

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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**DATE:** January 18, 2017

**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

**FROM:** Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel *KC*

**RE:** Closed Docket No. 140141-TP

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Please file the attached rule material in the closed docket file listed above.  
Thank you.

COMMISSION  
CLERK

2017 JAN 18 AM 11:03

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Speaker



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August 14, 2014

Ms. Kathryn G. W. Cowdery  
Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**RE: Public Service Commission  
Rules 25-4.002 and .003**

Dear Ms. Cowdery:

I have reviewed the above-referenced rules and offer the following comments for your consideration and response.

**25-4.003(6):** The citation to section 364.02(14), Florida Statutes, should be to subsection (13) of the same statute.

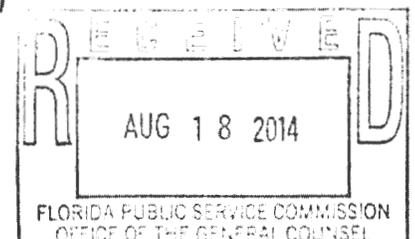
**25-4.003(9):** This amended definition defines a "Local Service Area"; however, a use of this phrase could not be located within rule chapter 25-4, Florida Administrative Code, or within chapter 364, Florida Statutes. Please review for determination whether this definition is necessary for inclusion. If it is determined to be warranted, please define what the acronym "LEC" means in the context of this definition as it is no longer defined in the amendments to this rule.

If you have questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink that reads "Jamie L. Jackson".

Jamie L. Jackson  
Senior Attorney



## Kathryn Cowdery

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**From:** Keating, Beth <BKeating@gunster.com>  
**Sent:** Wednesday, May 14, 2014 12:15 PM  
**To:** Kathryn Cowdery  
**Subject:** Rule Development

Good afternoon, Kathryn. Following up on our conversation, tw telecom wondered if staff would be amenable to a revision to the proposed definition of "Exchange" found in Rule 25-4.003(8), F.A.C. As contained in the Notice, there is some concern that the definition, particularly the last phrase, may lend itself to confusion as service platforms change, and that a slightly modified definition might be beneficial.

tw proposes the following definition for staff's consideration:

"Exchange" - as used with regard to the public switched telephone network, an exchange consists of electronic components that interconnect ("switch") telephone subscriber lines or virtual circuits of digital systems to establish toll free telephone calls between subscribers within a community of interest or rate center. Subscribers within a telephone exchange are connected by one or more central offices that serve a specific geographic area within the telephone exchange.

Sincerely,

Beth



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June 23, 2014

**VIA ELECTRONIC MAIL ONLY**

Ms. Kathryn G. W. Cowdery  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)

Re: May 13, 2014 Notice of Development of Rulemaking

Dear Kathryn:

CenturyLink suggests the changes described below to proposed Rule 25-4.003, F.A.C. which was included in the Commission's Notice of Development of Rulemaking published in the Florida Administrative Weekly May 13, 2014. In addition, CenturyLink also suggests repeal of Rule 25-4.113, which was not included in the Notice of Proposed Rulemaking. A red-line of CenturyLink's suggested changes is attached to this letter.

Rule 25-4.003 Definitions

New Subsection (7) "Disconnection." CenturyLink suggests that this definition remain unchanged from the existing rule. CenturyLink believes that the Commission lacks statutory authority for the proposed new language, which seems to impose substantive conditions under which a company may discontinue service within the definition. To the extent the Commission continues to have authority regarding the disconnection of Lifeline service, any necessary rule changes should be included in Rule 25-4.0665, which specifically governs Lifeline service.

New Subsection (8) "Exchange." CenturyLink suggests that the phrase "usually a single city, town or village" (on lines 19-20) be deleted. As the language itself recognizes, an exchange may not always be included in "a single city, town or village." In addition, further rate center consolidations in the future may render the modifier "usually" incorrect. For these reasons, this language is unnecessary.

New Subsection (12) "Number portability." CenturyLink suggests that the phrase "within the same local service area" (on lines 24-25) be deleted. The phrase is unnecessarily restrictive and could be perceived to impose substantive limitations which do not otherwise exist and lack a statutory basis. Further, local service areas can differ substantially among different modes of telecommunications service (e.g., wireline, wireless, VoIP) and can also differ substantially

Ms. Kathryn G. W. Cowdery  
June 23, 2014  
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among service providers (e.g., ILECs and CLECs). Therefore, this language is ambiguous and unnecessary and should be removed.

Existing Subsection (42) "Pay Telephone Service Company." CenturyLink suggests that this definition should remain in the rule because pay telephone companies continue to hold a certificate specifically for the provision of pay telephone services. CenturyLink believes s. 364.3375 requires this separate certificate and, therefore, that the definition is still relevant. The word "Company" (on line 7) should be changed to "Provider" to reflect the terminology used in the statute.

New Subsection (15) "Subscriber" or "Customer." CenturyLink suggests that the word "communications" on line 5 be changed to "telecommunications" to appropriately reflect the Commission's jurisdiction.

Rule 25-4.113 Refusal or Discontinuance of Service by Company.

CenturyLink proposes that Rule 25-4.113 should also be repealed. As a result of the deregulation of retail telecommunications services in 2011, the Commission generally no longer has authority to restrict a local exchange company's ability to discontinue service. In fact, sections 364.03, 364.19 and 364.604, cited as laws implemented for the rule, have been repealed. To the extent that the Commission still has jurisdiction over disconnection as it relates to the TASA surcharge (section 427.704) and Lifeline service, as referenced in subsection (1)(f), these provisions either are or may be addressed in other rules or statutes. Therefore, this rule is no longer necessary and should be repealed.

If you believe it would be helpful to have further discussion regarding our suggestions, Sandy Khazraee and I would be happy to meet with you to share our concerns with the rule as proposed by staff and to further explain the rationale behind our proposed changes.

Sincerely,

/s/ Susan S. Masterton  
Susan S. Masterton

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