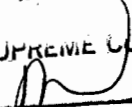


IN THE SUPREME COURT OF FLORIDA

FILED
SID J. WHITE
SEP 20 1984
CLERK, SUPREME COURT
BY 
Chief Deputy Clerk

Microtel, Inc.,

Appellant,

vs.

Florida Public Service Commission,
et al.,

Appellees.

Cases No. 64,801
65,307
65,351
65,449
(consolidated)

Appeals from Orders of the Florida Public Service Commission
Granting Certificates to Competitive Long Distance Carriers

Reply Brief of Microtel, Inc.

Dated: September 19, 1984
Due Date: September 20, 1984

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Appellants.

Introduction to Reply Brief of Microtel, Inc.

Inasmuch as this Court has consolidated the appeals in the above styled proceeding, this Reply Brief will respond to the individual briefs filed herein in behalf of GTE Sprint Communications Corporation, Satellite Business Systems, United States Transmissions Systems, Inc., MCI Telecommunications Corporation, and the Appellee, Florida Public Service Commission.

Reply to Argument Advanced by Intervenors and Appellee

As was indicated in the main brief and supplemental brief of this Appellant, the essential issues involved in this appeal concern the interpretation of certain sections of Chapter 364, Florida Statutes, governing telecommunications in this State. More specifically, Section 364.335(4) provides as follows:

"The Commission may grant a certificate, in whole or in part, or with modifications in the public interest, but in no event, granting authority greater than that requested in the application or amendments thereto and noticed under subsection (1); or it may deny a certificate..."

Section 364.337(1) entitled "Duplicative or Competitive Services" provides as follows:

"(1) When the commission grants a certificate to a telephone company for any type of service that is in competition with or that duplicates the services provided by another telephone company, the commission, if it finds that such action is consistent with the public interest, may:

(a) Prescribe different requirements for the company than are otherwise prescribed for telephone companies; or

(b) Exempt the company from some or all of the requirements of this chapter.

(2) In determining whether the actions authorized by subsection (1) are consistent with the public interest, the commission shall consider:

(a) The number of firms providing the service;

(b) The geographic availability of the service from other firms;

(c) The quality of service available from alternative suppliers;

(d) The effect on telephone service rates charged to customers of other companies; and

(e) Any other factors that the commission considers relevant to the public interest."

The Appellant contends that the Commission in determining whether the public interest requires the grant of a certificate or whether the granting of a certificate is consistent with the public interest must make the mandantory findings as set forth in Section 364.337(2). The Appellee Commission and the Intervenors contend that the Commission does not have any guidelines in determining public interest and can do so on its own without a hearing and without any evidence concerning the criteria listed in Section 364.337(2). As Appellant has previously argued and cited appropriate authorities in support thereof, the PSC, being an administrative agency, is governed by the long established principle of law that powers to be exercised by such agency must come within the constitutional mandate that such powers must be properly delegated to the agency by the Legislature along with sufficient guidelines, criteria, or limitations so

as to not constitute an unbridled delegation of powers to such agency.

The Intervenors who were the recipients of certificates of public convenience and necessity from the Appellee Commission authorizing Intervenors to engage in statewide interexchange telecommunications services for compensation have cited various decisions of this Court to support their contention that the phrase "in the public interest" without any criteria or guidelines is sufficient to enable the Commission to grant a certificate and to ignore the provisions of Section 364.337(2).

The Appellant contends that a review of the decisions cited clearly does not support the contentions of Intervenors nor the Appellee, but to the contrary, supports the argument advanced in the main brief and supplemental brief of the Appellant. More specifically, a brief examination of those decisions follows. Dept. of Insurance vs. Southeast Volusia Hospital District, 438 So2nd 815 (FL 1983) pertains as to whether or not "actuarially sound basis" was sufficiently definitive in Section 768.54(1)(c) relating to fees and assessments was adequate to sustain the validity of that section of the statute. The court upholding that such was sufficient stated as follows:

"...we do agree with the District Court's conclusion that the crucial test in determining whether a statute amounts to an unlawful delegation of legislative power is whether the statute contains sufficient

standards or guidelines to enable the agency and the courts to determine whether the agency is carrying out the Legislature's intent..."

