

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

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13 JAN 16 PM 1:50

COMMISSION  
CLERK

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**DATE:** January 16, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Rosanne Gervasi, Office of the General Counsel *RG*  
**RE:** Docket No. 120265-TP

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Please file the attached rule certification packets for Rules 25-4.034, 25-4.0341, and 25-24.825, F.A.C., in the docket file listed above.

Thank you.

Attachments

DOCUMENT NUMBER-DATE

00338 JAN 16 2013

FPSC-COMMISSION CLERK

COMMISSIONERS:  
RONALD A. BRISÉ, CHAIRMAN  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

# Public Service Commission

January 16, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rules 25-4.034 and 25-4.0341, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-4.034 and 25-4.0341, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

RECEIVED  
2013 JAN 16 AM 11:11  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

DOCUMENT NUMBER DATE

00338 JAN 16 2013

FPSC-COMMISSION CLERK

Page 2

Please let me know if you have any questions. The contact name and information for these rules are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, [rgervasi@psc.state.fl.us](mailto:rgervasi@psc.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanne Gervasi". The signature is fluid and cursive, with a prominent initial "R" and "G".

Rosanne Gervasi  
Senior Attorney

Enclosures

## Julie Phillips

---

**From:** FL-Rules@dos.state.fl.us  
**Sent:** Tuesday, January 08, 2013 1:59 PM  
**To:** Julie Phillips  
**Cc:** firules@dos.state.fl.us  
**Subject:** 25-4.034 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material list](#) (Agency Main Menu page).

Rule Number: 25-4.034

Reference Number: Ref-02201; Reference Name: E-Tariff Filings User Notes, EFF: 10/2012


Click [here](#) to log in.

Administrative Code and Register Staff  
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**Julie Phillips**

---

**From:** FL-Rules@dos.state.fl.us  
**Sent:** Wednesday, January 09, 2013 1:59 PM  
**To:** Julie Phillips  
**Cc:** flrules@dos.state.fl.us  
**Subject:** 25-4.0341 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the Review/Modify Agency Reference Material list (Agency Main Menu page).

Rule Number: 25-4.0341

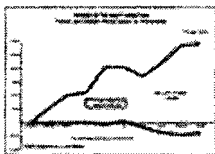
Reference Number: Ref-02208; Reference Name: E-Tariff Filings User Notes, EFF: (10/2012)


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CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
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

(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.

25-4.034, F.A.C.

25-4.0341, F.A.C.

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)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk  
Title \_\_\_\_\_  
5  
Number of Pages Certified

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rules 25-4.034 and 25-4.0341 have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

E-Tariff Filings User Notes

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Ann Cole

Commission Clerk



**25-4.034 Network Access Tariffs.**

(1) Pursuant to Section 364.163, F.S., Except to the extent otherwise permitted by Section 364.051(5)(a), F.S., each local exchange telecommunications company shall maintain on file with the Commission tariffs which shall set forth all intrastate rates, terms and conditions and charges for network access 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 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.

(2) Filing shall mean received by the Office of Telecommunications ~~office of the Division of Regulatory Analysis~~ during normal business hours. Any tariff received by the Office of Telecommunications ~~Division of Regulatory Analysis~~ after 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to an existing tariff shall either be filed that are submitted by hard copy with shall be directed to the Director of the Office of Telecommunications, Division of Regulatory Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or shall be filed electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes" (EFF: 10/2012), which are incorporated herein by reference and which are available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02201>. These instructions can also be accessed from the Commission's website at <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Hard copy filings and shall include an original and one (1) copy 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 paragraphs (3 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 and a postage paid envelope shall be provided for that purpose.

(3) Network access 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 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 and the effective date of the sheet.

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

(d) Each 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 network access tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All network access tariffs shall have a table of contents identifying the page location of each section in the tariff.

2. Symbols Used in Tariff Filings. All symbols shall be defined in the network access tariff. Symbols used to indicate rate changes shall appear on the right hand side of each rate change sheet on the same line(s) in which any change has been made. If three or more consecutive lines of text are affected, one symbol shall be placed on the right hand margin 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.

3. Technical Terms and Abbreviations. This section shall contain all company-specific technical and special terms and abbreviations used in the network access tariff. Each company shall file, as an integral part of its tariff, maps defining the exchange service areas. These maps shall delineate the boundaries in sufficient detail that they may be located in the field and shall embrace all territory included in the certificate of convenience and necessity.

