

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 25, 2018

**TO:** Office of Commission Clerk (Stauffer)

**FROM:** Office of the General Counsel (Page) *PHH S.M.C.*  
Office of Industry Development and Market Analysis (Fogleman) *27 CH*  
Division of Economics (Ollila) *10. PD CS*

**RE:** Docket No. 20170262-TP – Amendments to Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application and repeal of Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority.

**AGENDA:** 02/06/18 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Polmann

**RULE STATUS:** Proposal May be Deferred

**SPECIAL INSTRUCTIONS:** None

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### Case Background

Section 364.01, Florida Statutes (F.S.), grants the Commission jurisdiction to regulate telecommunications companies. In accordance with Section 364.33, F.S., a person may not provide telecommunications services without a certificate of necessity or a certificate of authority granted by the Commission. Section 364.335, F.S., prescribes the required elements of an application for a certificate of authority, including information demonstrating the applicant's managerial, technical, and financial ability to provide telecommunications service.

Rule 25-4.004, Florida Administrative Code (F.A.C.), Certificate of Necessity or Authority; Application, and Rule 25-4.005, F.A.C., Transfer of Certificate of Authority, describe the required elements of an application for an original certificate of necessity or authority and the transfer of the certificate of necessity or authority to provide telecommunication service. Staff

Docket No. 20170262-TP

Date: January 25, 2018

initiated rulemaking in this docket to modify, streamline and clarify the application, assist in avoiding applicant confusion, and eliminate redundancy in the rules.

On October 10, 2017, a Notice of Development of Rulemaking was published in the Florida Administrative Register Vol. 43, No. 196, on the amendment of Rule 25-4.004, F.A.C., and the repeal of Rule 25-4.005, F.A.C. The Commission Notice stated that written requests for a rule development workshop must be submitted by October 24, 2017. No requests for a workshop were received.

This recommendation addresses whether the Commission should propose the amendment of Rule 25-4.004, F.A.C., and the repeal of Rule 25-4.005, F.A.C. The Commission has jurisdiction pursuant to Section 120.54, F.S., and Chapter 364, F.S.

## Discussion of Issues

**Issue 1:** Should the Commission propose the amendment of Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application and the repeal of Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority?

**Recommendation:** Yes, the Commission should propose the amendment of Rule 25-4.004, F.A.C., and the repeal of Rule 25-4.005, F.A.C., as set forth in Attachment A. Staff recommends that the Commission certify amended Rule 25-4.004, F.A.C., as a minor violation rule. (Fogleman, Page, Ollila)

**Staff Analysis:** Staff recommends the amendment of Rule 25-4.004, F.A.C., and the repeal of Rule 25-4.005, F.A.C., as set forth in Attachment A. Rule 25-4.004, F.A.C., establishes the requirements and the necessary process to apply for a certificate to provide telecommunications service. Rule 25-4.005, F.A.C., sets forth the requirements for the transfer of a telecommunications service certificate.

The staff recommended amendments to Rule 25-4.004, F.A.C., incorporate the requirements of Rule 25-4.005, F.A.C., which would be repealed. Both rules require a nonrefundable application fee of \$500. The rule amendments update and streamline the procedures for obtaining an original telephone certificate or the transfer of the certificate. The recommended amendments to Rule 25-4.004, F.A.C., will prevent confusion regarding the documentation provided by the applicant, avoid redundancy, and clarify the application process. The amount of the application fee is unchanged in the proposed amendments.

There are sections of the application form for a certificate that applicants frequently do not answer completely, which leads to the necessity of follow-up questions and additional processing time. Staff has observed that the required financial information is frequently not provided by the applicants.

The recommended changes to the new application form specify that financial statements demonstrating financial ability must be included and that if the applicant does not have audited financial statements, it must be stated and signed by either the applicant's chief executive officer or chief financial officer affirming that the financial statements are true and correct. The new application form now requires that if a full three years of historical data is not available, the application must include "both historical financial data and pro forma data" to supplement the application. Staff believes that these recommended changes in the form may help limit the number of incomplete forms submitted to the Commission, thus, making the process more efficient.

### Statement of Estimated Regulatory Costs

Pursuant to Section 120.54, F.S., agencies are encouraged to prepare a statement of estimated regulatory costs (SERC) before the adoption, amendment, or repeal of any rule. The SERC is appended as Attachment B to this recommendation. The SERC analysis also includes whether the rule amendment is likely to have an adverse impact on growth, private sector job creation or

employment, or private sector investment in excess of \$1 million in the aggregate within five years after implementation.

The SERC concludes that applicants may see cost savings because the proposed amendments clarify the process, eliminate redundancy, and streamline the process. The SERC states that there is no change in the filing fee. Staff believes that the rule amendments will not likely directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year after implementation.