In the instant proceeding, the Appellee Commission contends that "consistent with the public interest" or "in the public interest" without any other limitations or guidelines meets this test. Appellant submits that the Legislature intended that the Commission follow the criteria established in Section 364.337(2); otherwise, why would the Legislature state that "the Commission shall consider" such criteria.

This Court in State Dept. of Citrus vs. Griffin, 239 So2nd 577 (FL 1970) was called upon to construe the Orange Stabilization Act which contains many criteria and guidelines for the administration thereof. This Court commented that there are instances in which general delegations of power to administrative agencies are warranted, but again, stated:

"...even where a general approach would be more practical than detailed scheme of legislation, enactments may not be drafted in terms so general and unrestrictive that administrators are left without standards for the guidelines of their official acts Dickinson vs. State of Florida, 227 So2nd 36 (FL 1969)..."

This Court went on to find that the Orange Stabilization Act is a law complete in itself which contains valid limitations to provide rules for the complete operation and enforcement of the law within its expressed general purpose. In the instant proceeding, the Commission is contending that it

is not bound by any limitations other than the phrase "in the public interest" or "consistent with the public interest."

The cited decision of Bigler vs. Dept. of Banking and Finance, 394 So2nd 989 (FL 1981) concerned the construction of Chapter 659, the statute governing banking in this State. Reference to that decision will disclose that the statute involved contained a long list of criteria that had to be followed in the processing of banking applications and did not involve simply the phrase "public interest or consistent with the public interest." In the instant proceeding, it is significant to note that we are involved with the issuance of certificates of "public convenience and necessity." In determining public convenience and necessity, this Court, in numerous decisions, has spelled out the various criteria that must be followed in analagous statutes such as the Motor Carrier Act. While Appellant recognizes that there must be some discretion granted to an agency in dealing with matters it is presumed to hold expertise, nevertheless, the language of this Court, in Dickinson vs. State, 227 So2nd 36, 37-38 (FL 1969), is extremely relevant as follows:

"The exact meaning of the requirement of a standard has never been fixed. The exigencies of modern government have increasingly dictated the use of general rather than minutely detailed standards in regulating the enactments under the police power. However, when statutes delegate power with inadequate protection against unfairness or favoritism, and when such protection could easily have been provided, the reviewing

court should invalidate the legislation. In other words, the legislative exercise of the police power should be so clearly defined, so limited in scope, that nothing is left to the unbridled discretion or whim or the administrative agency charged with the responsibility of enforcing the act..."

Chapter 364 does not include any rule which defines even generally the terms "need for a certificate" or what the public convenience criteria are that must be met to justify the issuance of the certificate. The effect of the statute as interpreted by the Appellee PSC is to confer upon the Commission the authority to grant approval yet withhold from another, at whim, and without guidelines or accountability.

In Albrecht vs. Dept. of Environmental Regulation, 353 So2nd 883 (FL App. 1978), the Court was called upon to construe Chapter 253, Florida Statutes, pertaining to fill and dredge permits under the auspices of the trustees of the internal improvement trust fund. The Court found that the criteria in that statute which directed the attention of DER to "fish, marine, and wildlife...oyster beds, clam beds, or marine productivity," and feeding grounds for marine life, and which require the preparation of a biological survey, an ecological study, and in some cases, a hydrographic survey, are sufficient to satisfy the constitutional restriction on delegation of legislative power. Here again, the decision is not relevant to the contentions of Intervenors or the Appellee PSC, but in fact does point out another point that should be observed and that is that there have been no rules or regulations promulgated

pursuant to the 1982 amendments to Chapter 364 and as stated in Albrecht vs. Dept. of Environmental Regulation, supra, orders may not be employed to prescribe subsidy of standards "of general applicability" for which the EPA requires rules.

There is attached to this Reply Brief in the Appendix, a copy of the proposed rules and regulations governing applications for certificates such as are involved in the instant proceeding. Reference to the Appendix will disclose that such rules were promulgated under date of September 5, 1984 with a workshop on such proposed rules now scheduled before the Appellee Commission on September 19, 1984. The statute with which we are concerned has been on the books since March 23, 1982. The proceedings which are the subject of these appeals have taken place during a period of time subsequent to 1982 and concluded many months prior to any rules even being proposed by the Appellee agency. Accordingly, we are here concerned with the lack of any rules or regulations that would seek to supplement the general phrase "public interest" or "consistent with the public interest," so here again there has been an improper delegation of power under the construction of the statute advanced by the Intervenors and the Appellee agency.

