9.008, F.A.C., should continue the presently effective section and sheet numbering system which is uniformly employed by all such utilities, the size and construction of whose tariffs require such division.~~

(b)(e) Utilities of any classification, the size of whose tariffs are limited to relatively few pages, may, at their option, employ a simple consecutive sheet numbering system.

(2) Each sheet shall bear the name of the utility, which shall appear in the upper left-hand corner of the sheet.

(3) The FIRST issue of each sheet in the rate book shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example:

Original Sheet No. 1, or Original Sheet No. 5.2.

(4) Revised sheets in the rate book shall be marked with the serial number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example:

First Revised Sheet No. 1

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1 Cancels Original Sheet No. 1

2 or

3 Fourth Revised Sheet No. 5.2

4 Cancels Third Revised Sheet No. 5.2

5 (5) At the bottom of each sheet shall appear the name and title of the issuing officer of the
6 utility.

7 Specific Authority 350.127(2), 367.121 FS.

8 Law Implemented ~~364.04~~, 366.05, 367.041 FS.

9 History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09.

10

11 **25-9.022 Table of Contents.**

12 (1) In rate books of less than thirty (30) sheets, the table of contents may serve as a detailed
13 subject index for the entire volume or for all sections the size of which does not require an
14 individual index.

15 (2) In the larger rate books the major sections will be individually indexed in accordance with
16 Rules 25-9.007 ~~and 25-9.008~~, F.A.C. In these larger rate books the table of contents will serve
17 as an index or guide to the separate sections as set out in ~~said two rules~~ Rule 25-9.007, F.A.C.

18 Specific Authority 350.127(2), 366.05(1), 367.121 FS.

19 Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS.

20 History—Repromulgated 1-8-75, Formerly 25-9.22.

21

22 **25-9.027 Rules and Regulations.**

23 (1) This section shall include all rules, regulations, practices, services, classifications,
24 exceptions and conditions made or observed relative to the utility service furnished which are
25 general and apply to all or many of the rate schedules ~~or exchange areas served~~.

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

1 (2) The regulations shall be lettered or numbered and titled so that convenient reference can be
2 made to them.

3 (3) If a general regulation does not apply to a particular schedule, or classification ~~or~~
4 ~~exchange~~, that fact should be clearly stated.

5 Specific Authority 350.127(2), 366.05(1) FS.

6 Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS.

7 History--Repromulgated 1-8-75, Formerly 25-9.27.

8

9 **25-9.029 Index of Rate ~~or~~ Exchange Schedules.**

10 (1) This section shall provide an index to facilitate prompt reference to any particular rate
11 schedule ~~or to any given exchange~~.

12 (2) In cases where the rate sections for which this index is provided contain less than twelve
13 (12) sheets, this section may be omitted.

14 Specific Authority 350.127(2), 366.05(1), 367.121 FS.

15 Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS.

16 History--Repromulgated 1-8-75, Formerly 25-9.29.

17

18 **25-9.032 Telephone Utility Exchange Schedules.**

19 (1) ~~Local rates for no more than one exchange area shall appear on a single sheet.~~

20 (2) ~~Local exchange schedules shall be arranged alphabetically and the sequence of~~
21 ~~arrangement of information for each schedule shall be as follows:~~

22 (a) ~~Application of and exceptions to general regulations and rates shall be clearly stated.~~

23 (b) ~~Rates and services within the base rate area.~~

24 (c) ~~Rates and services outside the base rate area but within the exchange service area.~~

25 (d) ~~Miscellaneous local rates and services if not shown in or if they differ from the general~~

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

1 ~~rates and services otherwise applicable.~~
2 ~~(e) Map and/or written description of base rate area.~~
3 ~~(f) Map and/or written description of exchange service area.~~
4 Specific Authority 350.127(2), FS.
5 Law Implemented 364.04 FS.
6 History—Repromulgated 1-8-75, Formerly 25-9.32.

