

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amendments to Rule 25-4.511, F.A.C.,
Application for Certificate and repeal of Rule
25-4.512, F.A.C., Application for Approval of
Sale or Transfer of Certificate.

DOCKET NO. 20170263-TP
ORDER NO. PSC-2018-0078-NOR-TP
ISSUED: February 14, 2018

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rule 25-4.511, Application for Certificate, and the repeal of Rule 25-4.512, F.A.C. Application for Approval of Sale or Transfer of Certificate, relating to update and clarify the application form and process for obtaining a certificate to provide pay telephone service or the transfer of the certificate and to assist in avoiding applicant confusion, and eliminate redundancy in the rules.

The attached Notice of Proposed Rules appeared in the February 9, 2018, edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than March 2, 2018.

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By ORDER of the Florida Public Service Commission this 14th day of February, 2018.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-4.511 Application for Certificate

25-4.512 Application for Approval of Sale or Transfer of Certificate

PURPOSE AND EFFECT: To update and clarify the application form and process for obtaining a certificate to provide pay telephone service or the transfer of the certificate.

Docket No. 20170263-TP

SUMMARY: Rule 25-4.511, F.A.C., sets forth the requirements and the process to apply for a certificate to provide pay telephone service. The amendments streamline Rule 25-4.511, F.A.C., so that applicants are clearly on notice of the procedures and requirements to provide pay telephone service or the transfer of such certificate. The application form is hyperlinked to the Department of State and is incorporated by reference to the Commission website. Rule 25-4.512, F.A.C., would be repealed and its provisions included in Rule 25-4.511, F.A.C. Repeal of Rule 25-4.512, F.A.C., allows one rule to address both the applications for and the transfer of a pay telephone certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2), F.S., and concluded that the rule amendment and repeal will not have an adverse impact on economic growth, business competitiveness, or small business and that there may be transactional cost savings to the individual and entities, including government entities, required to comply with the rule

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2) FS

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H, Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, phpage@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.511 Application for Original or Transfer of Pay Telephone Certificate.

(1) ~~In order Any person desiring~~ to provide pay telephone ~~service services~~, ~~must have a pay telephone service certificate or transfer of certificate must be granted by the Florida Public Service Commission.~~

(2) ~~Each An~~ applicant shall apply by using submit an application on Form PSC 1021 (1/18) PSC/TEL 32 (2/13), entitled "Application Form for Original Authority or Transfer of Authority to Provide Pay Telephone Service In Within the State of Florida," The application which is incorporated into this rule by reference and may be obtained from the Commission's website at <http://www.floridapsc.com/telecommunication/TelecomPATSAApplication> ~~www.floridapsc.com/utilities/telecomm/~~ or from the Office of Industry Development and Market Analysis Telecommunications. Such form may also be accessed at the Department of State website at: [Dept. of State Hyperlink] <http://www.flrules.org/Gateway/reference.asp?No=Ref-02213>. A non-refundable application or transfer fee of \$250.00 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 or transfer of a certificate will be granted all applications.

(3) Certificates authorizing pay telephone service shall not be transferred by the holder without prior Commission approval.

(4)(3) An original and one copy of Tthe application shall be filed with the Office of Commission Clerk.

(4) Any pay telephone service authority previously granted or granted hereafter is subject to the following:

(a) Authority granted is statewide.

(5)(b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to provide pay telephone service does not carry with it the authority to provide local exchange ~~or interexchange~~ service. A separate application must be made for ~~such~~ authority to provide this service.

Rulemaking Authority 350.127(2) FS. Law Implemented ~~364.32, 364.33, 364.335, 364.3375~~ FS. History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.511, _____.

25-4.512 Application for Approval of Sale or Transfer of Certificate.

~~(1) Certificates of authority or necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.~~

~~(2) A person seeking to obtain a certificate from a sale or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/TEL 32 (2/13), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida." The application form may be obtained from the Commission's website at www.floridapsc.com/utilities/telecomm/ or from the Office of Telecommunications. Such form may also be accessed at the Department of State website at: <http://www.flrules.org/Gateway/reference.asp?No=Ref 02214>. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale or transfer of a certificate will be granted.~~

~~(3) An original and one copy of the application shall be filed with the Office of Commission Clerk.~~

~~(4) An application for sale or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.~~

~~(5) A certificate may be sold or transferred only as a whole.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, ~~364.337, 364.3375, 364.345~~ FS. History--New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.512, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogleman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 196, October 10, 2017.