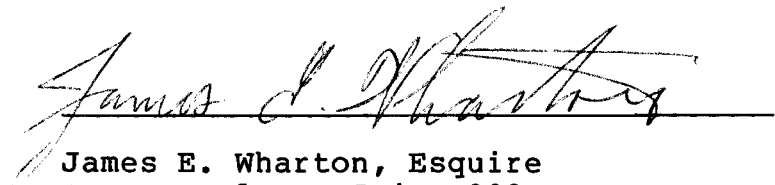
CONCLUSION

As stated by this Court in Florida State Board of Architecture vs. Wasserman, 377 So2nd 653 (FL 1979):

"When the constitutionality of a statute is questioned and it is reasonably susceptible of two interpretations by one of which would be unconstitutional and by the other valid, a court must adopt the interpretation that will render the statute valid. State vs. Gail Distributors, 349 So2nd 150 (FL 1977); Levine vs. Hamilton, 66 So2nd 266 (FL 1953)..."

The Appellee Commission has misconstrued Chapter 364 in concluding that it has been given no standards under which it must make findings in granting certificates of public convenience and necessity under Chapter 364, Florida Statutes. Such interpretation violates the consistent holdings of this Court concerning adherence to the practice of disapproving the unlawful delegation of legislative authority. To construe the statute as Appellant contends before this Court would continue to render the statute valid and constitutional. Appellant, accordingly, respectfully requests this Court to reverse the Commission and remand all these causes that are before the Court for further proceedings consistent with the judgement of this Court.

Respectfully submitted,



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ATTORNEY FOR MICROTEL, INC.

State of Florida



Commissioners:
GERALD L. (JERRY) GUNTER, CHAIRMAN
JOSEPH P. CRESSE
SUSAN WAGNER LEISNER
JOHN R. MARKS, III
KATIE NICHOLS

Communications Department
WALTER D'HAESELEER, DIRECTOR
(904) 488-1280

Public Service Commission

September 5, 1984

Mr. Richard M. Smith
Microtel, Inc.
7100 West Camino Real, Suite 311
Boca Raton, Florida 33433

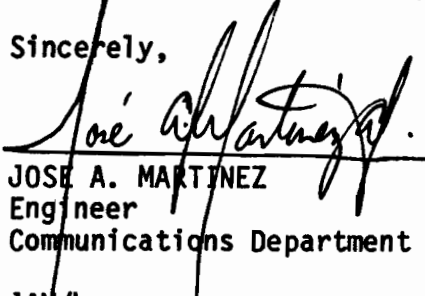
Dear Mr. Smith:

Attached is a draft of our proposed rules for Interexchange Companies.

The Commission's staff has scheduled a workshop to discuss the proposed rules on September 19, 1984.

If I can be of assistance, please call me at (904) 488-1280.

Sincerely,


JOSE A. MARTINEZ
Engineer
Communications Department

JAN/b
Attachment

Commission Workshop

Docket No. 840300-TI

September 19, 1984

Florida Public Service Commission

Room 122

9:30 a.m.

AGENDA

- I. Introduction
- II. Section I of the Rules - Terms and Definitions
- III. Section II, III, IV & V of the Rules - Certification
- IV. Section VI of the Rules - Operations
- V. Section VII of the Rules - Reporting Requirements
- VI. Section VIII of the Rules - Tariff Requirements
- VII. Section IX of the Rules - Customer Relations
- VIII. Section X of the Rules - Revenue Requirements.
- IX. Summary and Future Activity

Part X

REGULATION OF TELEPHONE COMPANIES PROVIDING ONLY INTEREXCHANGE SERVICE.

This part applies only to Interexchange Companies. Except as provided in this part, no other provision of Chapter 25-4, nor Chapters 25-9 or 25-14 shall apply to Interexchange Companies. Also, to the extent these rules specifically address subject matter contained in Chapter 364 Florida Statutes, these rules supercede the requirements of Chapter 364 under the authority of Chapter 364.337, Florida Statutes.

Section I. Terms and Definitions.

- (1) In addition to the rules in this Section the below listed rules apply to Interexchange Companies. In the contents of these rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.03	Definitions	Subsection (9)

- (2) For the regulation of Interexchange Companies the following definitions apply:

- (A) Interexchange Company - A telephone company that within the State of Florida only provides interexchange telephone service.