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

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-9.001: Application and Scope

25-9.002: Definitions

25-9.005: Information to Accompany Filings

25-9.008: Telephone Utility Tariffs

25-9.009: Numbering and General Data Required for Each Sheet

25-9.022: Table of Contents

25-9.027: Rules and Regulations

25-9.029: Index of Rate or Exchange Schedules

25-9.032: Telephone Utility Exchange Schedules

PURPOSE AND EFFECT: Rules in Chapter 25-9 are amended so that the Chapter no longer applies to incumbent local exchange companies (ILECs), and so that applicable tariff and tariff filing requirements for ILECs are located in Rule 25-4.034. Docket No. 080641-TP.

SUMMARY: Rule 25-9.001 is amended to exclude ILECs and CLECs from Chapter 25-9, F.A.C. The applicable tariff and tariff filing requirements related to ILECs are being rewritten and included in rule 25-4.034. Chapter 25-9 does not currently apply to CLECs so the rule is amended to make this clear. Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029 are amended to remove all references to telephone companies, consistent with the amendment of Rule 25-9.001. Rules 25-9.008 and 25-9.032, which apply only to telephone companies, are repealed consistent with the amendment of Rule 25-9.001. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, 366.05, 367.121, FS

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 364.337, 366.04(2)(b), 366.05, 366.06, 367.021, 367.041, 367.081, 367.091, 367.101, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-9.001 Application and Scope.

(1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, or Alternative Access Vendor Service Providers, Competitive Local Exchange Companies or Local Exchange Companies.

(2) – (5) No Change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.03, 364.04, 364.05, 364.08, 364.337,~~ 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS. History—Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-95, _____.

25-9.002 Definitions.

For the purposes of these regulations the following definitions shall apply:

(1) No Change.

(2) Except where a different meaning clearly appears from the context, the word or words “utility” or “public utility” as used in these rules shall mean and include all electric and gas utilities, water systems, and wastewater systems, ~~telephone companies and telegraph companies~~ which are, or may hereafter be, subject to the jurisdiction of this Commission.

(3) – (8) No Change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04,~~ 366.05(1), 367.021 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02, Amended _____.

25-9.005 Information to Accompany Filings.

(1) No Change.

(2) In addition to the foregoing, ~~Telephone Companies,~~ Electric utilities and gas utilities shall provide the following:

(a) – (c) No Change.

(d) A company may request a waiver of any of the requirements of this subsection upon a written application showing that the requirement is inordinately burdensome or unnecessary for analysis of its filing. The directors of the Divisions of Economic Regulation and ~~Competitive Markets and Enforcement, respectively,~~ will dispose of any such request. A company may request Commission review of a denial of a waiver.

~~(3)(a) When a local exchange telephone company whose annual revenues from regulated telecommunications operations are \$100,000,000 or more files a tariff to introduce a new service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates for the service are not below incremental cost. When a local exchange telephone company whose annual revenues from regulated telecommunications services are less than \$100,000,000 files a tariff for a new service, it shall provide incremental cost data, if available, or otherwise demonstrate that the proposed rates for the service are not below that local exchange company's incremental cost.~~

~~(3)(b) Where the change involves a rate or charge and the electric, or gas, or telephone utility elects to make a cost study, the utility shall file a cost information statement containing a summary of the cost study performed, including:~~

1. – (5) No Change.

~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984. Specific Authority 350.127(2) FS. Law Implemented 364.05, 364.3381, 366.06, 367.081 FS. History—Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05, Amended 5-24-94, _____.~~

25-9.008 Telephone Utility Tariffs.

Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.08, Repealed _____.

25-9.009 Numbering and General Data Required for Each Sheet.

The numbering and general data required by this rule and listed below shall appear on each sheet in the rate book excepting the front and back covers and the individual sheets of special contracts.

(1) – (a) No Change.

~~(b) Telephone and telegraph utilities covered by Rule 25-9.008, F.A.C., should continue the presently effective section and sheet numbering system which is uniformly employed by all such utilities, the size and construction of whose tariffs require such division.~~

~~(b)(e) (c) renumbered as (b) No Change.~~

(2) – (5) No Change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented ~~364.04~~, 366.05, 367.041 FS. History–Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09, Amended _____.

