

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-

DATE: June 5, 2019
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Samantha Cibula, Office of the General Counsel *S.M.C.*
RE: Docket No. 19990206-TI

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

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2019 JUN -6 AM 8:05
COMMISSION
CLERK

TONI JENNINGS
President



Senator Walter "Skip" Campbell, Chairman
Representative Bill Posey, Vice Chairman
Senator Ginny Brown-Waite
Senator Lisa Carlton
Representative O. R. "Rick" Minton, Jr.
Representative Adam H. Putnam

Brown

JOHN THRASHER
Speaker



THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

CARROLL WEBB, EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

April 26, 1999

Ms. Diana Caldwell
Division of Appeals
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0862

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99 APR 28 PM 2:52
FLORIDA JUDICIAL SERVICE COMMISSION
DIVISION OF APPEALS

Re: Public Service Commission Rule 25-4.005(4)

Dear Ms. Caldwell:

I have completed a review of the proposed amendments to rule 25-4.005 and prepared the following comments for your consideration and response.

Paragraph (4) provides that following a public hearing, if held, the Commission "may" require a transfer and amendment of existing certificates of telephone companies or change the exchange service area maps. However, the rule contains no standards or criteria to apprise the reader of whether or not transfer and amendment will be required under any circumstances. Further, the rule contains no standards or criteria to apprise the reader of when transfer and amendment of certificates as opposed to changes of maps will be required. The rule should be amended accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Rosner".

John Rosner
Staff Attorney

TONI JENNINGS
President



Senator Walter "Skip" Campbell, Chairman
Representative Bill Posey, Vice Chairman
Senator Ginny Brown-Waite
Senator Lisa Carlton
Representative O. R. "Rick" Minton, Jr.
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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

May 27, 1999

Ms. Diana W. Caldwell
Division of Appeals
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0862

**Re: Public Service Commission
Rule Numbers 25-4.005**

Dear Ms. Caldwell:

According to our records, the above-styled rules were noticed in the Florida Administrative Weekly on **March 26, 1999**.

Paragraph 120.54(3)(e), F.S., requires that rules be filed for adoption not more than 90 days from the date of the original notice unless specified circumstances prevail. The 90-day period for filing the rules expires on **June 24, 1999**.

If you intend to adopt the rules, we remind you that paragraph 120.54(3)(d), F.S., requires that if the rules have not been changed since they were filed with this Committee, or if they contain only technical changes, you must file a notice to that effect with the Committee at least 7 days prior to filing the rules for adoption. If any change has been made in the rules, other than a technical change, you must publish a notice, and file a copy with the Committee, at least 21 days prior to filing the rules for adoption.

If the rules are not filed within 90 days, and if an exception is not applicable, you must notice withdrawal of the rules. Any further action to adopt the rules must comply with the rulemaking

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DIVISION OF APPEALS

Ms. Caldwell
May 27, 1999
Page 2

procedures of §120.54, F.S. Please advise us of any exceptions which apply to the rules.

Sincerely,

A handwritten signature in black ink that reads "Carroll Webb." The signature is written in a cursive, flowing style.

Carroll Webb
Executive Director
and General Counsel

#118777
CW:CW C:\DATA\WP61\JR\25-4.90D

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

May 28, 1999

Mr. John Rosner
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

Re: Public Service Commission Rule 25-4.005(4)

Dear Mr. Rosner:

I have received your letter to Ms. Caldwell dated April 26, 1999. I have recently taken over the management of Ms. Caldwell's rule projects, and I apologize for the resulting delay in responding to your letter.

In response to your concern regarding the use of the word "may" in paragraph (4) of the rule, I and the Division of Communications technical staff have reviewed that paragraph and have determined that the sentence containing the word you question is not necessary. It simply restates the authority and obligation to hold an evidentiary proceeding explicitly provided in the statute, section 364.335(2), Florida Statutes. Accordingly, we will return to the Commission with a recommendation to delete that section from the rule.

We intend to file that recommendation on June 17, 1999, for consideration by the Commission at its June 29, 1999, Agenda Conference. We understand that pursuant to section 120.54(3)(e)(6), Florida Statutes, the time for filing the rule for adoption will be tolled pending JAPC's review of the change.

Sincerely,

Martha Carter Brown

Martha C. Brown
Division of Appeals

MCB

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