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CERTIFICATION OF

COMMISSION
FLORIDA PUBLIC SERVICE COMMISSION
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TALLAHASSEE, FLORIDA
2009 OCT -1 PM 12:07

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ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

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[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

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

Rule Nos.

25-4.0185

25-4.066

25-4.070

25-4.073

25-4.110

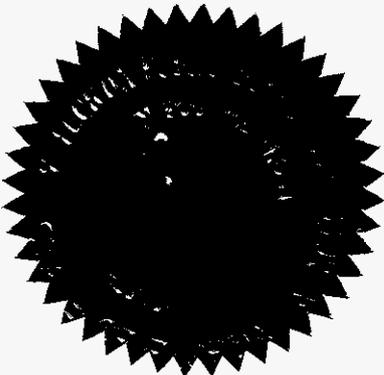
Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



Commission Clerk

Number of Pages Certified



KC

25-4.0185 Periodic Reports.

(1) Each local exchange telecommunications company shall file with the Commission's Division of ~~Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement the information required by Commission Form PSC/~~SSCCMP~~ 28 (~~xx/xx4/05~~), which is incorporated into this rule by reference. Form PSC/~~SSCCMP~~ 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of ~~Service, Safety and Consumer Assistance~~Competitive Markets and Enforcement.

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

(3) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to basic local telecommunications service only. ~~The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a semiannual basis and shall be filed on or before the end of the month following the second and fourth quarters.~~

(4) Each local exchange telecommunications company shall begin recording basic local telecommunications service data for reporting on schedules 2, 3, 11 and 15 no later than January 1, 2010.

Rulemaking Specific Authority 350.127(2) FS.

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

History—New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05, _____.

25-4.066 Availability of Basic Local Telecommunications Service.

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

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests

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for basic local telecommunications primary service in any calendar month shall normally be satisfied installed in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines within an interval of three working days after receipt of application when all schedule tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant, ~~or where special equipment or services are involved.~~

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

(4) ~~When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes.~~ Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. ~~Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.~~

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

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

(7) ~~Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the~~

~~appropriate section of the report of held applications filed with the Commission and shall include an explanation of the reasons therefor.~~

(58) Each company shall report basic local telecommunications installation performance pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, ~~the performance of the company with respect to the availability of service requirements, as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.~~

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.025, ~~364.03, 364.14, 364.15, 364.183, 364.185~~ FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05, _____.

25-4.070 Customer Trouble Reports for Basic Local Telecommunications Service.

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

(a) Companies shall make every reasonable attempt to restore service on the same day that the interruption is reported to the serving repair center.

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

within 24 hours after the trouble was reported.

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

(2) Sundays and Holidays:

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

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

(3) Service Standards-Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure insure at least 90/95 percent shall be cleared within 24 hours of the report, ~~in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.~~

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to ensure insure at least 90/95 percent of such reports are cleared within 72 hours of the report, ~~in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.~~

(4e) If the customer requests that the service be restored on a particular day beyond the service standards objectives outlined in subsection (3) paragraphs (a) and (b) above, the trouble report shall be counted as having met

the service standards objective if the requested date is met.

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

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

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

~~(7) Reporting Criteria: Each company shall report pursuant to periodically report the data specified in Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports, on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(8) This rule shall apply to basic local telecommunications service only.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05, _____.

25-4.073 Answering Time for Basic Local Telecommunications Service.

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

(a) At least 90 percent of all calls directed to ~~repair services and 80 percent of all calls to business and~~ and

repair offices for basic local telecommunications service shall be answered within 90~~30~~ seconds after the last digit is dialed when no menu driven system is utilized.

(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within 30~~15~~ seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first 6~~30~~ seconds of the message.

(c) For subscribers who ~~either~~ select the option of transferring to a live assistant, ~~or do not interact with the system for twenty seconds,~~ the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within 90~~55~~ seconds of being transferred to the attendant.

(d) The terms "answered" as used in paragraphs (a) and (c) above, shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the service representative is ready to render assistance.