25-9.022 Table of Contents.

(1) No Change.

(2) In the larger rate books the major sections will be individually indexed in accordance with Rules 25-9.007 ~~and 25-9.008~~, F.A.C. In these larger rate books the table of contents will serve as an index or guide to the separate sections as set out in ~~said two rules~~ Rule 25-9.007, F.A.C.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.22, Amended _____.

25-9.027 Rules and Regulations.

(1) This section shall include all rules, regulations, practices, services, classifications, exceptions and conditions made or observed relative to the utility service furnished which are general and apply to all or many of the rate schedules ~~or exchange areas served~~.

(2) No Change.

(3) If a general regulation does not apply to a particular schedule, or classification or exchange, that fact should be clearly stated.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.27, Amended _____.

25-9.029 Index of Rate ~~or Exchange~~ Schedules.

(1) This section shall provide an index to facilitate prompt reference to any particular rate schedule ~~or to any given exchange~~.

(2) In cases where the rate sections for which this index is provided contain less than twelve (12) sheets, this section may be omitted.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History–Repromulgated 1-8-75, Formerly 25-9.29, Amended _____.

25-9.032 Telephone Utility Exchange Schedules.

Specific Authority 350.127(2), FS. Law Implemented 364.04 FS. History–Repromulgated 1-8-75, Formerly 25-9.32, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.019: Records and Reports in General

25-4.020: Location and Preservation of Records

25-4.022: Complaint - Trouble Reports, Etc

25-4.034: Tariffs

25-4.069: Maintenance of Plant and Equipment

25-4.112: Termination of Service by Customer

25-4.115: Directory Assistance

25-4.117: 800 Service

25-4.200: Application and Scope

PURPOSE AND EFFECT: The purposes of the rule amendments and repeals are to simplify, streamline, and clarify the rules. Redundancies among rules are eliminated for simplicity. Some rules concerning tariffs and tariff filings are streamlined by having incumbent local exchange companies' (ILECs) tariff requirements located in one rule. Some rules are repealed because they are unnecessary, redundant, or obsolete. Docket No. 080641-TP.

SUMMARY: Rule 25-4.019 is repealed because it is unnecessary. Section 25-4.019(3) concerning working conditions provided by companies to Commission staff at times when staff makes visits to the companies is reworded and Rule 25-4.020 is amended to include that reworded requirement. Rule 25-4.022(1) is amended to delete the trouble reports record retention requirements which are redundant of requirements included in Rule 25-4.020(3). Rule 25-4.022(2) is amended to delete the requirements for responding in writing to customer complaints which are redundant of Rule 25-4.111(1) which requires a company to respond to all complaints within 15 days. Rule 25-4.034 is amended by streamlining and adding to it the rule provisions from Chapter 25-9 which apply to ILECs. Rule 25-4.069 is repealed because it is unnecessary and redundant of Rules 25-4.036 and 25-4.038 which provide more specific requirements related to safe, adequate, and continuous service. Rule 25-4.112 is repealed because it is unnecessary. Rule 25-4.115 is amended to delete Sections (1)(a) and (b), and (2)(b), (c) and (d), which are unnecessary because Rule 25-4.034 requires all rates and charges to be in the ILECs' tariffs. Rule 25-4.117 is amended to include other toll free numbers which have been implemented since the time the rule was adopted. Rule 25-4.200 is repealed as unnecessary because it restates the application and scope language of Section 364.052(2)(b), F.S. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating

Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127, 364.016, 364.17, 364.18, 364.183, 364.185, FS

LAW IMPLEMENTED: 364.016, 364.02, 364.025, 364.03, 364.04, 364.051, 364.052, 364.07, 364.08, 364.15, 364.17, 364.18, 364.19, 364.163, 364.183, 364.185, 364.386, FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.019 Records and Reports in General.

Specific Authority 350.127(2) FS. Law Implemented 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 5-4-81, Formerly 25-4.19, Repealed _____.

