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January 7, 2000

Ms. Blanca Bayo
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Docket 991651, Revision of Rule 25-22.032, F.A.C., Customer Complaints

Dear Ms. Bayo:

Attached are AT&T's comments on the proposed customer complaints rule in the above docket. An electronic version of these comments is being forwarded to Ms. Martha Carter Brown via E-mail.

Thanks you for the opportunity to provide input. Please feel free to call me if you have questions.

Sincerely,

Rhonda Merritt

Rhonda P. Merritt

AFB	_____
APP	<u>Brown</u>
CAF	<u>1</u>
CMU	_____
CTR	_____
EAG	<u>2-FYI</u>
LEG	_____
MAS	_____
OPC	_____
RRR	_____
SEC	<u>1</u>
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AT&T's Comments

on Proposed Changes to Rule 25-22.032, F.A.C., Customer Complaints

25-22.032(1-2):

AT&T believes the transfer-connect system referenced in sections (1) and (2) of the rule can provide benefits to consumers, companies, and the Commission. AT&T has expressed interest in the program, and will continue to work with staff to explore participation. Rather than mandate participation in the program at this time, however, the Commission's rules should set forth the end results to be achieved for customer complaints. Companies could then explore a variety of options to meet these requirements, which may include the warm transfer system.

AT&T notes that the rule is intended to apply across regulated industries, and to companies of varying sizes. A one-size-fits-all approach is not suitable for all companies. For example, AT&T employs a national customer service system, which provides excellent customer care without imposing undue costs on the customers of any particular state. By using this system, AT&T is able to satisfy the needs of millions of Florida consumers in a cost-effective fashion. Segmenting this system to dedicate specific resources to a tiny fraction of AT&T's customers is expensive and inefficient and may not achieve the desired end result. As noted above, AT&T is exploring voluntary participation in the warm transfer service, but objects to a rule that prescribes a specific process for resolving customer complaints.

Companies frequently are asked to provide courtesy credits and refunds in instances where no refund is due. As a practical matter, companies may agree to do so when it proves more cost-effective than to engage in a costly complaint resolution process, even when the customer is completely mistaken or the complaint otherwise is unjustified. Companies will have less incentive to continue to provide courtesy credits and refunds to customers in connection with Commission complaints as the Commission's complaint resolution procedures become more formal and costly.

Finally, AT&T reviewed the rules cited as specific authority and the law being implemented by this rule, but was unable to determine which, if any, the Commission relied upon for this section of the rule.

25-22.032(3):

AT&T applauds the Commission for seeking alternative methods for resolving complaints in a more efficient and timely manner. AT&T suggests that changing the timeframe from three days to five days will allow the opportunity for a higher number of complaints to be resolved under this expedited process. Additionally, the draft rule should reconcile how the 15-day time tolling will be calculated for those instances where the company believes the complaint has been resolved but the resolution is not confirmed by the customer. For example, a complaint could be resolved between the company and a customer, but the Commission may be unable to reach the customer to confirm this for an additional five days. If that customer then fails to confirm that an agreement has been reached and the Commission so notifies the company, the 15-day time period will already be near completion before the company is aware that the complaint is still open. AT&T suggests that the 15-day clock be restarted at the time the Commission advises the company that the customer did not confirm that a resolution had been reached. Alternatively, there could be a default time included in the rule by which companies can assume if they have not heard otherwise from the Commission, they may treat the complaint as resolved.

Another area of clarification should be what constitutes "resolution" of the complaint. If agreement with the customer has been reached, but the actions mutually agreed upon by the parties have not yet occurred, the agreement between the parties should be construed as a resolution for purposes of this rule. For example, a company and the customer may agree upon a refund, but the customer may be reluctant to confirm that the matter has been "resolved" until the refund is credited to his or her account. AT&T proposes that a matter is "resolved" if the parties agree upon a resolution. If the conclusion of the agreed-upon action is deemed to be the

resolution, virtually no complaints will be completed under this rule since it takes several weeks for credits to be issued and to appear on a customer's bill.

25-22.032(4):

AT&T suggests that there should be a distinction between residential and business complaints under this proposed rule. Business complaints are generally contractual in nature and frequently require more than 15 days to resolve. The Commission historically has avoided becoming involved in the mediation of contractual disputes between end-user business customers and companies, and encourages the parties to use the dispute resolution process included in the contract to resolve issues.

In subsection (a), the draft rule proposes that the company "explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations." This requires that the company representative responding to the complaint articulate legal and regulatory conclusions, which AT&T's customer care analysts are not qualified to make. Additionally, if this level of detail is to be required in a company response, the original complaint received from the Commission should include information about which statute or regulation the company is alleged to have violated.

In subsection (b) AT&T proposes that the word "may" be changed to "shall" so that the first sentence is as follows: "The staff member investigating the complaint shall request copies of bills, billing statements, field reports, written documents . . .". Without these documents both staff and the company are handicapped in seeking an efficient and expeditious resolution to a complaint.

25-22.032(6):

The procedures noted in this section appear reasonable, although it is not clear to AT&T that this section is necessary. Additionally, as noted above, as the Commission's complaint

resolution procedures become more formal and costly to companies, there will be less incentive to continue to provide courtesy credits and refunds to customers in connection with Commission complaints.

25-22.032(7b-j):

In subsection (b.1-2), the party requesting the informal conference should provide specific facts and issues to be resolved. Additionally, AT&T suggests that Staff also consider applicable statutes and regulations in making the decision on whether to grant an informal conference.

In subsection (c), the Director of the Division should review both the customer and company statements in making the decision on whether or not to grant the informal conference.

In subsection (e), it is unclear who makes the final decision on whether the informal conference will be held by telephone, video, or in person. AT&T suggest that all parties should be required to participate via the same medium.

25-22.032(9): [numbered as 8 in Staff draft]

This section of the rule requires participants or their representatives to file a written statement if they settle their dispute “at any point during the complaint proceedings”. It is AT&T’s understanding that this section is intended to apply only during the informal conference process, and thus it should be renumbered as (7)(k). Additionally, the rule should be clarified to make the Commission responsible for obtaining the customer’s signature on any PSC-required documents.

25-22.032(10): [numbered as 9 in Staff draft.]

AT&T cannot retain all telephone notes with customers since conversations may be held with various AT&T representatives who do not have access to the systems that AT&T uses to

capture notes on customer accounts. For example, if a customer calls the Tallahassee office, the AT&T representative who speaks with that customer has no way to document the details of the conversation in the customer's record. Accordingly, AT&T suggests that the reference to telephone notes be deleted.

Record retention requirements should be consistent with FCC requirements. Additionally, the proposed three-year record retention requirements is inconsistent with existing Florida Rule 25-4.118(6).