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule.~~

~~(23)~~ All telecommunications companies are expected to answer their main published telephone number on a 24 hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.

~~(34)~~ Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to answer time, ~~as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-~~

4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.

(4) This rule shall apply to basic local telecommunications service only.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History--
New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05,_____.

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.

~~(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.~~

~~(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.~~

~~(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.~~

~~(c) Each charge shall be described under the applicable originating party heading.~~

~~(d)1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and~~

~~Surcharges must be consistent with all FCC required terminology.~~

~~2. The billing party shall either:~~

~~a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or~~

~~b. (i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.~~

~~(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.~~

~~(2e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request." In addition, the billing party will provide a plain language explanation to any customer who contacts the billing party.~~

~~(3) Each LEC shall provide an itemized bill for local service:~~

~~(a) With the first bill rendered after local exchange service to a customer is initiated or changed; and~~

~~(b) To every customer at least once each twelve months.~~

~~(4) The annual itemized bill shall be accompanied by a bill insert or bill message 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 Commission's Division of Competitive Markets and Enforcement for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten 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:

- (a) Number and types of access lines;
- (b) Charges for access to the system, by type of line;
- ~~(c) Touch tone service charges;~~
- ~~(cd) Charges for each custom calling features, separated by feature or package;~~
- ~~(de) Unlisted number charges;~~
- ~~(ef) Local directory assistance charges;~~
- ~~(fg) Other tariff charges; and~~
- ~~(gh) Other nontariffed, regulated charges contained in the bill.~~

(5) All bills rendered by a local exchange company shall clearly state the following items:

(a) Any discount or penalty. The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill, in a form usable by the billing party;

(b) Past due balance;

(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;

(d) Long-distance monthly or minimum charges, if included in the bill;

(e) Long-distance usage charges, if included in the bill;

(f) Usage-based local charges, if included in the bill;

(g) Telecommunications Access System Surcharge, per subsection 25-4.160(3), F.A.C.;

(h) "911" fee per Section 365.171(13), F.S.; and

(i) Delinquent date.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is

interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata 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.

~~(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:~~

- ~~1. Where service is terminated or abandoned;~~
- ~~2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or~~
- ~~3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.~~

~~(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 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.~~

(8) Each telephone company shall include a bill insert or bill message advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems

necessary in advance of the closing date. 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. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert or bill message advising each residential subscriber of the option to have the subscriber's 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.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 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.~~

~~(11) Local Communications Services Tax.~~

~~(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, F.S.~~

~~(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.~~

~~(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.~~

~~(12) State Communications Services Tax.~~

~~(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any local option sales tax.~~

~~(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.~~

(13) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges. The remaining portion of the payment, if any, shall be applied to nonregulated charges.

(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:

- (a) The name of the certificated company;
- (b) Type of service provided, i.e., local, local toll, or toll; and
- (c) A toll-free customer service number.

(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.

(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:

1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;
2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;
3. The local or toll-free number the end user/customer can call to dispute charges;
4. The name of the IXC providing 900 service; and
5. The Pay Per Call service (900 or 976) program name.

(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship

with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:

1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;

2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;

3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;

4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;

5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;

6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations

shall be equally as clear;

~~7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and~~

~~8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.~~

~~(12)(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer shall be notified of the availability of ~~may agree to~~ free blocking of Pay Per Call service (900 and 976).~~

~~(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:~~

~~1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;~~

~~2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;~~

~~3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;~~

~~4. The Pay Per Call (900 and/or 976) service provided out of date information; or~~

~~5. The end user/customer terminated the call during the preamble described in subparagraph 25-4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).~~

~~(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.~~

~~(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:~~

~~1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or~~

~~2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.~~

~~(g) LECs and IXCs billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.~~

~~(136) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no charge. Existing customers must be notified annually that a PC-Freeze is available at no charge. Notification shall conform to the requirements of Rule 25-4.083.~~

~~(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.~~

~~(148) If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill, with the exception of the following:~~

(a) Charges that originate from:

