

FLORIDA PUBLIC SERVICE COMMISSION

DIVISION OF APPEALS

DOCKET NO. 970882-TI

RULE NO: RULE TITLE:

25-4.003 Definitions

25-4.110 Customer Billing for Local Exchange Telecommunications Companies

25-4.118 Local, Local Toll, or Toll Provider Selection.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 24, No. 1, January 2, 1998, issue of the Florida Administrative Weekly:

25-4.003 Definitions.

For the purpose of Chapter 25-4, the definitions to the following terms apply:

(1) - (40) No change.

(41) "PC-Freeze." (Preferred Carrier Freeze) A service offered

~~that restricts the customer's carrier selection until further notice from the customer. "PIC-Freeze." The customer authorization to prohibit a change of any selected provider as expressed on Form PSC/GAF 2 (XX/98).~~

(42) - (56) No change.

Specific Authority: 350.127(2) F.S.

Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337 F.S.

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FPSC-RECORDS/REPORTING

History: Revised 12-1-68, Amended 3-31-76, formerly 25-4.03,  
Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96,\_\_\_\_\_.

25-4.110 Customer Billing for Local Exchange Telecommunications  
Companies.

(1) - (2) No change.

(3) (a) Bills shall not be considered delinquent prior to the  
expiration of 15 days from the date of mailing or delivery by the  
company utility. However, the company may demand immediate payment  
under the following circumstances:

(3) (a) 1. - (9) No change.

(10) After January 1, ~~1998~~ 1999, or six months after the  
effective date of this rule, whichever is later, all bills produced  
shall clearly and conspicuously display the following information  
for each service billed in regard to each company claiming to be  
the customer's presubscribed provider for local, local toll, or  
toll service:

(a) The name of the certificated company ~~and its certificate  
number~~;

(b) - (c) No change.

(11) ~~(10)~~ This section applies to LECs that provide  
transmission services or bill and collect on behalf of other Pay  
Per Call providers ~~including pay per call providers~~. Pay Per Call  
services are defined as switched telecommunications services  
between locations within the State of Florida which permit  
communications between an end use customer and an information

provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers~~IXCs~~, and other miscellaneous charges on behalf of other providers.

(a) Charges for Pay Per Call ~~and other services~~ service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call ~~and other~~ (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:

1. - 2. No change.

~~3. End Users/customers can obtain a free billing block option from the LEC to block all charges from a third party. Bills submitted by third parties with the subscriber's LEC specific personal identification number will validate the subscribers authorization of the charges and supersede the billing block option. The subscriber is responsible for all such charges.~~

~~3.4~~ The local or toll-free number the end user/customer can call to dispute charges;

~~4.5~~ The name of the IXC providing 900 service; and

~~5.6~~ The Pay Per Call service (900 or 976) program name.

(b) - (g) No change.

~~(12) The customer must be notified on his first bill and annually thereafter that a PIC Freeze is available and may contact~~

~~the provider to obtain FORM PSC/GAF 2 (XX/XX). A copy of FORM  
PAG/GAF 2 (XX/XX), which is incorporated into this rule by  
reference, may be obtained from the Commission's Division of  
Consumer Affairs. Existing customers must be notified by January  
1, 1999, and annually thereafter that a PIC Freeze form is  
available and may contact the provider to obtain FORM PSC/GAF 2  
(XX/XX).~~

~~(13) (12) The customer must be notified via letter or on the  
customer's first bill and annually thereafter that a PC Freeze is  
available. Existing customers must be notified by January 1, 1999,  
or six months after the effective date of this rule, whichever is  
later, and annually thereafter that a PC Freeze is available.~~

(13) By January 1, 1999, or six months after the effective  
date of this rule, whichever is later, the customer must be given  
notice on the first or second page of the customer's next bill in  
conspicuous bold face type when the customer's provider of local,  
local toll, or toll service has changed.

Specific Authority: 350.127 F.S.

Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, 364.19,  
F.S.

History: New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79,  
7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89,  
3-31-91, 11-11-91, 3-10-96, \_\_\_\_\_.

25-4.118 Local, Local Toll, or Toll Provider Selection.

(1) The provider of a customer shall not be changed without

the customer's authorization. The customer or other authorized person may change the residential service. The person designated as the contact for the local telecommunications company, an officer of the company, or the owner of the company is the person authorized to change business service. A LEC shall accept a provider change request by telephone call or letter directly from its customers; or

(2) No change.

(a) The provider company has a letter of agency (LOA), as described in (3), from the customer requesting the change;

(b) The provider company has received a customer-initiated call, and has obtained the following:

1. The customer's consent to record the requested change and
2. An audio recording of the information set forth in (3)(a) 1. ~~through 5.; through (c); and 3. A recording of the originating telephone number on which the provider is to be changed via automatic number identification.~~

(c) - 1. No change.

