

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 20170262-TP  
ORDER NO. PSC-2018-0272-FOF-TP  
ISSUED: May 30, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

NOTICE OF ADOPTION OF RULE

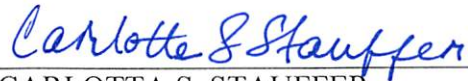
BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted without changes the repeal of Rule 25-4.005, Transfer of Certificate of Necessity or Authority, and the amendment of Rule 25-4.004, Application for Original or Transfer of Certificate of Authority, Florida Administrative Code.

The rules were filed with the Department of State on May 30, 2018, and will be effective on June 19, 2018. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this Notice.

By ORDER of the Florida Public Service Commission this 30th day of May, 2018.



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CARLOTTA S. STAUFFER  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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

**Application.**

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

(2) ~~Each An~~ applicant for a certificate of authority shall apply by using ~~submit an application on~~ Form PSC 1020 (4/18) PSC/TEL 162 (12/12), entitled "Application ~~Form~~ for Original Authority or Transfer of Authority to Provide Telecommunications Company Service In Within the State of Florida.," The application which is incorporated into this rule by reference and ~~which~~ is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-09511>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02034>, and from the Florida Public Service Commission's website at [www.floridapsc.com/utilities/TelecomCLECAApplication/](http://www.floridapsc.com/utilities/TelecomCLECAApplication/) [www.floridapsc.com/utilities/telecomm/](http://www.floridapsc.com/utilities/telecomm/), or from ~~by contacting~~ the Florida Public Service Commission's Office of Industry Development and Market Analysis Telecommunications. Except as provided in Section 364.33, F.S., a certificate holder and the person seeking to obtain the certificate by transfer from the holder shall submit a joint application using Form PSC 1020 (4/18). A non-refundable application or transfer fee of \$500.00 must accompany the filing of each application. The Commission's acceptance of the application fee does not imply that the application or transfer of a certificate will be granted.

(3) The company transferring the certificate shall pay to the Florida Public Service Commission all regulatory assessment fees owed pursuant to Section 364.336, F.S., and Rule 25-4.0161, F.A.C.

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

(4) ~~Each holder of a certificate of necessity or authority shall file with the Commission's Office of Commission~~

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~~Clerk updated information for the following items within ten days after a change occurs:~~

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

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

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

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

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

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

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113 ~~350.127(1)~~, 364.32, 364.33, 364.335, FS. History—  
New 12-1-68, Formerly 25-4.04, Amended 12-16-12, Repealed\_\_\_\_\_.*

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

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.113 ~~350.127(1)~~, 364.32, 364.33, 364.335, FS. History—  
New 12-1-68, Formerly 25-4.04, Amended 12-16-12, Repealed\_\_\_\_\_.*