Further, the SERC concludes that the rule amendments will not likely have an adverse impact on economic growth, private-sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within five years of implementation. Thus, the rule amendments do not require legislative ratification pursuant to Section 120.541(3), F.S.

In addition, the SERC states that the rule amendments may bring cost savings to small businesses, small cities and small counties. No regulatory alternatives were submitted pursuant to paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

### **Minor Violation Rules Certificate**

Pursuant to Section 120.695, F.S., beginning July 1, 2017, for each rule filed for adoption, the Commission is required to certify whether any part of the rule is designated as a rule the violation of which would be a minor violation. A list of Commission rules designated as minor violation rules is published on the Commission's website, as required by Section 120.569(2), F.S. If the Commission proposes the amendment of Rule 25-4.004, F.A.C., the rule would continue to be considered a minor violation rule. Therefore, for purposes of filing an amended rule for adoption with the Department of State, staff recommends that the Commission certify proposed amended Rule 25-4.004, F.A.C., as a minor violation rule. If the Commission proposes the repeal of Rule 25-4.005, F.A.C., the rule will be deleted from the Commission's list of rules designated as minor violation rules.

### **Conclusion**

For the reasons described above, staff recommends that the Commission should propose the amendment of Rule 25-4.004, F.A.C., and the repeal of Rule 25-4.005, F.A.C., as set forth in Attachment A. Staff recommends that the Commission certify the proposed amended Rule 25-4.004, F.A.C., as a minor violation rule.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes, if no requests for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

**Staff Analysis:** If no requests for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

1       **25-4.004 Application for Original Certificates Necessity or Transfer of Certificate of**  
2       **Authority; Application.**

3       (1) ~~In order to No person shall~~ provide telecommunications service services to the public  
4 ~~without~~ either a certificate of necessity issued prior to July 1, 2011, or a certificate of authority  
5 issued after July 1, 2011, is required. ~~Service Services~~ may not be provided, nor may deposits  
6 or payment for service services be collected, until the effective date of a certificate or transfer  
7 of a certificate. However, marketing and development activities may begin prior to the  
8 effective date of the certificate at the applicant's risk that the certificate may not be granted.  
9 Prior to certification, the applicant must advise the public in any customer contacts or  
10 advertisements that certification has not and may not be granted.

11       (2) ~~Each An applicant for a certificate of authority shall apply by using submit an~~  
12 ~~application on~~ Form PSC 1020 (1/18) PSC/TEL 162 (12/12), entitled "Application Form for  
13 Original Authority or Transfer of Authority to Provide Telecommunications Company Service  
14 In Within the State of Florida.," The application which is incorporated into this rule by  
15 reference and ~~which~~ is available at [Dept. of State hyperlink],  
16 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02034>, and from the Florida Public  
17 Service Commission's website at [www.floridapsc.com/utilities/TelecomCLECApplication/](http://www.floridapsc.com/utilities/TelecomCLECApplication/)  
18 [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/), or from by contacting the Florida Public Service  
19 Commission's Office of Industry Development and Market Analysis Telecommunications.  
20 Except as provided in Section 364.33, F.S., a certificate holder and the person seeking to  
21 obtain the certificate by transfer from the holder shall submit a joint application using form  
22 PSC1020 (1/18). A non-refundable application or transfer fee of \$500.00 must accompany the  
23 filing of each application. The Commission's acceptance of the application fee does not imply  
24 that the application, transfer, or sale of a certificate will be granted.

25       (3) The company transferring the certificate shall pay to the Florida Public Service  
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from  
existing law.

1 Commission all regulatory assessment fees owed pursuant to Section 364.336, F.S., and Rule  
2 25-4.0161, F.A.C.

3 ~~(4)(3) The An~~ application for certificate of authority or transfer shall be filed with the  
4 Office of Commission Clerk, ~~Florida Public Service Commission, 2540 Shumard Oak~~  
5 ~~Boulevard, Tallahassee, Florida 32399 0850.~~

6 ~~(4) Each holder of a certificate of necessity or authority shall file with the Commission's~~  
7 ~~Office of Commission Clerk updated information for the following items within ten days after~~  
8 ~~a change occurs:~~

9 ~~(a) The street address of the certificate holder including number, street name, city, state~~  
10 ~~and zip code, and the mailing address if it differs from the street address.~~

11 ~~(b) Name, title, and phone number of the individual responsible for contact with the~~  
12 ~~Commission.~~

13 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113 ~~350.127(1)~~, 364.32, 364.33,*  
14 *364.335 364.336, FS. History–New 12-1-68, Formerly 25-4.04, Amended 12-16-12,*

