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STATE OF FLORIDA

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



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 19, 2018

SENT VIA E-MAIL

Internet E-mail: contact@psc.state.fl.us

Chris Bailey
Rules Ombudsman in
The Executive Office of the Governor
Reg.Reform@eog.myflorida.com

Re: Docket No. 20170263-TP; Rule 25-4.511, F.A.C., Application for Certificate, and Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate

Dear Mr. Bailey:

The Florida Public Service Commission proposed the above-listed rules at their regular agenda conference on February 6, 2018. The Commission has determined that these rules will affect small businesses. Accordingly, pursuant to Section 120.54(3)(b)2.b.(I), Florida Statutes, enclosed is a copy of the Florida Administrative Register (FAR) notice of the proposed rules, which was published in the February 9, 2018, edition of the FAR. Also enclosed is a copy of the statement of estimated regulatory costs (SERC). The SERC concluded that the proposed rule amendments will not have an adverse effect on small business. Pursuant to your instructions, we have filled out and included a copy of the OFARR rulemaking notification form.

If there are any questions with respect to these rules, please contact me at (850) 413-6214 or phpage@psc.state.fl.us.

Sincerely,

Pamela H. Page Senior Attorney

Enclosures

cc: Office of the Commission Clerk

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 Rule 25-4.512, F.A.C., would be repealed and its provisions included in Rule 25-4.511, F.A.C. Repeal of Rule 25-4.512, F.A.C., allows one rule to address both the applications for and the transfer of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) <u>In order Any person desiring</u> to provide pay telephone <u>services</u>, <u>must have</u> a <u>pay telephone service</u> certificate <u>or transfer of certificate must be granted by the Florida Public Service Commission</u>.
- (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 <a href="http://www.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/telecommunication/TelecomPATSApplication www.floridapsc.com/telecommunication/TelecomPATSApplication www.floridapsc.com/telecommunication/TelecomPATSApplicat

- (3) <u>Certificates authorizing pay telephone service shall not be transferred by the holder without prior Commission approval.</u>
 - (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.floridapse.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 APPROVED BY AGENCY RULE RULE BY AGENCY HEAD:

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

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:

December 13, 2017

TO:

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

FROM:

Suzanne M. Ollila, Economic Analyst, Division of Economics And

RE:

Statement of Estimated Regulatory Costs (SERC) for Proposed Amendments to Rule 25-4.511 (Application for Certificate) and for Proposed Repeal of Rule 25-4.512 (Application for Approval of Sale or Transfer of Certificate), Florida

Administrative Code (F.A.C.)

Both rules concern pay telephone service. The purpose of the rulemaking is to streamline, update, and clarify Rules 25-4.511 and 25-4.512, F.A.C., resulting in the repeal of Rule 25-4.512, F.A.C. Rule 25-4.511, F.A.C., establishes the requirements and processes necessary to apply for a certificate to provide pay telephone service. Rule 25-4.512, F.A.C., establishes the requirements for transfer or sale of a pay telephone certificate. Both rules contain links to their application forms and both rules require a nonrefundable application fee of \$250. The proposed amendments to Rule 25-4.511, F.A.C., incorporate the requirements of Rule 25-4.512, 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 \$250 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 25-4.511 and 25-4.512, F.A.C.

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	s 🗆	No 🖾	
If the answer to	Question 1 is "yes", see c	comments in Section E	i.
 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.] 			
Ye	es 🗌	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.]			
Econo	omic growth	Yes 🗌	No 🗵
Privat	te-sector job creation or er	nployment Yes	No 🗵
Privat	te-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.]			
busine	ess competitiveness (inclue ess in the state to compete or domestic markets)		usiness in other
Produc	ctivity	Yes 🗌	No 🖾
Innov	ation	Yes	No ⊠
I			

