

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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13 JAN 15 PM 2:29
COMMISSION
CLERK

DATE: January 15, 2013
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Cindy Miller, Office of the General Counsel *CM*
RE: Docket No. 120238-TP

Please file the attached rule certification packet for Rules 25-24.585 and 25-24.835, F.A.C., in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER-DATE

00295 JAN 15 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 15, 2013

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

VIA HAND DELIVERY

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2013 JAN 15 AM 11:51

FILED

Re: Rule Certification Packet for Rules 25-24.585 and 25-24.835, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-24.585 and 25-24.835, consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) There are no materials incorporated by reference into these rules.
- (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 rule.

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Please let me know if you have any questions. The contact name and information for these rules are Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, cmiller@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Miller". The signature is written in a cursive style with a large, sweeping initial "C".

Cindy Miller
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.

25-24.585

25-24.835

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 _____
2

Number of Pages Certified _____

25-24.585 Rules Incorporated.

~~(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:~~

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	All except (1) and (3)
25-4.036	Design and Construction of Plant	All
25-4.043	Response to Commission Staff Inquiries	All
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	All
25-4.110	Customer Billing	Subsections (11) and (12)
25-4.160	Operation of Telecommunications Relay Service	All

~~(2) Each shared tenant service company shall file with the Commission's Office of Commission Clerk updated information for the following items within ten days after either such change occurs:~~

~~(a) The mailing address of the certificate holder.~~

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

Rulemaking Authority 350.127(2), 427.704(8) FS. Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS. History—New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, 4-8-98, 12-23-02, 11-16-0, Repealed _____.

25-24.835 Rules Incorporated.

~~(1) The following rules are incorporated herein by reference and apply to competitive local exchange companies:~~

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
25-4.0161	Regulatory Assessment Fees	All
25-4.020	Location and Preservation of Records	(2)
25-4.043	Response to Commission Staff Inquiries	All
25-4.036	Design and Construction of Plant	All
25-4.038	Safety	All
25-4.160	Operation of Telecommunications Relay Service	All

~~(2) Each company shall file updated information for the following items with the Office of Commission Clerk within 10 days after any changes to the following:~~

~~(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or~~

~~(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.~~

Rulemaking Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented 364.016, 364.183,

364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-99, 8-25-05, Repealed _____.

SUMMARY OF THE RULE

The Florida Legislature enacted the Regulatory Reform Act of 2011 which reduced requirements on telecommunication companies and provides for telecommunication companies to be treated similarly. Thus, separate rules are no longer needed for shared tenant service providers, as in Rule 25-24.585, F.A.C., and for competitive local exchange companies, as in Rule 25-24.835, F.A.C. Thus, these rules are being repealed.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule repeals delete provisions that separately apply to shared tenant service providers and competitive local exchange companies in accordance with the Regulatory Reform Act of 2011.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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