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

13       **25-4.005 Transfer of Certificate of Necessity or Authority.**

4       ~~(1) Except as provided in Section 364.33, F.S., a certificate holder and the person seeking~~  
5 ~~to obtain the certificate by transfer from the holder shall submit a joint application on~~  
6 ~~Commission Form PSC/TEL 162 (12/12), entitled “Application Form for Authority to Provide~~  
7 ~~Telecommunications Company Service Within the State of Florida,” incorporated by reference~~  
8 ~~into Rule 25 4.004, F.A.C. The application shall be filed with the Office of Commission~~  
9 ~~Clerk. A nonrefundable application fee of \$500.00 must accompany the filing of each~~  
10 ~~application to cover processing costs. The Commission’s acceptance of the application fee~~  
11 ~~does not imply that the application for transfer of a certificate will be granted.~~

12       ~~(2) The company transferring the certificate shall pay to the Commission all regulatory~~  
13 ~~assessment fees owed pursuant to Sections 350.113 and 364.336, F.S. and Rule 25 4.0161,~~  
14 ~~F.A.C.~~

15       *Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 364.335, 364.336 FS.*  
16       *History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended 9-16-99, 12-16-12,*  
17       *Repealed*\_\_\_\_\_

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



## FLORIDA PUBLIC SERVICE COMMISSION

### OFFICE OF INDUSTRY DEVELOPMENT AND MARKET ANALYSIS

#### APPLICATION FOR ORIGINAL AUTHORITY OR TRANSFER OF AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICE IN THE STATE OF FLORIDA

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### INSTRUCTIONS

This form should be used as the application for an original certificate and transfer of an existing certificate (from a Florida certificated company to a non-certificated company). In the case of a transfer, the information shall be provided by the transferee. If you have other questions about completing the form, call **(850) 413-6600**.

Print or type all responses to each item requested in the application. If an item is not applicable, please explain. All questions must be answered. If unable to answer the question in the allotted space, please continue on a separate sheet.

Once completed, submit the **original and one copy** of this form along with a **non-refundable** fee of **\$500.00** to:

**Florida Public Service Commission  
Office of Commission Clerk  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
(850) 413-6770**

## APPLICATION

This is an application for (check one):

**Original certificate** (new company)

**Approval of transfer of existing certificate:** Example, a non-certificated company purchases an existing company and desires to retain the original certificate rather than apply for a new certificate.

Please provide the following:

1. Full name of company (including fictitious name, etc. that must match identically what is on file with the Florida Department of State, Division of Corporations registration):

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2. The Florida Secretary of State corporate registration number:

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3. F.E.I. Number: \_\_\_\_\_

4. Structure of organization:

The company will be operating as a:  
(Check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Corporation               | <input type="checkbox"/> General Partnership          |
| <input type="checkbox"/> Foreign Corporation       | <input type="checkbox"/> Foreign Partnership          |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership          |
| <input type="checkbox"/> Sole Proprietorship       | <input type="checkbox"/> Other, please specify below: |
- 

**If a partnership**, provide a copy of the partnership agreement.

**If a foreign limited partnership**, proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS). The Florida registration number is:

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**5. Who will serve as point of contact to the Commission in regard to the following?**

(a) This application:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

(b) Ongoing operations of the company:

(This company liaison will be the point of contact for FPSC correspondence. This point of contact can be updated if a change is necessary but this must be completed at the time the application is filed).

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Company Homepage: \_\_\_\_\_

(c) Optional secondary point of contact or liaison:

(This point of contact will not receive FPSC correspondence but will be on file with the FPSC).

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**6. Physical address for the applicant that will do business in Florida:**

Street address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

7. List the state(s), and accompanying docket number(s), in which the applicant:

(a) has **operated** as a telecommunications company. \_\_\_\_\_  
\_\_\_\_\_

(b) has **applications pending** to be certificated as a telecommunications company.  
\_\_\_\_\_  
\_\_\_\_\_

(c) **is certificated** to operate as a telecommunications company. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) has **been denied authority** to operate as a telecommunications company and the circumstances involved. \_\_\_\_\_  
\_\_\_\_\_

(e) has **had regulatory penalties imposed** for violations of telecommunications statutes and the circumstances involved. \_\_\_\_\_  
\_\_\_\_\_

(f) has **been involved in civil court proceedings** with another telecommunications entity, and the circumstances involved. \_\_\_\_\_  
\_\_\_\_\_

8. The following questions pertain to the officers and directors. Have any been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings?  Yes  No

If yes, provide explanation.  
\_\_\_\_\_  
\_\_\_\_\_

(b) granted or denied a certificate in the State of Florida (this includes active and canceled certificates)?  Granted  Denied  Neither

If granted provide explanation and list the certificate holder and certificate number.

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If denied provide explanation.

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(c) an officer, director, and partner in any other Florida certificated telecommunications company?  Yes  No

If yes, give name of company and relationship. If no longer associated with company, give reason why not.

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9. Florida Statute 364.335(1)(a) requires a company seeking a certificate of authority to demonstrate its managerial, technical, and financial ability to provide telecommunications service.