- (B) Limited Interexchange Company - An Interexchange Company providing interexchange service from a limited number of exchanges in the state.
- (C) AT&T - This refers to the Interexchange Company AT&T Communications of the Southern States, Inc.
- (D) Company - For all purposes of this part the term 'Company' will always refer to an Interexchange Company(ies).

Section II. Certification Requirements.

- (1) No person shall begin providing intrastate interexchange telephone service without first obtaining approval from the Commission. Services may not be provided, nor may deposits or payment for services be collected until the effective date of the authority.

act [However, acquisition and construction of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the authority.

- (2) Authority granted to all Interexchange Companies is statewide for interexchange service. Within equal access exchange areas, interexchange service may only be provided over the WATS and/or message toll facilities of the local exchange telephone company(ies). *2*
EAEA
- (3) Limited Interexchange Companies are not required to provide service throughout their certificated service area.

Section III. Transfer of Control of a Certificated Company.

No certificate of public convenience and necessity authorizing interexchange telephone service, nor any part thereof, may be sold, assigned, transferred or used as collateral by the holder to another. The stock of a corporate certificate holder may not be transferred so as to effect a transfer of control of the corporation unless approved by the Commission.

When requesting approval of a transfer of control, the certificate holder shall provide the following:

- (1) The name of the entity receiving control of the certificated company.
- (2) The date control is proposed to transfer.
- (3) The reason control is being transferred.
- (4) An explanation of the anticipated impact of the transfer of control on customers' service and rates.

Section IV. Cancellation of a Certificate.

- (1) The Commission may cancel a company's certificate for the following reasons:
 - (A) Violation of the conditions under which the authority was originally granted.
 - (B) Violation of Commission Rules.
 - (C) Violation of Florida Statutes.
- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing, and shall provide the following with its request:
 - (A) Proof of final payment of Regulatory Assessment Fee.
 - (B) Statement of why the certificate is proposed to be cancelled.
 - (C) A statement on treatment of customer deposits and final bill.

- (D) Proof of individual customer notice regarding discontinuance of service.

Section V. Application for Certificate.

- (1) A company desiring to apply for a certificate shall submit the information required below on forms provided by the Commission.
- (2) Twelve (12) copies of the application shall be sent to the Commission Clerk.
- (3) The items of information which are required with an application for certification are as follows:
- (a) The legal name of the applicant and the name under which the applicant will operate.
- (b) The address of the applicant, principal national and Florida offices including street name and address and post office box, state and zip code.
- (c) Telephone number and name at both the principal Florida and national offices of the individual who is to serve as liaison with the Commission in regard to:
1. The application.
 2. Ongoing operations of the company.
- (d) Type of organization (i.e. individual, partnership, corporation, etc.)
- (e) If incorporated, names, titles (if corporate officers), addresses of ten (10) largest stockholders.
- (f) If applicant is an individual or partnership, name, title (if corporate officers) and address.
- (g) Proof of compliance with fictitious name statute, if applicable.

- (h) If incorporated, proof of incorporation and, if not incorporated in Florida, proof from the Florida Secretary of State that applicant has authority to operate in Florida.
- (i) Name, title and address of chief officers and directors.
- (j) Information as to whether any of the officers, directors, and, if incorporated, any of the ten (10) largest stockholders have been adjudged bankrupt, mentally incompetent or found guilty of any felony or of any crime involving moral turpitude, or whether such actions are pending and an explanation.
- (k) Indication of what services the applicant will provide to its customers and generally the physical facilities it will use to provide service.
- (l) Indication of experience and technical ability the applicant has to provide the services to be offered.
- (m) Indication of applicant's financial ability to operate as an ongoing business. Provide supporting documentation including at a minimum an anticipated balance sheet as of the end of the first three (3) months of operation and an income statement for the first three (3) months of operation. For the first three months of operation, identify all sources of funds including at least: customer deposits, payments for service, loans, equity, and other.
- (n) Proposed tariff under which the company plans to begin operation (see Section IX).