1. Billing party or its affiliates;
2. A governmental agency;
3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

(b) Charges associated with the following types of calls:

1. Collect calls;
2. Third party calls;
3. Customer dialed calls for; and
4. Calls using a 10-10-xxx calling pattern.

(159)(a) Upon request from any customer, a billing party must restrict charges in its bills to only:

1. Those charges that originate from the following:

- a. Billing party or its affiliates;
- b. A governmental agency;
- c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

2. Those charges associated with the following types of calls:

- a. Collect calls;
- b. Third party calls;
- c. Customer dialed calls; and
- d. Calls using a 10-10-xxx calling pattern.

(b) Customers must be notified of this right by billing parties annually and at each time a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer.

(c) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S., are exempted from this subsection.

~~(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.~~

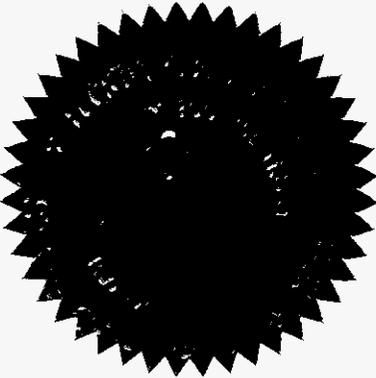
(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference.

Rulemaking Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, ~~364.03~~, 364.04, ~~364.05~~, 364.052, ~~364.17~~, ~~364.19~~, ~~364.3382~~, 364.602, ~~364.603~~, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03, _____.

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

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-4.0185. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

Form PSC/SSC 28 (X/XX)





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Commission Clerk

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STATE OF FLORIDA
TALLAHASSEE, FLORIDA

PERIODIC REPORTS

ENGINEERING DATA REQUIREMENTS

<u>SCHEDULE</u>	<u>TITLE</u>	<u>SUBMISSION</u> <u>Large LECs/Small LECs</u>
2	Completed New Basic Local Telecommunications Service Orders	Quarterly/Semiannually
3	Summary of Held Applications	Quarterly/Semiannually
8	Access Line Data	Quarterly/Semiannually
11	Repair Service-Trouble Reports	Quarterly/Semiannually
15	Answer Time	Quarterly/Semiannually

NAME OF COMPANY (a) _____

RULE 25-4.0185, F.A.C.

SCHEDULE 2 (Rule 25-4.066)

COMPLETED NEW BASIC LOCAL TELECOMMUNICATIONS SERVICE ORDERS

QUARTER ENDING (b) _____

Exchange Size	Total Orders	Delayed for Const.	Total Complete <= 3 Days	Percent Complete <= 3 Days	Standard Met Yes or No
(1)	(2)	(3)	(4)	(5)	(6)

Enter the name of the company in line a.

Enter the ending period of the report (such as March 31, 2004) in line b.

- 1) Under column 1, group exchanges together for those having access lines of 50,000 or more and separately group together exchanges having fewer than 50,000 access lines.
- 2) Enter the total number of basic local telecommunications service order requests received during the quarter.
- 3) Enter the number of orders being held for new construction.
- 4) Enter the total number of orders completed within 3 days including appointments.
- 5) Enter the percentage of service orders completed within 3 days (column 4 divided by column 2 minus column 3).
- 6) Enter Y if at least 90% were completed or N if the rule was not met.

NAME OF COMPANY (a) _____

RULE 25-4.0185, F.A.C.

SCHEDULE 3 (Rule 25-4.066)

SUMMARY OF HELD APPLICATIONS

MONTH (b) _____

Exchange	Right-of-way or Permits	Company Construction OSP	Company Required COE	Company Other	Subscriber Action	31-60 Days	Over 60 Days
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Enter the name of the company line a.

Enter the month and year of the reported data in line b.