~~(4) Each telecommunications company shall make available for public inspection upon request, either a printed copy or an electronic copy of its retail tariffs.~~

~~(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" x 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.~~

*Rulemaking Authority 350.127(2), 364.01 FS. Law Implemented 364.01, 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, 1-25-09, XX-XX-XX.*

**25-4.0341 Filing of Service Schedules.**

(1) Telecommunications companies electing to file service schedules with the Florida Public Service Commission shall either file an original and one (1) hard copy of all new service schedules and proposed changes to existing service schedules with the Director of the Office of Telecommunications, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or shall file electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes" (EFF: 10/2012), which are incorporated herein by reference and which are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02208>. These instructions can also be accessed from the Commission's website at <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Any schedule received by the Office of Telecommunications after 5:00 p.m. shall be considered filed on the next regular business day. A letter of transmittal shall accompany each filing, which lists the included sheets by sheet number and revision level 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 and a postage paid envelope shall be provided for that purpose.

(2) Each local telecommunications company that elects not to file service schedules with the Commission shall notify the Office of Telecommunications at the address listed in (1) of the location where such service schedules are available to its customers.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.04 FS. History—New XX-XX-XX.

## SUMMARY OF THE RULES

Rule 25-4.034, F.A.C., currently requires local exchange telecommunications companies to maintain tariffs on file with the Commission setting forth all rates and charges for customer service. Except with respect to network access services, for which tariffs are required to be filed pursuant to section 364.163, FS, section 364.04(1), FS, now permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules. The amendment of Rule 25-4.034, F.A.C., and adoption of Rule 25-4.0341, F.A.C., implement these statutory changes.

## WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULES

Rule 25-4.034, F.A.C., is amended and Rule 25-4.0341, F.A.C., is added to comply with recent changes to section 364.04(1), FS. Rule 25-4.034 requires local exchange telecommunications companies to maintain tariffs on file with the Commission setting forth all intrastate rates, terms and conditions for network access services pursuant to section 364.163, FS, and otherwise simplifies requirements when schedules or tariffs are published with the Commission. Rule 25-4.0341, F.A.C., offers limited guidance to telecommunications companies choosing to file service schedules with the Commission.

## SUMMARY OF ANY HEARINGS HELD ON THE RULES

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:  
RONALD A. BRISÉ, CHAIRMAN  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

Public Service Commission

January 16, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

**Re: Rule Certification Packet for Rule 25-24.825, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-24.825 F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

FILED  
2013 JAN 16 AM 11:47  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

Page 2

Please let me know if you have any questions. The contact name and information for this rule are Rosanne Gervasi, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6224, [rgervasi@psc.state.fl.us](mailto:rgervasi@psc.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosanne Gervasi', written in a cursive style.

Rosanne Gervasi  
Senior Attorney

Enclosures



CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
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

(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.

25-24-825, F.A.C.

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)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk \_\_\_\_\_  
Title \_\_\_\_\_  
Number of Pages Certified \_\_\_\_\_

**25-24.825 Price List.**

~~(1) Prior to providing service, each company subject to these rules shall file and maintain with the Commission a current price list which clearly sets forth the following information for the provision of residential dial tone, single line business dial tone, and dial tone with any combination of the services included as part of basic local telecommunications services, as defined in Section 364.02(2), F.S. If residential dial tone, single line business dial tone, or dial tone with any combination of the services included as part of basic local telecommunications service is offered on a package basis, the following information must be provided for each package:~~

~~(a) Current prices;~~

~~(b) Customer connection charges;~~

~~(c) Billing and payment arrangements, and~~

~~(d) Levels of service quality which the company holds itself out to provide for each service.~~

~~(2) At the company's option, price list information in subsection (1) above and other information concerning the terms and conditions of service may be filed for services other than basic local telecommunication services.~~

~~(3) A price list revision must be physically received by the Commission's Division of Regulatory Analysis at least one day prior to its effective date.~~

~~(4) Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an ongoing page identification system which will allow for the identification of inserted and removed pages. The color of paper on which price lists are filed must be amenable to being clearly photocopied on standard photocopy equipment.~~

~~(5) Complete information concerning a company's service offerings, rates and charges, conditions of service, service quality, terms and conditions, service area, and subscribership information identified by local exchange company exchange must be made available to Commission staff upon request.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—New 12-27-95, Amended 4-8-98, Repealed XX-XX-XX.*

#### SUMMARY OF THE RULE

Rule 25-24.825, F.A.C., currently requires competitive local exchange telecommunications companies to maintain with the Commission a current price list setting forth the terms and conditions for the provision of basic local telecommunications service. Pursuant to section 364.04(1), FS, such price lists are no longer required to be filed.

#### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-24.825, F.A.C., is repealed to comply with recent changes to section 364.04(1), FS, which no longer distinguishes between local exchange companies and competitive local exchange companies.

#### SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.