- (o) A signed statement as to whether telephone service has been previously provided in Florida by the applicant.
- (p) List of exchanges where service is proposed to be provided within thirty (30) days after the effective date of the certificate.
- (q) Information as to what effect the company operation will have on the quality of service available from alternate suppliers.
- (r) Information as to what effect the company operation will have on telephone service rates charged to customers of other companies.

Section VI. Company Operations.

(1) In addition to the rules in this Section the below listed rules apply to Interexchange Companies. In the contents of these rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(a) The following rules apply to all Interexchange Companies:

<u>Section</u>	<u>Title</u>	<u>Portions Not Applicable</u>
25-4.22	Complaint - Trouble Reports, etc.	None
25-4.36	Design and Construction of Plant	None
25-4.38	Safety	None
25-4.39	Traffic	None
25-4.41	Courtesy	None
25-4.71	Adequacy of Service	Subsections (1), (2), (3), (4), (5)
25-4.77	Metering and Recording Equipment	None
25-4.78	Emergency Operation	Subsection (2)

(b) The following rules apply to AT&T only.

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.21	System Maps and Records	None
25-4.23	Report of Interruptions	None
25-4.69	Maintenance of Plant and Equipment	Subsection (3)
25-4.70	Interruption of Service	Subsection (4)
25-4.71	Adequacy of Service	Subsection (3), (4), (5), (6)
25-4.72	Transmission Requirements	Subsection (2), (3)

- (2) Service shall be provided to any requesting customer meeting the company's credit rating requirements. For Limited Interexchange Companies this requirement is limited to the availability of facilities. ?
- (3) The company shall not provide local service to customers. The company may act as an agent of the customer in obtaining local service(s) from the local exchange company, provided the local exchange company bills the customer directly for local service rendered. ?
- (4) The company shall not purchase intrastate-tariffed private line or foreign exchange (FX) services or facilities of local exchange companies for the purpose of routing its customers' traffic, except as indicated in subparagraph (5).
- (5) Foreign exchange (FX) service provided by local exchange companies may be used by interexchange companies to originate calls for routing over the company's facilities. Companies may not use FX service to terminate traffic.

Section VII. Reports & Reports.

(1) In addition to the rules in this Section the below listed rules apply to Interexchange Companies. In the contents of these rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(a) The following rules apply to all Interexchange Companies:

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.19	Records and Reports in General	None
25-4.20	Location and Preservation of Records	None
25-4.43	Inquiries	None
25-4.161	Regulatory Assessment Fees	None

(b) The following rules apply to AT&T only.

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.17	Uniform System and Classification of Accounts	Subsection (2), (3), (4), (5), (6), (7)
25-4.18	Annual Reports	None
25-4.175	Depreciation	None
25-4.176	Recovery Schedules to Promote an Economical and Efficient Telecommunications Network	None
25-4.245	Rate of Return Report	None

- (2) Limited Interexchange Companies shall submit an updated list of exchanges before service is offered or discontinued in an exchange area, on a form provided by the Commission.
- (3) Companies shall submit updated information for the following items within 30 days after such changes in the following items occur.
 - (a) The address of the certificate holder, principal national and Florida offices including street name and address and post office box, state and zip code.
 - (b) Telephone number and name at both the principal Florida and national offices of the individual who is to serve as liaison with the Commission in regard to the ongoing operations of the company.
- (4) Companies shall submit an annual report containing:
 - (a) The address of the certificate holder, principal national and Florida offices including street name and address and post office box, state and zip code.
 - (b) Telephone number and name at both the principal Florida and national offices of the individual who is to serve as liaison with the Commission in regard to the ongoing operations of the company.

Section VIII Tariffs.

- (1) All changes to approved tariffs must be filed with the Commission, using the following guidelines, before becoming effective.
- (2) General.
 - (a) Each company shall maintain on file with the Commission tariffs which set forth all of the rates and charges for customer services, the different services available to subscribers and the conditions and circumstances under which service will be furnished. For Limited Interexchange Companies the tariff shall not include charges for customer premise equipment.
 - (b) For Limited Interexchange Companies the tariff shall be presumptively valid. Under the concept of presumptive validity, the burden of showing why a proposed tariff should be suspended or rejected rests with the objecting party.
 - (c) AT&T shall provide support to accompany any proposed changes as outlined in (5) (f).
 - (d) The tariff will be Florida-specific and all rates, charges, and service descriptions shall be for intrastate usage, unless interstate rates are necessary to compute the intrastate portion of a customer's monthly bill; then, the interstate rates, charges, and service descriptions shall also be quoted in the tariff.