- 1) Enter the name of the exchange.
- 2) Enter the total number of orders waiting on right-of-way or permits.
- 3) Enter the total number of orders held for OSP construction.
- 4) Enter the total number of orders held for central office equipment.
- 5) Enter the total number of orders held due to other company circumstances and explain the reason for the delay.
- 6) Enter the total number of orders held due to action on the part of the subscriber.
- 7) Enter the total number of orders aged 31-60 days.
- 8) Enter the total orders aged over 60 days.

NAME OF COMPANY (a) _____

RULE 25-4.0185, F.A.C.

SCHEDULE 8

ACCESS LINE DATA

QUARTER AND YEAR (b) _____

Exchange	Retail Lines			Resale Lines			UNE-P			Pay Phones	Total Lines
	Total	Res	Bus	Total	Res	Bus	Total	Res	Bus		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Enter the name of the company in line a.

Enter the quarter and year of the reported data in line b.

- 1) Enter the name of the exchange in column 1.
- 2) Enter the total retail lines in column 2.
- 3) Enter the number of residential retail lines in column 3.
- 4) Enter the number of business retail lines in column 4.
- 5) Enter the total number of resale lines in column 5.
- 6) Enter the number of residential resale lines in column 6.
- 7) Enter the number of business resale lines in column 7.
- 8) Enter the total number of unbundled network element-platforms (UNE-P) in column 8.
- 9) Enter the number of residential UNE-P in column 9.
- 10) Enter the number of business UNE-P in column 10.
- 11) Enter the total number of pay phone access lines in column 11.
- 12) Enter the total number of access lines in column 12 by adding columns 2, 5, 8, and 11.

NAME OF COMPANY (a) _____

RULE 25-4.0185, F.A.C.

SCHEDULE 11(Rule 25-4.070)

REPAIR SERVICE-TROUBLE REPORTS

QUARTER ENDING (b) _____

Exchange	Total Reports	Total Exempt	Out of Service	Cleared Within 24 Hours	% Cleared Within 24 Hours	Rule Satisfied (Y or N)	Service Affecting	Cleared Within 72 Hours	% Cleared Within 72 Hours	Rule Satisfied (Y or N)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Enter the name of the company in line a.

Enter the ending period of the report (such as March 31, 2004) in line b.

- 1) Under column 1, group exchanges together for those having access lines of 50,000 or more and separately group together exchanges having fewer than 50,000 access lines.
- 2) Enter the total of all trouble reports received during the quarter in column 2.
Note: If it is determined that a trouble involves inside wire or CPE, the trouble report should be closed at that time and recorded as cleared if the company has notified or attempted to notify the customer of the cause within the required time frame. If the required time frame is not met, the trouble shall be counted as not cleared.
- 3) Enter the total number of exempted reports in column 3.
Note: Exempt reports are those due to emergency situations such as unavoidable casualties where at least 10% of an exchange is out-of-service.
- 4) Enter the total number of Out-Of-Service (OOS) reports in column 4. Include Customer Requests beyond 24 hours and Appointments made when a premises visit is made in order to obtain access.
- 5) Enter the total number of OOS troubles cleared within 24 hours in column 5. Customer Requests and Appointments are counted as being cleared within 24 hours if the trouble has been cleared within the agreed date.
- 6) Enter the percent of OOS troubles cleared within 24 hours in column 6 (column 5 divided by column 4).
- 7) Enter a "Y" if at least 90% were completed or an "N" if not in column 7.
- 8) Enter the total number of Service Affecting (SA) trouble reports in column 8.
- 9) Enter the number of SA reports cleared within 72 hours in column 9. Customer Requests and Appointments are counted as being cleared within 72 hours if the trouble has been cleared within the agreed date.
- 10) Enter the percent of SA troubles cleared within 72 hours in column 10 (column 9 divided by column 8).
- 11) Enter a "Y" if at least 90% were completed or an "N" if not in column 11.

NAME OF COMPANY (a) _____

RULE 25-4.0185, F.A.C.

SCHEDULE 15 (Rule 25-4.073)

ANSWER TIME

QUARTER ENDING (b) _____

Categories	Attempts (1)	Answered w/in Std. (2)	Percent Answered w/in Std. (3)	Std. Met Yes or No (4)
Automated Answer w/in 30 Sec (IVRU)				
Answered by Attendant w/in 90 Sec (No IVRU)				
Answered by Attendant w/in 90 Sec (IVRU)				

Enter the name of the company in line a.