25-4.020 Location and Preservation of Records.

(1) – (3) No Change.

(4) During any audit or review of records, the company shall provide Commission staff with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the company's outside auditors.

Specific Authority 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS. Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93, 11-13-95, _____.

25-4.022 Complaints ~~—Trouble Reports, Etc.~~

(1) Each telephone company shall maintain for at least six (6) months a record of all signed written complaints made by its subscribers regarding service or errors in billing, ~~as well as a record of each case of trouble or service interruption that is reported to repair service.~~ This record shall include the name and/or address of the subscriber or complainant, the date ~~(and for reported trouble, the time)~~ received, the nature of the complaint, ~~or trouble reported,~~ the result of any investigation, the disposition of the complaint or service problem, and the date ~~(and for reported trouble, the time)~~ of such disposition.

(2) ~~Each signed letter of complaint shall be acknowledged in writing or by contact by a representative of the company:~~

Specific Authority 350.127(2), 364.17 FS. Law Implemented 364.051, 364.17, 364.183, FS. History—Revised 12-1-68, Formerly 25-4.22, Amended _____.
25-4.034 Tariffs.

(1) ~~Except to the extent otherwise permitted by Section 364.051(5)(a), F.S.,~~ Each telecommunications company shall maintain on file with the Commission tariffs which set forth all rates and charges for customer services, the classes and grades of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and ~~utility company.~~ The rates and charges for contract service arrangements for an individual customer need not be filed where the company's tariff provides a description of the circumstances under which such arrangements are offered for specified tariffed services. Tariff filings shall be in compliance with the requirements of Chapter 25-9, F.A.C., of the Commission rules entitled "Construction and Filing of Tariffs by Public Utilities."

(2) Filing shall mean received by the office of the Division of Regulatory Compliance during normal business hours. Any tariff received by the Division of Regulatory Compliance after 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to an existing tariff that are submitted by hard copy shall be directed to the Director of the Division of Regulatory Compliance, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two (2) copies of each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists the included sheets, by sheet number and revision level as specified in subsections (6)(c) – (e), and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

~~(2)~~(3) (2) renumbered to (3) No Change.

~~(34)~~ Each telecommunications company shall ~~maintain on file in each of its business offices,~~ make available for public inspection upon request, either a printed copy or an electronic copy of its retail tariffs. the local exchange tariff for exchanges under the administration of that office, its

~~general exchange tariff, and its schedule of intrastate toll rates. Each business office shall likewise make available a copy of Chapter 25-4, F.A.C., of the Florida Public Service Commission Rules and Regulations for public inspection upon request.~~

(5) Companies shall charge only the rates and credits contained in their tariff. If a company desires to deviate temporarily from its normal tariffed rates and credits, the company shall file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name of the promotion, a specific description of the tariffed service(s) involved, including all applicable rates, benefits, terms, and conditions, and the beginning and ending dates of the promotion.

(6) Tariffs shall comply with the following conventions:

(a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" × 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certificated with the Commission, the name and title of the issuing officer, and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example:

First Revised Sheet No. 4

Cancels Original Sheet No. 4

(f) The tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. Each section shall also be individually indexed by subject.

2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff shall appear on the right hand side of each sheet on the same line(s) in which any change has been made. If three or more consecutive lines are affected, one symbol shall be placed on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes. The symbol page shall identify all symbols used in the tariff.

3. Technical Terms and Abbreviations. This section shall contain all technical and special terms and abbreviations used in the tariff.

(7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens.

Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.163 FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-10-96,_____.

25-4.069 Maintenance of Plant and Equipment.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—Revised 12-1-68, Amended 12-13-82, 9-30-85, Formerly 25-4.69, Amended 4-16-90, 3-10-96, Repealed_____.

25-4.112 Termination of Service by Customer.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.19 FS. History—New 12-1-68, Repealed.

25-4.115 Directory Assistance.