- (e) The tariff must be clearly expressed so that the customer will understand that for which he is contracting.
- (f) The tariff shall be written in a manner such that service will be provided on a non-discriminatory basis. No public statement of service quality, rates, or service offerings or billings may differ from those stated in the tariff.
- (g) A printed notice shall be kept posted by each company in a public and conspicuous place in each office where application for service may be made stating that its schedules, including rules and regulations and standard contract and agreement forms, are on file at that office and are open to examination by any person. The Company will also make available a current copy of its tariff, as well as a list of the communities it serves.
- (h) All proposed changes to the existing tariff shall be directed to the Director of the Communications Department, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32301.
- (i) All tariffs as well as any supplements, revisions, modifications, or changes to any portion thereof shall be submitted to the Commission in quadruplicate in the

form prescribed herein. After acceptance, one stamped copy will be returned to the company, which shall be the notice to the company that the filing has been received and is on file. If acknowledgement of the filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

- (j) Prior to the proposed effective date of increased rates or charges, or reductions in service quality, the company shall provide written notice of the proposed change to its current customers. The notice shall contain a description of the type of service associated with all of the rates and charges to be changed, and will contain the present and proposed rates together with the differences expressed in dollars and in percent. The notice shall include the anticipated effective date and shall be sent to customers at least 30 days in advance of the proposed effective date.

(3) Effective Date.

- (a) The initial tariff will become effective no sooner than the effective date of the required Certificate of Public Convenience and Necessity, unless the company requests a later effective date.

- (b) For all Limited Interexchange Companies, changes to an existing tariff will become effective on the 31st day after receipt by the Commission, unless the company requests a later effective date, or the Commission suspends or denies the filing. For the purpose of computing the number of days in this time period, the day the filing is received is counted as the 1st day.
- (c) For AT&T tariff sheets proposing changes to the existing tariff will become effective on the 60th day after receipt by the Commission, unless the company requests a later effective date, or the Commission suspends or denies the filing.

(4) Format.

- (a) All tariffs filed shall be submitted in loose leaf form on 8 1/2" x 11" sheets, typewritten on a good grade of white bond paper of durable quality, using one side of the paper only. All copies must be clear and legible. Sufficient margin shall be so allowed on each sheet for a left-hand binding edge so that when the tariff book is open all printed matter will be in view.
- (b) Every sheet in the tariff shall be numbered.
- (c) Each sheet shall bear the name of the Company in the upper left-hand corner of the sheet.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example:

Original Sheet No. 1, or Original Sheet No. 5.2.

Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet(s) it replaces. As an example:

First Revised Sheet No. 1

Cancels Original Sheet No. 1

or

Fourth Revised Sheet No. 5.2,

Cancels Third Revised Sheet Nos. 5.2, 5.3 and Second Revised sheet 5.4

(e) Centered at the bottom of each sheet shall appear the name and title of the issuing officer of the Company. To the right of the issuing officer's name there shall appear "Effective: _____".

(f) In general, the filed tariffs of the companies shall contain the following in the order listed:

1. Title Page.

The title page shall adequately identify the volume as the tariff, filed by the particular company with the Florida Public Service Commission, governing the sale of the specific company service provided, and shall be sheet number 1.

2. Check Sheet.

The check sheet shall list, in proper order, each sheet number and the revision level thereof, of all pages which are contained in the tariff. A revised check sheet shall be included in any filing which adds, deletes, or changes any sheet contained in the tariff. Current changes shall be noted by an asterisk placed next to the page number of the affected page, and the meaning of the asterisk shall be defined on the check sheet itself.

3. Table of Contents and Index.

a. All tariffs shall have a Table of Contents identifying the page location of each section in the tariff. In tariffs of less than 30 sheets, the table of contents may serve as detailed subject index for the entire volume.

b. In the larger tariffs, sections will be individually indexed by subject. In tariffs of 30 sheets or more the table of contents will serve as an index or guide to the separate sections.