Enter the ending period of the report (such as March 31, 2004) in line b.

- 1) Enter the total number of calls to the business and repair offices in columns by category during the quarter.
- 2) Enter the total number of calls that were answered within standard in column 2.
- 3) Enter the percentage of calls that were answered within the standard (column 2 divided by column 1) in column 3.
- 4) Enter whether the standard was met. Enter "Y" for Yes or "N" for No in column 4.

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

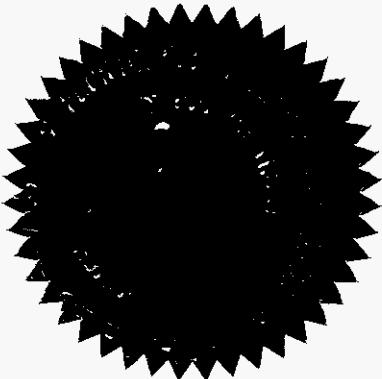
Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule 25-4.110. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

Code of Federal Regulations – 47 C.F.R. Sec. 64-2400 and 64.2401



ANN COLE
Commission Clerk

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47 C.F.R. Sec. 64.2400 and 64.2401, rev. as of October 1, 2007,
incorporated by reference into Rule 25-4.083

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TALLAHASSEE, FLORIDA



Code of Federal Regulations

47

Parts 40 to 69

Revised as of October 1, 2007

Telecommunication

affiliate, or an entity that publishes directories on the carrier's behalf.

(b) A telecommunications carrier must maintain, for at least one year after the carrier provides subscriber list information for directory publishing purposes to itself, an affiliate, or an entity that publishes directories on the carrier's behalf, records of any of its rates, terms, and conditions for providing that subscriber list information which are not set forth in a written contract.

(c) Except to the extent specified in paragraph (d), a carrier shall make the contracts and records described in paragraphs (a) and (b) available, upon request, to the Commission and to any directory publisher that requests those contracts and records for the purpose of publishing a directory.

(d) A carrier need not disclose to a directory publisher pursuant to paragraph (c) portions of requested contracts that are wholly unrelated to the rates, terms, or conditions under which the carrier provides subscriber list information to itself, an affiliate, or an entity that publishes directories on the carrier's behalf.

(e) A carrier may subject its disclosure of subscriber list information contracts or records to a directory publisher pursuant to paragraph (c) to a confidentiality agreement that limits access to and use of the information to the purpose of determining the rates, terms, and conditions under which the carrier provides subscriber list information to itself, an affiliate, or an entity that publishes directories on the carrier's behalf.

[28 FR 13239, Dec. 5, 1963, as amended at 69 FR 62816, Oct. 28, 2004]

§ 64.2345 Primary advertising classification.

A primary advertising classification is assigned at the time of the establishment of telephone exchange service if the carrier that provides telephone exchange service assigns the classification or if a tariff or State requirement obligates the carrier to provide yellow pages listings as part of telephone exchange service to businesses.

Subpart Y—Truth-in-Billing Requirements for Common Carriers

SOURCE: 64 FR 34497, June 25, 1999, unless otherwise noted.

§ 64.2400 Purpose and scope.

(a) The purpose of these rules is to reduce slamming and other telecommunications fraud by setting standards for bills for telecommunications service. These rules are also intended to aid customers in understanding their telecommunications bills, and to provide them with the tools they need to make informed choices in the market for telecommunications service.

(b) These rules shall apply to all telecommunications common carriers, except that § 64.2401(a)(2) and 64.2401(c) shall not apply to providers of Commercial Mobile Radio Service as defined in § 20.9 of this chapter, or to other providers of mobile service as defined in § 20.7 of this chapter, unless the Commission determines otherwise in a further rulemaking.