~~(1) Directory assistance service provided by any telephone company shall be subject to the following:~~

~~(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and shall apply to the end-user.~~

~~(b) The tariff shall state the number of telephone numbers that may be requested by a customer per directory assistance call.~~

~~(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call and shall be subject to the following:~~

~~(a) There shall be no charge for directory assistance calls from lines or trunks serving individuals with disabilities. As used in this rule, "disability" means, with respect to an individual – A physical or mental impairment that prohibits a customer from using the telephone directory.~~

~~(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.~~

~~(c) The tariff shall state the number of calls per billing month per individual line or trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no charges will apply. The local exchange company shall charge for each local directory assistance call in excess of this allowance. The charge shall not apply for calls from pay stations.~~

~~(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850) 555-1212).~~

Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05,_____.

25-4.117 800 Toll Free Service.

Telephone companies are prohibited from billing to or collecting from the originating caller any charges for intrastate calls to toll free numbers (e.g., 800, 866, 877, and 888) ~~an 800 service subscriber.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History—New 3-5-90, Amended_____.

25-4.200 Application and Scope.

Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History—New 3-10-96,
Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of
Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34,
Number 39, September 26, 2008

Rules 25-4.019, 25-4.020, 25-4.022,
25-4.034, 25-4.069, 25-4.112, 25-4.115,
25-4.117, 25-4.200, 25-9.001, 25-9.002,
25-9.005, 25-9.008, 25-9.009, 25-9.022,
25-9.027, 25-9.029, 25-9.032
Docket No. 080641-TP

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

Rule 25-4.019, Records and Reports in General, is repealed because it is unnecessary. Part of the rule is based on section 364.18, F.S., which does not apply to price regulated incumbent local exchange companies (ILECs). Most of the remainder of the rule is unnecessary since it adds little to Sections 364.183 and 364.185, F.S. Section 25-4.019(3) is reworded and Rule 25-4.020 is amended to include that reworded requirement.

Rule 25-4.020, Location and Preservation of Records, is be amended to add language concerning working conditions provided by companies to Commission staff at times when staff makes visits to the companies. This language is currently included in Rule 25-4.019(3).

Rule 25-4.022, Complaint-Trouble Reports, Etc., is amended to eliminate trouble reports record retention requirements which are redundant of requirements included in Rule 25-4.020(3). Rule 25-4.022(2) is amended to delete the requirements for responding in writing to customer complaints which are redundant are redundant of Rule 25-4.111(1) which requires a company to respond to all complaints within 15 days.

Rule 25-4.034, Tariffs, is amended by streamlining and adding to it the rule provisions from Chapter 25-9 which apply to ILECs. Currently, most of the specific rules related to tariffs and tariff filings are contained in Chapter 25-9. The rules in Chapter 25-9 also apply to electric, gas, water and wastewater utilities. Chapter 25-9 is amended to no longer apply to ILECs. The rules in Chapter 25-9 which apply to ILECs, current tariff procedures, and Commission orders related to tariffs were reviewed in order to simplify and streamline the tariff requirements which are being added to rule 25-4.034.

Rule 25-4.069, Maintenance of Plant and Equipment, is repealed because it is unnecessary and redundant of Rules 25-4.036, Design and Construction of Plant, and 25-4.038, Safety, which provide more specific requirements related to safe, adequate, and continuous service.

Rule 25-4.112, Termination of Service by Customer, is repealed because it is unnecessary.

Rule 25-4.115, Directory Assistance, is amended to delete Sections (1)(a) and(b), and (2)(b), (c) and (d) which are unnecessary because Rule 25-4.034, Tariffs, requires all rates and charges to be in the ILECs' tariffs.

Rule 25-4.117, 800 Service, is be amended to include toll free numbers in addition to 800 which have been implemented since the time the rule was adopted.

Rule 25-4.200, Application and Scope, is repealed as unnecessary because it restates the application and scope language of Section 364.052(2)(b), F.S.

Rule 25-9.001, Application and Scope, is amended to exclude ILECs and competitive local exchange companies (CLECs) from Chapter 25-9, F.A.C. The applicable tariff and tariff filing requirements related to ILECs are being rewritten and included in Rule 25-4.034. Chapter 25-4 does not currently apply to CLECs so the rule is being amended to make this clear.