4. Explanation of Symbols used in Tariff Filings.

The following symbols will be used in any proposed change to the existing tariff in the manner described herein. The symbols will appear in the

right hand margin of each sheet on the same line to which any change has been made. If four or more consecutive lines are affected, it shall be sufficient to place one symbol on the first and last lines of the group affected and a vertical line drawn connecting the two symbols. In all such cases the pair of symbols will be the same. In the event more than one type of change occurs on the same line, two or more types of symbols denoting the changes shall be placed next to each other on the affected line. The following are the only letters allowed to denote the described type of change:

C - Change in Rate, Charge, or Regulation

D - Delete or Discontinue

I - Increase in Rate or Charge

M - Moved from Another Tariff Location

N - New

R - Reduction in Rate or Charge

S - Reissued Material

T - Change in Text, but No Change to Rate,
Charge, or

Regulations

5. Technical terms and abbreviations.

This section shall contain full and concise information as to the meaning of all technical and special terms and abbreviations used in the tariff.

6. Rules and Regulations.

This section shall include all rules, regulations, practices, exceptions and conditions made or observed relative to the Company service furnished, which are general and apply to all or many of the services offered. If a general regulation does not apply to a particular service, that fact should be clearly stated.

7. Description of Service Offered.

- a. This section shall contain a subsection or paragraph which describes how a billable call is timed, sets forth when timing begins and ends, and describes the method used to make this determination.
- b. This section shall also contain a description of how distance is measured for toll rating purposes and the formula used to compute it, as well as what points are used for origination and termination with respect to calculation of the distance between them.
- c. This section shall contain a statement of the blockage rate a subscriber can expect to encounter during the busy hour, expressed as a percentage, computed by dividing the number of

calls not completed due to unavailability of facilities in use by the number of calls attempted.

- d. This section shall detail all relevant information which pertains to a particular type of service, and will be subdivided into subsections for each type of service offered.

8. Rates.

All standard rate schedules, rates and charges for all services, and other data necessary to compute the customers' monthly bills shall be placed in this section. If more than one type of service is offered, all information pertaining to an individual service shall be grouped together.

(5) Information to Accompany Tariff Filings.

- (a) A letter of transmittal shall accompany each filing, which lists the sheets being transmitted and gives a brief description of all changes included therein.
- (b) Whenever a filing initiates new rates or charges, or changes existing rates or charges, a customer impact statement shall accompany the filing. It shall include the charges or rates applicable under the present and proposed rates, together with the differences expressed in dollars and in percent. The statement should be

representative of a all subscribers' usage levels. If the changes affect more than one type of service, or there exists different discernable usage groups within a given type of service affected by the change in rates or charges, a separate customer impact statement shall be submitted which is representative of each group or type of service which are affected by the change in rates or charges.

- (c) Along with each tariff filing, the company shall provide one coded copy of each tariff sheet filed showing changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens. In the case where all changes to a sheet cannot be fitted onto one page, for the purpose of providing the legislative format copy only, the changes may be carried over to an additional, unnumbered sheet.
- (d) Each tariff filing shall include four (4) copies of the tariff pages which contain proposed changes and one (1) copy in legislative format.
- (e) In all filings in which rates or charges are increased, four (4) copies of the notification to customers shall be included with the filing, along with a statement that such notice has been provided and the date of such notification.

(f) AT&T shall provide:

1. The anticipated effect on their rate of return.
2. The anticipated gross dollar and percent change in revenues.
3. The number of customers affected by the change.
4. A statement of the purpose and reason for the filing.
5. Cost support for the proposed changes.

Section IX - Customer Relations.

(1) In the contents of the following rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(a) The following rules apply to all Interexchange Companies:

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.111	Customer Complaint and Service Requests	Subsection (2), (3)
25-4.112	Termination of Service by Customer	None
25-4.113	Refusal or Discontinuance of Service by Company	None
25-4.114	Refunds	None

(b) The following rules apply to AT&T only.

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.109	Customer Deposits	None
25-4.110	Customer Billing	Subsection (4), (5), (6)

Section X - Revenue Requirements.

(1) In the contents of the following rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(a) The following rules apply to AT&T only:

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.140	Applicability, Test Year Approval	None
25-4.141	Contents of a Rate Case Application and Number of Copies	None
25-4.142	Burden of Proof and Audit Provisions	None
25-14	Corporate Income Tax	None

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been furnished to the foregoing on this 19th day of September, 1984:

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A handwritten signature in cursive script, reading "James E. Wharton", written over a horizontal line.

James E. Wharton