(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:		
D. A 16-19 11-11-11-11-11-11-11-11-11-11-11-11-		
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.		
2 (number of applications for certificates in 2016).		
(2) A general description of the types of individuals likely to be affected by the rule.		
Utilities, other companies, and governmental entities who wish to provide pay telephone 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) A	ny anticipated effect on state or local revenues.
	None.
	☐ Minimal. Provide a brief explanation.
	Other. Provide an explanation for estimate and methodology used.
and e requi licens be er moni	good faith estimate of the transactional costs likely to be incurred by individuals entities (including local government entities) required to comply with the irements of the rule. "Transactional costs" include filing fees, the cost of obtaining a se, the cost of equipment required to be installed or used, procedures required to imployed in complying with the rule, additional operating costs incurred, the cost of storing or reporting, and any other costs necessary to comply with the rule. [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 filling fee.
	n analysis of the impact on small businesses, and small counties and small cities: 541(2)(e), F.S.]
and of empl million certif	Small business" is defined by Section 288.703, F.S., as an independently owned operated business concern that employs 200 or fewer permanent full-time loyees and that, together with its affiliates, has a net worth of not more than \$5 on or any firm based in this state which has a Small Business Administration 8(a) fication. As to sole proprietorships, the \$5 million net worth requirement shall de 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.
l I

a statement of the reason for rejecting that alternative.	

Office of Fiscal Accountability and Regulatory Reform

Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

To: Chris Bailey, Director

Submitted By: Pamela H. Page, Senior Attorney

Florida Public Service Commission

850-413-6214

Re: Rulemaking Notification for:

Rule Number	Rule Title	
25-4.511	Application for Certificate	
25-4.512	Application for Approval of Sale or Transfer of Certificate	

List EACH rule singly. Add lines as needed.

Date:	February 16, 2018	Date of anticipated publication: May 15, 2018
	this rule qualify for Rules Ombudsm Yes No	nan review in accordance with section 120.54(3)(b), F.S.?
Reform	m (OFARR) pursuant to Executive (g rulemaking notification to the Office of Fiscal Accountability and Regulatory Order 11-211. If any information or documents are missing, the notification RR will indicate what is missing, and the completed notification must be
1. Pro	oposed Rulemaking Activity:	
	Notice of Development of Rulema explanation of the rulemaking, inc	aking – Attach the proposed Notice. If no text is available, give a detailed cluding why it is necessary.
x	-	the proposed Notice, "Is a SERC Required" Checklist, and SERC (if required), rence, and all forms referenced or required by the rule.
	Notice of Emergency Rule - Attac	th the proposed Notice. Explain fully why emergency rulemaking is appropriate.
9	30.003(5)(f), F.A.C. Explain why	oposed Notice. Be sure the text is coded correctly according to Rule 1B- y a change is required. Attach any correspondence from JAPC or the public. If my public comment the agency has received or public hearings/workshops the
	Notice of Withdrawal – Attach th Include any JAPC correspondence	e proposed Notice. Explain why it is necessary to withdraw the rulemaking.
	Other - Attach the proposed Notice	e. Include detailed information about the rulemaking.
Notice	es should be coded according to Rul	e 1B-30.003(5)(f), F.A.C.

Office of Fiscal Accountability and Regulatory Reform

Rulemaking Notification
(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

2. Is this rulemaking	g included in the agency's Annual Regulatory Plan (ARP)? _Yes
amendments to Rule at the Department of applicant Rule 25-4.512, F.A. The repeal of Rule 2 requirements on app If the rule increases	s regulation, explain in detail how it alleviates unnecessary, disproportionate, or adverse effects into for pay telephone cerifficates or the transfer of such certificates may see cost savings because the 25-4.511, F.A.C., clarify the process of applying for a certificate. A hyperlink to the application form State website is included in Rule 25-4.511, F.A.C., to streamline and simplify the process for the C., will be repealed. The provisions of Rule 25-4.512 will be included in Rule 25-4.511, F.A.C. 5-4.512, F.A.C., will eliminate redundancy in the two rules and permit an applicant to find the lying for a certificate or the transfer of a certificate in one comprehensive rule. It is regulation, explain in detail what statute or statutes are being implemented and why the rule is ment the statutory language.
Rule Number	Detailed Explanation
	List EACH rule singly. Add lines as needed.
If yes, please summa	rize the comment and the agency's position regarding the comment (i.e. has made or intends to make comment, disagrees with the comment, etc.) and attach any documents.
5. Has the agency re	ceived any lower cost regulatory alternatives (LCRA)?No
If yes, describe in de	tail what action the agency took in response to the LCRA.
_N/A	
6. Has the agency re	received any comment from JAPC, since the last rulemaking notification? _No
If yes, please summa	rize the comment and attach any documents.