(c) *Preemptive effect of rules.* The requirements contained in this subpart are not intended to preempt the adoption or enforcement of consistent truth-in-billing requirements by the states.

[64 FR 34497, June 25, 1999; 64 FR 56177, Oct. 18, 1999; 65 FR 36637, June 9, 2000, as amended at 65 FR 43258, July 13, 2000; 69 FR 34950, June 23, 2004; 70 FR 29983, May 25, 2005]

§ 64.2401 Truth-in-Billing Requirements.

(a) *Bill organization.* Telephone bills shall be clearly organized, and must comply with the following requirements:

(1) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill.

(2) Where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider.

(3) The telephone bill must clearly and conspicuously identify any change

in service provider, including identification of charges from any new service provider. For purpose of this subparagraph "new service provider" means a service provider that did not bill the subscriber for service during the service provider's last billing cycle. This definition shall include only providers that have continuing relationships with the subscriber that will result in periodic charges on the subscriber's bill, unless the service is subsequently canceled.

(b) *Descriptions of billed charges.* Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.

(c) *"Deniable" and "Non-Deniable" Charges.* Where a bill contains charges for basic local service, in addition to other charges, the bill must distinguish between charges for which non-payment will result in disconnection of basic, local service, and charges for which non-payment will not result in such disconnection. The carrier must explain this distinction to the customer, and must clearly and conspicuously identify on the bill those charges for which non-payment will not result in disconnection of basic, local service. Carriers may also elect to devise other methods of informing consumers on the bill that they may contest charges prior to payment.

(d) *Clear and conspicuous disclosure of inquiry contacts.* Telephone bills must contain clear and conspicuous disclosure of any information that the subscriber may need to make inquiries about, or contest, charges on the bill. Common carriers must prominently display on each bill a toll-free number or numbers by which subscribers may inquire or dispute any charges on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such

party possesses sufficient information to answer questions concerning the subscriber's account and is fully authorized to resolve the consumer's complaints on the carrier's behalf. Where the subscriber does not receive a paper copy of his or her telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing on the bill an e-mail or web site address. Each carrier must make a business address available upon request from a consumer.

(e) *Definition of clear and conspicuous.* For purposes of this section, "clear and conspicuous" means notice that would be apparent to the reasonable consumer.

NOTE TO § 64.2401: The following provisions, for which compliance would have been required as of April 1, 2000, have been stayed until such time as the amendments to § 64.2401(a), (d), and (e) become effective (following their approval by the Office of Management and Budget and the publication by the Commission of a document in the FEDERAL REGISTER announcing the effective date of these amended rules) and will be superceded by the amended rules: (1) That portion of § 64.2401(a)(2) that requires that each carrier's "telephone bill must provide clear and conspicuous notification of any change in service provider, including notification to the customer that a new provider has begun providing service." (2) § 64.2401(a)(2)(ii), and (3) § 64.2401(d).

[64 FR 34497, June 25, 1999, as amended at 65 FR 43258, July 13, 2000]

Subpart Z—Prohibition on Exclusive Telecommunications Contracts

SOURCE: 66 FR 2334, Jan. 11, 2001, unless otherwise noted.

§ 64.2500 Prohibited agreements.

No common carrier shall enter into any contract, written or oral, that would in any way restrict the right of any commercial multiunit premises owner, or any agent or representative thereof, to permit any other common carrier to access and serve commercial tenants on that premises.

§ 64.2501 Scope of limitation.

For the purposes of this subpart, a multiunit premises is any contiguous

Rules 25-4.0185, 25-4.066, 25-4.070,
25-4.073, and 25-4.110
Docket No. 080641-TP

SUMMARY OF RULES

Rule 25-4.0185 is amended to make required technical changes to Division names and form numbers, to delete reference to Schedule 16, to specify that Schedules 2, 3, 11, and 15 apply to basic residential service only, and to delete instructions concerning Schedules 19. Form PSC/SSC 28 is incorporated by reference into Rule 25-4.0185, and has been amended consistent with the amendments to Rules 25-4.066, 25-4.070, and 25-4.073.