**Note:** *It is the applicant's burden to demonstrate that it possesses adequate managerial ability, technical ability, and financial ability. Additional supporting information may be supplied at the discretion of the applicant. For the purposes of this application, financial statements MUST contain the balance sheet, income statement, and statement of retained earnings.*

- (a) **Managerial ability:** Applicant must provide resumes of employees/officers of the company that would indicate sufficient managerial experiences of each. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.
- (b) **Technical ability:** Applicant must provide resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance. Please explain if a resume represents an individual that is not employed with the company and provide proof that the individual authorizes the use of the resume.
- (c) **Financial ability:** Applicant must provide financial statements demonstrating financial ability. Applicants that have audited financial statements for the most recent three years must provide those financial statements. If the applicant does not have audited financial statements, it must be stated and signed by either the applicant's chief executive officer or chief financial officer affirming that the financial statements are true and correct. If a full three years of historical data is not available, the application must include both historical financial data and pro forma data to supplement. Those applicants that are newly established companies must provide three years of pro forma data.

**10.** Where will you officially designate as your place of publicly publishing your schedule a/k/a tariffs or price lists)? (Tariffs or price lists MUST be publicly published to comply with Florida Statute 364.04).

- Florida Public Service Commission
- Website – Please provide Website address: \_\_\_\_\_
- Other – Please provide address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**REGULATORY ASSESSMENT FEE:** I understand that all telecommunications companies must pay a regulatory assessment fee. A minimum annual assessment fee, as defined by the Commission, is required.

**RECEIPT AND UNDERSTANDING OF RULES:** I understand the Florida Public Service Commission's rules, orders, and laws relating to the provisioning of telecommunications company service in Florida.

**APPLICANT ACKNOWLEDGEMENT:** By my signature below, I, the undersigned owner or officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical ability, managerial ability, and financial ability to provide telecommunications company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules, orders and laws.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, ***"Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."***

I understand that any false statements can result in being denied a certificate of authority in Florida.

COMPANY OWNER OR OFFICER

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE TRANSFER**

As current holder of Florida Public Service Commission Certificate Number \_\_\_\_\_,  
I have reviewed this application and join in the petitioner's request for a transfer of the  
certificate.

**COMPANY OWNER OR OFFICER**

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Street/Post Office Box: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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:** December 13, 2017

**TO:** Pamela H. Page, Senior Attorney, Office of the General Counsel

**FROM:** Suzanne M. Ollila, Economic Analyst, Division of Economics *S.M.O.*

**RE:** Statement of Estimated Regulatory Costs (SERC) for Proposed Amendments to Rule 25-4.004 (Certificates Necessity or Authority; Application) and for Proposed Repeal of Rule 25-4.005 (Transfer of Certificate of Necessity or Authority), Florida Administrative Code (F.A.C.)

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Both rules concern telecommunications service. The purpose of the rulemaking is to streamline, update, and clarify Rules 25-4.004 and 25-4.005, F.A.C., resulting in the repeal of Rule 25-4.005, F.A.C. Rule 25-4.004, F.A.C., establishes the requirements and processes necessary to apply for a certificate to provide telecommunications service. Rule 24-4.005, F.A.C., establishes the requirements for transfer of a telecommunications service certificate. Both rules contain links to their application forms and both rules require a nonrefundable application fee of \$500. The proposed amendments to Rule 25-4.004, F.A.C., incorporate the requirements of Rule 25-4.005, F.A.C., update and clarify language, and provide for the same application form for both the application for a certificate and transfer of a certificate (the link to the application would continue to be available in the amended rule). The nonrefundable application fee of \$500 is unchanged in the proposed amendments.

The attached SERC addresses the considerations required pursuant to Section 120.541, Florida Statutes (F.S.). No workshop was requested in conjunction with the recommended rule revisions. No regulatory alternatives were submitted pursuant to paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

FLORIDA PUBLIC SERVICE COMMISSION  
STATEMENT OF ESTIMATED REGULATORY COSTS  
Rules 25-4.004 and 25-4.005, F.A.C.

1. Will the proposed rule have an adverse impact on small business?  
[120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes  No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes  No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)1, F.S.]

Economic growth Yes  No

Private-sector job creation or employment Yes  No

Private-sector investment Yes  No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes  No

Productivity Yes  No

Innovation Yes  No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis:

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

17 (number of applications for certificates in 2016).

(2) A general description of the types of individuals likely to be affected by the rule.

Companies or governmental entities who wish to provide telecommunications service.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

None. The rule will only affect the Commission.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

No impact on small cities or small counties.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.

F. Any additional information that the Commission determines may be useful.  
[120.541(2)(f), F.S.]

None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

No regulatory alternatives were submitted.

A regulatory alternative was received from

Adopted in its entirety.

Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.