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**Sent:** Wednesday, March 14, 2012 12:17 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket 110303-OT  
**Attachments:** 01047-12\_data request - raf rule - all telecom - REPLY DEI.doc

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Docket 110303-OT -- Section 120.745, F.S. (2011),  
Legislative review of agency rules in effect on or before  
November 16, 2010

**DIGITAL EXPRESS, INC.**

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**Rule 25-4.0161, F.A.C. - Survey Questions - Response Data  
from Digital Express, Inc.**

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# DIGITAL EXPRESS, INC.

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MARCH 13, 2012

Judy Harlow  
c/o Ann Cole  
Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**RE: INDUSTRY SURVEY FOR LEGISLATIVE REVIEW OF AGENCY RULES IN EFFECT ON OR BEFORE NOVEMBER 16, 2010 - DOCKET NO. 110303-OT**

Please see attached responses to staff's survey questions regarding Rule 25-4.0161, Florida Administrative Code (F.A.C.) to be used to complete the Commission's Compliance Economic Review required by Sections 120.745 and 120.541, Florida Statutes. Responses are filed in Docket No. 110303-OT.

If you have any questions, please contact Tom Armstrong (850) 291-6415 or [tom.armstrong.sr@gmail.com](mailto:tom.armstrong.sr@gmail.com).

Sincerely,

/s/ Thomas M. Armstrong  
President

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**Rule 25-4.0161, F.A.C. – Survey Questions**

**Response Data from Digital Express, Inc.**

The following survey questions apply to **Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies**. For responding to these questions, please refer to Subsection 120.541(2), F.S., and Subparagraph 120.745(1)(b)2, F.S. “Transactional costs” are defined in Subparagraph 120.541(2)(d), F.S., as:

...direct costs that are readily ascertainable based upon standard business practices, including filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

The company’s response data to these survey questions should be provided for the entire rule, unless the response data is available by rule section, in which case we request the response data be provided by rule section. Please present data in annualized format, if possible, and all cost or benefit dollar estimates should be stated in nominal terms.

1. What are the estimated transactional costs resulting from the Company’s compliance of Rule 25-4.0161, F.A.C., for the five year period beginning July 1, 2011?

Digital Express, Inc. does not have sufficient data with which it could compute transactional costs.

- a. What are your actual transactional costs resulting from your Company’s compliance with Rule 25-4.0161, F.A.C., for the period July 1, 2011 through December 31, 2011?

Digital Express, Inc. does not have sufficient data with which it could compute transactional costs.

2. What is your estimate of the likely impact, stated in terms of costs and/or benefits, on small businesses (as defined by Section 288.703, F.S.) located in the Company’s service territory, resulting from the compliance of Rule 25-4.0161, F.A.C., for the five year period beginning July 1, 2011?

Digital Express, Inc. does not have sufficient data with which it could compute estimated costs and/or benefits.

3. What is your estimate of the likely impact, stated in terms of costs and/or benefits, on small counties and small cities (as defined in Section 120.52, F.S.) located in the Company’s service territory, resulting from the compliance of 25-4.0161, F.A.C., for the five year period beginning July 1, 2011?

Digital Express, Inc. does not have sufficient data with which it could compute estimated costs and/or benefits.

4. What is your estimate of the likely impact, stated in terms of costs and/or benefits, on entities located in the Company’s service territory other than those specifically identified in Questions 2 and 3, resulting from the compliance of 25-4.0161, F.A.C., for the five year period beginning July 1, 2011?

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Digital Express, Inc. does not have sufficient data with which it could compute estimated costs and/or benefits.

5. What expected impact do you believe Rule 25-4.0161, F.A.C., will have on economic growth, private sector job creation or employment, and private sector investment for the five year period July 1, 2011 in the Company's service territory?

Digital Express, Inc. does not have sufficient data with which it could compute an answer to this inquiry.

6. What expected impact do you believe Rule 25-4.0161, F.A.C., will have on business competitiveness, including the ability of persons doing business in the Company's service territory to compete with persons doing business in states other than Florida or other domestic markets, productivity, and innovation, for the five year period July 1, 2011?

Digital Express, Inc. does not have sufficient data with which it could compute an answer to this inquiry.

7. What are the benefits to your Company associated with Rule 25-4.0161, F.A.C.?

Digital Express, Inc. sees no benefit to our company associated with Rule 25-4.0161, F.A.C.

8. Since the December 4, 2011 rule change has your Company revised customer rates in order to comply with Rule 25-4.0161, F.A.C.? If so, please explain any rate changes that were made.

No revision has been made to customer rates for any reason since the December 4, 2011 rule change.

9. If the Company did revise customer rates after the rule change, what were the specific costs associated with processing and implementing these rate changes?

N/A

10. Does the Company anticipate having to revise customer rates in the future in order to comply with Rule 25-4.0161, F.A.C.? If so, please explain any anticipated rate changes for the five year period beginning July 1, 2011.

At this time, the Company does not anticipate having to revise customer rates in the future in order to comply with Rule 25-4.0161, F.A.C.

11. If the company anticipates revising customer rates in order to comply with Rule 25-4.0161, F.A.C., what costs does the company expect to incur to process and implement the rate changes for the five year period beginning July 1, 2011?

N/A