Rule 25-4.066 is amended to apply to basic residential service only, to replace the term "filed tariff" and "tariff" with the term "schedules" or "schedule," to delete certain requirements concerning facilities' design, reporting requirement language, and customer notice, and to amend companies' reporting method from exchange based to access line based.

Rule 25-4.070, is amended to apply to basic residential service only, to identify service restoration requirements as "service standards," to require clearing of 90% interrupted service and service affecting trouble reports within the required time period, to delete unnecessary provisions, to change the reporting method from exchange based to rural and urban access line based, and to delete requirements concerning repeat trouble.

Rule 25-4.073 is amended to apply to basic residential service only, to change answer time requirements, including amending the rule to require 90 percent of calls to business and repair offices to be answered within 90 seconds, to require calls offered using IVRU to be answered within 30 seconds of last digit dialed, to give the option of transferring to a live attendant within the first 60 seconds of the message, to require the live attendant to give assistance within 90 seconds of transfer, to delete use of answering time studies, and to delete reference to a reporting form.

Rule 25-4.110 is amended to require local providers to comply with FCC Truth-in-Billing Requirements, to delete rule provisions duplicative of statute or federal requirements or which are obsolete or contrary to recent statutory changes.

SUMMARY OF HEARINGS ON THE RULES

A hearing was held on August 18, 2009, at which the Commission considered written comments submitted by incumbent local exchange companies on the rules. The Commission voted to make some changes to the

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proposed rules based on those written comments. The changes appeared in the September 4, 2009 edition of the Florida Administrative Weekly.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULES

Rule 25-4.0185 is amended to make required technical changes for accuracy. The requirement to file Schedule 16 is deleted as unnecessary. The rule is amended to state that Schedules 2, 3, 11, and 15 apply to basic residential service only, consistent with the amendments to Rules 25-4.066, 25-4.070, and 25-4.083. Form PSC/SSC 28 is amended consistent with the amendments to Rules 25-4.066, 25-4.070, and 25-4.073. These changes comport with the regulatory streamlining focus of this rulemaking.

Rule 25-4.066 is amended to apply to basic residential service only and to replace the term "filed tariff" and "tariff" with the term "schedules or "schedule," which is consistent with statutory changes to Chapter 364, F.S. The rule is amended to delete requirements concerning facilities' design because these standards and conditions are required to be in schedules. The rule is amended to delete as unnecessary the requirement for a company to leave notice if unable to gain admittance to a customer's premises. Amending the rule to change the reporting method from exchange based to access line based gives companies more flexibility in dispatching outside technicians. The rule is amended to delete reporting requirement language duplicative of form instructions. These changes comport with the regulatory streamlining focus of this rulemaking.

Rule 25-4.070 is amended to apply to basic residential service only which is consistent with statutory changes to Chapter 364, F.S. Amending the rule to change the reporting method from exchange based to access line based gives companies more flexibility in dispatching outside technicians. Characterizing service restoration requirements as service standards is consistent with Commission practice. Repeat trouble requirements are deleted as unnecessary. These changes comport with the regulatory streamlining focus of this rulemaking.

Rule 25-4.073, is amended to apply to basic residential service only, which is consistent with statutory changes to Chapter 364, F.S. Increasing answer time requirements is intended to allow companies flexibility in managing their call centers, could result in cost savings to companies, and allows acceptable amounts of time to callers. The rule requirement that subscribers not using IVRU be transferred to a live attendant within 20 seconds is deleted as obsolete. Answering time studies are deleted as unnecessary and duplicative of other data submitted to the Commission by companies. These changes comport with the regulatory streamlining focus of this rulemaking.

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Rule 25-4.110 is amended to require local providers to comply with FCC Truth-in-Billing Requirements, to delete rule provisions duplicative of statute or federal requirements or which are obsolete. The rule was amended to delete the requirement that the bill insert or bill message be submitted to the Commission, consistent with recent statutory changes. These changes comport with the regulatory streamlining focus of this rulemaking.