Rules 25-9.002, Definitions, 25-9.005, Information to Accompany Filings, 25-9.009 Numbering and General Data Required for Each Sheet, 25-9.022, Table of Contents, 25-9.027, Rules and Regulations, and 25-9.029, Index of Rate or Exchange Schedules, are amended to remove all references to telephone companies consistent with the amendment of Rule 25-9.001.

Rules 25-9.008, Telephone Utility Tariffs, and 25-9.032, Telephone Utility Exchange Schedules, are repealed consistent with amendment of Rule 25-9.001 because these two rules apply only to telephone companies.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject. While the Federal Communications Commission has standards on some similar interstate subjects, there is no conflicting standard for these intrastate rules.



Public Service Commission

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

DATE: October 21, 2008

TO: Office of General Counsel (Cowdery)

FROM: Division of Economic Regulation (Hewitt) *CBH P CH*

RE: Amendment of: Rule 25-4.020, F.A.C., Location and Preservation of Records; Rule 25-4.022, F.A.C., Complaint-Trouble Reports; Rule 25-4.034, F.A.C., Tariffs; Rule 25-4.115, F.A.C., Directory Assistance; Rule 25-4.117, F.A.C., 800 Service; Rule 25-9.001, F.A.C., Application and Scope; Rule 25-9.002, F.A.C., Definitions; Rule 25-9.005, F.A.C., Information to Accompany Filings; Rule 25-9.009, F.A.C., Numbering and General Data Required; Rule 25-9.022, F.A.C., Table of Contents; Rule 25-9.027, F.A.C., Rules and Regulations; and Rule 25-9.029, F.A.C., Index of Rate or Exchange Schedules.

Proposed repeal of: Rule 25-4.019, F.A.C., Records and Reports in General; Rule 25-4.069, F.A.C., Maintenance of Plant and Equipment; Rule 25-4.112, F.A.C., Termination of Service by Customer; Rule 25-4.200, F.A.C., Application and Scope, Rule 25-9.008, F.A.C., Telephone Utility Tariffs; and Rule 25-9.032, F.A.C., Telephone Utility Exchange Schedules.

DETAILED DESCRIPTION OF THE PROPOSED RULE

1. Why are the rule amendments being proposed?

The amendments are intended to simplify, streamline, and clarify the rules. Redundancies among rules would be eliminated for simplicity. Some rules concerning tariffs and tariff filings would be streamlined by having incumbent local exchange companies' (ILECs) tariff requirements located in their own rule. Some rules would be repealed because they are unnecessary, redundant, overlapping, or obsolete.

2. What do the rules do and how do they accomplish the goal?

The rules are among those that regulate ILECs. The rules require tariffs, records and reports, location and preservation of records, maintenance of plant and equipment, directory assistance, filing of reports of trouble and customer complaints, and maintaining records. Staff uses the service reports and customer complaints to ensure customer quality of service.

IMPACT ON THE PSC

Incremental costs

There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission.

Incremental benefits

These rule changes would benefit the Commission by having more simple, streamlined, and clarified rules.

WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSAL

Utilities

The proposed rule amendments would affect 10 ILECs.

Customers

Customers reading the rules would be positively affected by the simplified, streamlined, and clarified rules.

Outside business and local governments

There should be no negative impacts on small businesses, small cities, or small counties resulting from an adoption of the above rule changes.

HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

Estimated transactional costs to individuals and entities

Utilities

The proposed rule amendments and repeals would likely decrease administrative costs somewhat.

Customers

Customers would be able to understand the rules somewhat better.

Outside business including specifically small businesses

Small business would likely experience the same benefit as residential customers.

Local governments

Local governments would likely experience the same transactional benefits as small businesses and residential customers.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE

No other pertinent comments are germane to the proposed rule changes.

CH:kb

cc: Mary Andrews Bane
Chuck Hill
Dale Mailhot