FLORIDA PUBLIC SERVICE COMMISSION

OFFICE OF INDUSTRY DEVELOPMENT AND MARKET ANALYSIS

APPLICATION FOR ORIGINAL AUTHORITY
OR TRANSFER OF AUTHORITY
TO PROVIDE
PAY TELEPHONE SERVICE
IN THE STATE OF FLORIDA

INSTRUCTIONS

This form should be used as the application for an original certificate to provide authority and approval of transfer or sale of an existing pay telephone 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 \$250.00 to:

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

APPLICATION

This	s 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.		
Plea	ase 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):		
2.	The Florida Secretary of State corporate registration number:		
3.	F.E.I. Number:		
4.	Structure of organization:		
	company will be operating as a: eck all that apply):		
	Corporation General Partnership Foreign Corporation Foreign Partnership Limited Liability Company Limited Partnership Sole Proprietorship Other, please specify below:		
<u>lf a</u>	partnership, a copy of the partnership agreement.		
If a	foreign limited partnership, proof of compliance with the foreign limited partnership ute (Chapter 620.169, FS). The Florida registration number is:		
_			

. Who will serve as point	of contact to the Commission in regard to the following?
(a) This application:	
Name:	
Title:	
Street Name & Number:	
Post Office Box:	
City:	
State:	
Zip:	
relephone No.:	
Fax No.:	
E-Mail Address:	
	in will be the point of contact for FPSC correspondence. This point idated if a change is necessary but this must be completed at the
Name:	
Title:	
Street Name & Number:	
Post Office Box:	
City:	
State:	
/10:	
Fax No :	
F-Mail Address:	
Company Homepage:	The second secon
(c) Optional secondary	point of contact or liaison: It will not receive FPSC correspondence but will be on file with the
Name:	
Title:	
Street Address:	
Post Office Box:	
City:	
State:	
Zip:	
Telephone No.:	
Fax No.:	
E-Mail Address:	
Physical address for the	applicant that will do business in Florida:

PSC 1021 (1/18) Rule No. 25-4.511 F.A.C.

Street address:	
City:	
State:	•
Zip:	
Telephone No.:	
Fax No.:	
E-Mail 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 pay telephone 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. 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 pay telephone certificate, transfer of a certificate or approval of sale of a certificate in Florida.

Print Name: Title: Telephone No.:	
E-Mail Address:	
Signature:	Date:

COMPANY OWNER OR OFFICER

CERTIFICATE TRANSFER

	Service Commission Certificate Number, and join in the applicant's request for a transfer of the
sale	
☐ transfer	
COMPANY OWNER OR OFFICER	R OF TRANSFEREE
Print Name:	
Title:	
Street/Post Office Box:	
City:	
State:	
Zip:	
relephone No.:	
F-Mail Address:	
L-Mail Address.	
Signature:	Data
olynature.	Date:

Julie Phillips

From:

Pamela Page

Sent:

Monday, February 19, 2018 1:54 PM

To:

Reg.reform@eog.myflorida.com

Cc:

Julie Phillips

Subject:

To the Rules Ombudsman

Attachments:

Small Business letter 25-4.511 and 25-4.512 F.A.C_.pdf

Good Afternoon,

Attached please find the Commission's Notice filed pursuant to Section 120.54(3)(b)2.b.(I), Florida Statutes. Please contact me at 850-413-6214 should there be any questions.

Thank you,

Pamela Page Senior Attorney Florida Public Service Commission