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October 6, 1999
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Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No. 990994-TP

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 15 copies The Florida Competitive Carriers Association's and The Telecommunications Resellers Association's Post-Workshop Comments.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Yours truly,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

- AFA 3
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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEIN P.A. 12025 OCT -6 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments
to Rule 25-4.110, F.A.C.,
Customer Billing for Local
Exchange Telecommunications
Companies.

Docket No. 990994-TP

Filed: October 6, 1999

ORIGINAL

**The Florida Competitive Carriers Association's and
The Telecommunications Resellers Association's Post-Workshop Comments**

The Florida Competitive Carriers Association (FCCA) and the Telecommunications Resellers Association (TRA) file their post-workshop comments on the proposed cramming rules. At the workshop held on September 28, 1999, Staff requested additional comments¹ on various topics which were discussed. FCCA and TRA's comments follow.

Introduction

1. FCCA and TRA would like, as a preliminary matter, to commend the Staff² and the other parties in recognizing some of the difficulties and expense involved in attempting to implement the proposed rules as preliminarily drafted and attempting to work toward a cooperative solution.

2. Many excellent comments and suggestions were made at the workshop and FCCA and TRA look forward to continuing to try to find an agreed upon solution to any problems occurring in

¹ On September 13, 1999, FCCA and TRA filed comments on the proposed rules. Those comments are incorporated herein by reference.

² For example, Staff has agreed to remove the requirement that would dictate that each company use a certain nomenclature to describe a particular fee. FCCA and TRA agree that it makes much more sense to wait until the FCC proceeding on this issue is completed and then the names for various charges will be uniform throughout the nation. (25-4.110(2)(c)(3)). Staff has also agreed to delete the provision in regard to "new" service providers. (25-4.110(2)(a)).

the area of cramming while not burdening the competitive industry with highly prescriptive and expensive regulation.

Billing Format Standards Should Not Apply to ALECs

3. One of the issues raised at the workshop was whether billing format rules which currently apply to ILECs should apply to ALECs. FCCA and TRA's position on this question is no.³ As was pointed out at the workshop, § 364.01 requires the Commission to encourage the entry of new providers and the provision of new and innovative services. This cannot happen if new entrants are burdened with extensive and expensive regulation. In a competitive environment, ALECs' service and support (including billing) must be better than the incumbent's in order for ALECs to win customers. If a consumer desires a different billing format and/or more or less billing information, the consumer can make that choice in the marketplace.

Information on Taxes and Fees

4. One of the most controversial and commented on portion of the proposed rules dealt with the amount of information which must be provided on the bill in regard to taxes and fees. As FCCA and TRA pointed out in their original comments provision of the information contemplated by the proposed rule would be prohibitively expensive. However, FCCA and TRA recognize that some small fraction of customers are interested in this information. Therefore, FCCA and TRA endorse the proposal discussed at the workshop that such information be provided to customers who request it on a "request only" basis. Such a requirement is far superior to one that would require

³ Even GTE agreed that not all of the ILEC billing rules should apply to ALECs.

carriers to change their entire billing systems to provide information that only a very customers want.

Written Itemization

5. Staff also requested comment on the existing requirement that "written itemization of local billing [be] available upon request." (25-4.110(2)(d)). FCCA and TRA agree with other parties that this requirement is unclear and needs clarification. Some companies already itemize their bills and could provide no further information even if requested to do so. FCCA and TRA believe that itemization should be required, if requested, once a year.

Interest

The proposed provision in rule 25-4.113 requiring interest to be paid on all overcharges was discussed at the workshop. As FCCA and TRA stated in their original comments, there should not be a blanket requirement for interest; rather, it should be left to the discretion of the Commission. As several parties pointed out at the workshop, often the amount of the refund/credit is so small that the calculation and payment of interest would be more than the refund., OPC agreed that no blanket requirement for interest is needed.

CIC Code

BellSouth suggested that when a customer's presubscribed carrier is changed, the new carrier's CIC code should appear on the bill. FCCA and TRA object to this suggestion because it would be confusing to the customer as well as burdensome and expensive for carriers. Further, this requirement would not accomplish its intended purpose because often it will be the underlying carrier whose CIC code would appear not the actual provider of the service. Thus, this suggestion should not be adopted.

OPC's Proposal

At the workshop, OPC presented its proposal to deal with cramming. As explained by Mr. Beck, the proposal has two parts. First, with a number of exceptions⁴, if a customer notifies a billing party that there is a service on his bill that was not ordered or provided, the billing party will remove the charge from the bill. Thus, the dispute remains between the billing entity and the customer. Second, customers will have the option of restricting charges on their bills to those imposed by the billing party or an affiliate. Subject to reviewing OPC's modifications to its filed proposal, FCCA and TRA preliminarily support the concept discussed by OPC at the workshop. FCCA and TRA look forward to further discussing OPC's proposal.

Safe Harbor

Finally, as FCCA and TRA suggested in their original comments, they reiterate here that if the Commission ultimately adopts cramming rules such rules should include a "safe harbor" provision so that carriers who have complied with the rule's provisions will be deemed to have complied with the rule. FCCA and TRA suggest language patterned after rule 25-4.118(13)(a), which provides that a carrier shall not be deemed to have committed an unauthorized carrier change if the carrier complies with the rules.

⁴At the workshop, the parties discussed the addition of 10XXX calls which FCCA and TRA support.

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and

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Post-Workshop Comments have been furnished by (*) hand delivery or U.S. mail this 6th day of October to the following:

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