2. An audio recording of the information stated in subsection (3)(a) 1. through 5. a. Through e.; or

(d) 1. The provider company has received a customer's change request, and has responded by mailing an informational package that shall include the following:

a. i- A notice that the information is being sent to confirm that a telemarketer obtained a customer's request to change the

customer's telecommunications provider;

b. ~~2~~ A description of any terms, conditions, or charges that will be incurred;

c. ~~3~~ The name, address, and telephone number of both the customer and the soliciting company;

d. ~~4~~ A postcard which the customer can use to confirm a change request;

e. ~~5~~ A clear statement that the customer's local, local toll, or toll provider will be changed to the soliciting company only if the customer signs and returns the postcard confirming the change; and

f. ~~6~~ A notice that the customer may contact by writing the Commission's Division of Consumer Affairs, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free (TDD & Voice) 1-800-342-3552, for consumer complaints.

2. The soliciting company shall submit the change request to the LP only if it has first received the postcard that must be signed by the customer.

(3)(a) The LOA submitted to the company requesting a provider change shall include the following information (each shall be separately stated):

1. ~~(a)~~ Customer's billing name, address, and each telephone number to be changed;

2. ~~(b)~~ Statement clearly identifying the certificated name of

the provider and the service to which the customer wishes to subscribe, whether or not it uses the facilities of another company;

3. ~~(e)~~ Statement that the person requesting the change is authorized to request the change;

4. ~~(d)~~ Statement that the customer's change request will apply only to the number on the request and there must only be one presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number;

5. ~~(e)~~ Statement that the LEC may charge a fee for each provider change;

6. ~~(f)~~ Customer's signature and a statement that the customer's signature or endorsement on the document will result in a change of the customer's provider.

(b) The soliciting company's provider change fee statement, as described in (a)5. ~~(e)~~ above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly above the signature line.

(c) The soliciting company's provider change statement, as described in (a)6. ~~(f)~~ above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly below the signature line.

(4) The LOA shall not be combined with inducements of any kind on the same document. The document as a whole must not be misleading or deceptive. For purposes of this rule, the terms

"misleading or deceptive" mean that, because of the style, format or content of the document or oral statements, it would not be readily apparent to the person signing the document or providing oral authorization that the purpose of the signature or the oral authorization was to authorize a provider change, or it would be unclear to the customer who the new provider would be; that the customer's selection would apply only to the number listed and there could only be one provider for that number; or that the customer's LP might charge a fee to switch service providers. If any part of the LOA is written in a language other than English, then it must contain all relevant information in each language. Notwithstanding the above, the LOA may be combined with checks that contain only the required LOA language as prescribed in subsection (3) of this section and the information necessary to make the check a negotiable instrument. The LOA check shall not contain any promotional language or material. The LOA check shall contain in easily readable, bold-face type on the front of the check, a notice that the consumer is authorizing a primary carrier change by signing the check. The LOA language shall be placed near the signature line on the back of the check.

(5) - (7) No change.

(8) Charges for unauthorized provider changes and all charges billed on behalf of the unauthorized provider for the first 30 ~~90~~ days or first ~~three~~ billing cycles, whichever is longer, shall be credited to the customer by the company responsible for the error

within 45 days of notification. After the first ~~30~~ 90 days up to 12 months, charges over the rates of the preferred company will be credited to the customer by the company responsible for the error within 45 days of notification. Upon notice from the customer of an unauthorized provider change, the LEC shall change the customer back, or to another company of the customer's choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays, in which case the change shall be made by the end of the next business day.

(9) - (10) No change.

~~(11) During telemarketing and verification, the customer must be informed that a FIC freeze is available.~~

~~(12) Upon completion of the verification process outlined in this section, the provider must send a letter notifying the customer that it will be providing his service.~~

~~(11)~~ (13) A provider must provide the customer a copy of the authorization it relies upon in submitting the change request within 15 calendar days of request.

(12) Each company shall provide a live operator ~~to answer incoming calls 24 hours a day, 7 days a week, or shall record end user complaints~~ or shall record end user complaints made to its customer service number 24 hours a day, 7 days a week. A combination of live operators and recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date

of recording and each subsequent day until the customer is reached.  
A minimum of 95 percent of all call attempts shall be completed to  
a company's toll-free customer service number and be answered  
within 60 seconds after the last digit is dialed. Station busies  
will not be counted as completed calls. The term "answer" as used  
in this subsection means more than an acknowledgment that the  
customer is waiting on the line. It shall mean the provider is  
ready to render assistance or accept the information necessary to  
process the call.

Specific Authority 350.127(2) F.S.

Law Implemented 364.01, 364.19, 364.285 F.S.

History: New 3-4-92, Amended 5-31-95,\_\_\_\_\_.